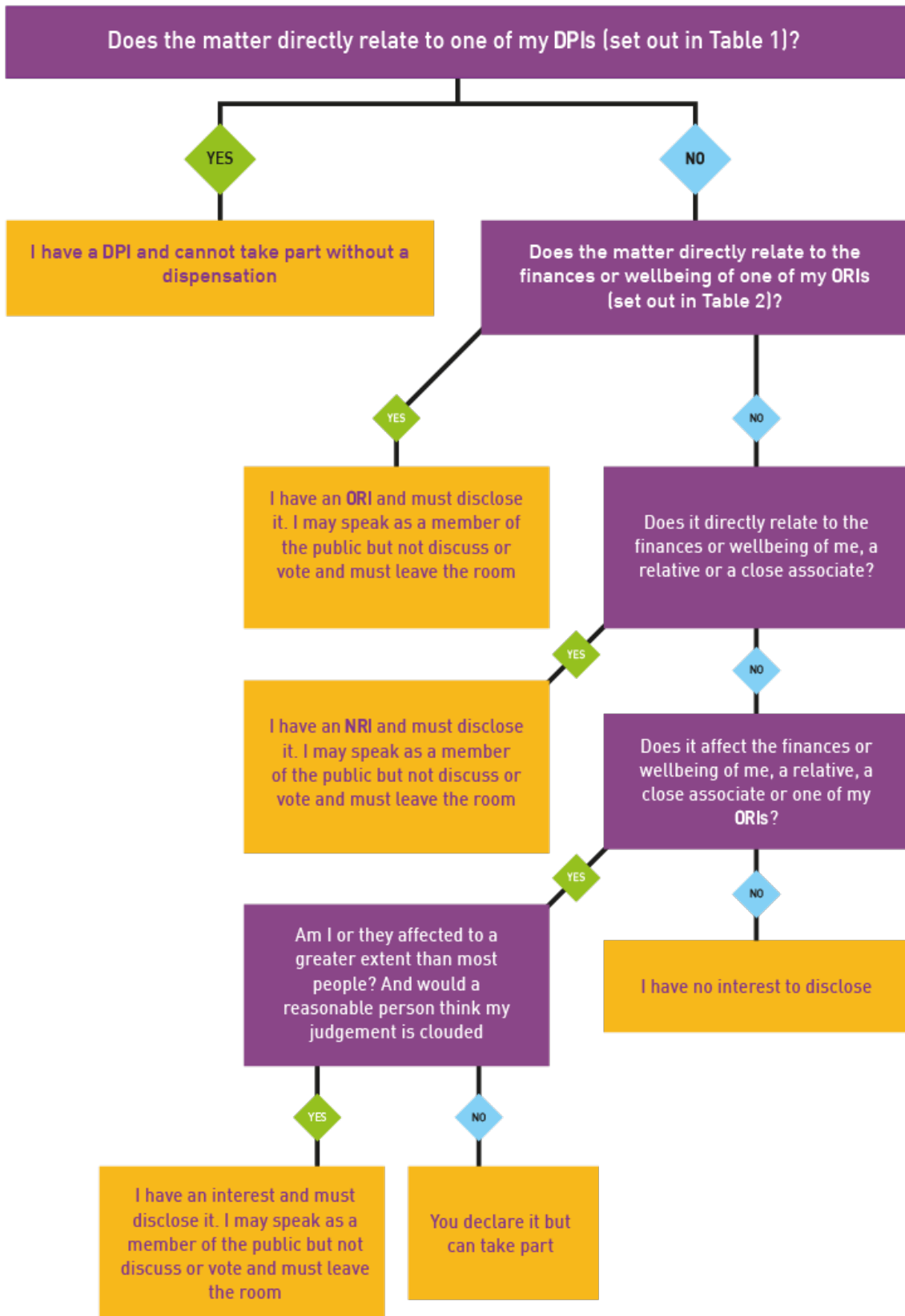


## Interests Flowchart

The flowchart below gives a simple guide to declaring an interest under the code.



**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the

[Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012.](#)

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

<p>You must register as an Other Registerable Interest :</p> <ul style="list-style-type: none"> <li>a) any unpaid directorships</li> <li>b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority</li> <li>c) any body <ul style="list-style-type: none"> <li>(i) exercising functions of a public nature</li> <li>(ii) directed to charitable purposes or</li> <li>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management</li> </ul> </li> </ul>
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**Minutes of the meeting of the Staffing Committee held on  
Tuesday 21<sup>st</sup> November 2023 7pm in  
The Council Chamber, Diamond Jubilee Lodge, Hellesdon**

**Present:** Cllr L Douglass – Chair of the Committee  
Cllr G Britton  
Cllr B Johnson  
Cllr A Lock  
Mrs F LeBon – Parish Clerk

The Chairman welcomed members and opened the meeting at 7pm.

**1. Apologies and acceptance for absence**

Apologies were received from Cllr Britcher, Cllr Gurney and Cllr Maidstone.

**2. Declarations of Interest and Dispensations**

No declarations made.

**3. Approval of minutes of the Committee meeting held on 23<sup>rd</sup> August 2023**

Minutes of the meeting of 23<sup>rd</sup> August 2023 had been circulated. It was **AGREED** that these were a true and accurate record of the meeting.

**4. Public Participation**

No members of the public present

**5. To Agree Christmas Working Hours**

It was **AGREED** that the week between Christmas and New Year would be manned and the two contractual stat days should be taken between Christmas and New Year. The third day should be worked, ensuring that the office is covered, a member of the caretaking team is available and a member of the grounds team is available on each working day. The community centre will close at 7.30pm during this week, ensuring that the site is open during library hours. This will be a precedent set for future years, enabling staff to plan in advance.

**6. To consider resolution under the Public Bodies (Admission to Meetings) Act 1960 to exclude the press and public for the duration of items 7 and 8 in view of the confidential and personal nature of the business to be transacted.**

This was **AGREED**.

*There were no members of the public in attendance*

**7. Current Staffing Matters**

**a) To Receive Report on Current Staffing Matters**

A report had been circulated to members on current staffing matters, including the successful recruitment of the caretaker / gardener position.

**b) To Consider Adoption of Bradford Formula for Staff Absence**

Approved.....

Date.....

The recognised Bradford Formula was discussed. It was **AGREED** to adopt this formula going forwards to monitor staff absence. This will be written into the Staff Handbook.

**c) To Consider Requests for Reasonable Adjustments to Facilitate Working**

Requests for reasonable adjustments were considered. It was **AGREED** to purchase:

1no. double table rack to hold 14 tables (£379.19 + VAT)

1no. single table rack to hold 7 tables (£265.43 + VAT)

1no. text to speech device (£69.99 + VAT)

**d) To Consider Request for Flexible Working**

A flexible working request was considered by the committee and subsequently **AGREED**. A workstation assessment was also **APPROVED**.

**8. To Consider Staffing Structure and Budget for 2024/2025**

The staffing structure for 2024/2025 was reviewed, with a known vacancy from September 2024. It was **AGREED** that a new member of staff would be recruited with a 3 month crossover period to ensure adequate training is received. Suggestions for the role of the new member of staff were considered and it was **AGREED** to do further work into the whole structure to ensure that the skills within the team were being correctly utilised.

The staffing budget for 2024/2025 was **AGREED** at £421,445 representing a 12.3% uplift from 2023/2024. Some of this uplift was due to the café being opened an extra day, and therefore some of this increase would be netted off by income from the café. Some of this uplift was due to an extended crossover period in recruitment.

**9. Items for the Next Agenda**

Feedback from appraisals. It was **AGREED** that Cllr Douglass and Cllr Johnson should have delegated authority to perform the Clerk's appraisal.

**10. To Confirm Date, Time and Venue of Next Meeting**

Next meeting to be arranged when required.

The Meeting Closed at 8.20pm

Approved.....

Date.....

HPC Staffing Committee Minutes 21<sup>st</sup> November 2023

## **MENOPAUSE POLICY**

### **WORDING IN THIS POLICY**

Throughout this policy we sometimes use the terms 'woman', 'female' and 'her'. However, we are inclusive and recognize that other staff members could experience menopause or symptoms as a result of hormonal changes. This can include:

- trans people – 'trans' is an umbrella term used to describe people whose gender is not the same as the sex they were assigned at birth
- people with 'variations of sex development' (VSD) – some people might prefer to identify as intersex or use the term 'differences in sex development' (DSD)

### **POLICY STATEMENT**

Hellesdon Parish Council is committed to providing an inclusive and supportive working environment for all its workers and recognises that women may need additional consideration, support and adjustments before (perimenopause), during and after the menopause.

This policy sets out the guidelines for employees on providing the right support to manage menopausal symptoms at work.

The menopause is a natural part of every woman's life, and marks the end of her reproductive cycle. For many reasons, it may not be an easy time in a woman's life and so it is imperative that workers who require additional support during this time are treated with understanding, dignity and respect.

The policy acknowledges that there is no 'one-size-fits-all' solution to the menopause and so it is intended as a support guide for all workers. All stakeholders agree to work proactively to make adjustments where necessary to support women experiencing the menopause and to ensure the workplace does not make their symptoms worse.

Supporting and creating a positive and open environment between an employer and someone affected by the menopause can help prevent the person from:

- losing confidence in their skills and abilities
- feeling like they need to take time off work and hide the reasons for it
- having increased mental health problems such as stress, anxiety and depression
- leaving their job

Exclusionary or discriminatory practices will not be tolerated.

### **LEGISLATIVE COMPLIANCE**

This policy is fully compliant with the following legislation:

- Health and Safety at Work Act, 1974;
- The Workplace (Health, Safety and Welfare) Regulations 1992;
- The Management of Health and Safety at Work Regulations 1999, GB Regulations 4;
- Public Sector Equality Duty (PSED) introduced by the Equality Act 2010 (Eng, Scotland and Wales);
- Equality Act 2010.

### **AIMS OF THE POLICY**

The aim of this policy is:

- to educate and inform managers about the potential symptoms of the menopause, and how they can support women at work;
- to understand the menopause and related issues, and how they can affect staff;
- to raise a wider awareness and understanding among the workforce;
- to outline support and reasonable adjustments that are available;
- to create an environment where women feel confident enough to raise issues about their symptoms and ask for reasonable adjustments and additional support at work.

### **MENOPAUSE FACTS**

- Menopausal women are the fastest growing demographic in the workforce.
- Approximately 25 million women worldwide pass through menopause every year
- Nearly eight out of ten menopausal women are in work
- In a 2011 survey of women experiencing menopause, one in five (20%) said it had a negative impact on their manager's perception of their competence at work
- From a 2019 survey, 59% of working people aged 45 - 55 who were experiencing menopause symptoms said it had a negative impact on them at work
- A 2019 report found that 370,000 women had left work, or were considering leaving, because of the symptoms of the menopause.

*From FOM Guidance 2016, Menopause transition: effects on women's economic participation 2017, and CIPD's Guidance for Managing the Menopause at Work 2019*

### **DEFINITIONS**

#### **Perimenopause**

The perimenopause is the period in a woman's life when she starts to experience hormonal fluctuations and changes to her periods. The average time for a woman to be perimenopausal is between four to five years. During this time, periods may become increasingly heavy and irregular, meaning it is vitally important for a woman experiencing symptoms to be close to toilets and washroom facilities. For some women, the symptoms during this time can be worse than the actual menopause.

#### **Menopause**

A woman is described as being menopausal when they have gone 12 months without a period and when her ovaries are no longer responsive. The average age for a woman to reach the menopause in the UK is 51.

### **Post-menopausal**

This is the time after menopause has occurred, starting when a woman has not had a period for 12 consecutive months. The average time for women experiencing symptoms of the menopause is five years, but many women experience symptoms for up to ten years and 3% of women will experience symptoms for the rest of their lives.

Post-menopausal women have an increased risk of heart disease, diabetes and osteoporosis and managers should be aware of this.

### **MENOPAUSE SYMPTOMS**

Symptoms can be physical or psychological.

Below is a list of the most common menopausal symptoms people say affect them at work:

- Difficulty sleeping, insomnia or fatigue
- Hot flushes during the day or night
- Low mood, depression or changes in mood
- Nervousness, worry or anxiety
- Reduced ability to concentrate or focus
- Problems with memory recall
- Migraines or headaches
- Aches and pains
- Irregular and/or heavy periods
- Urinary issues, e.g. increased frequency

Each of these symptoms can affect a colleague's comfort and performance at work. We have a duty to provide a safe working environment for all colleagues and we commit to ensuring that adjustments and additional support are available to those experiencing menopausal symptoms.

Everyone is different. Symptoms can fluctuate and be felt to varying degrees

### **WORKPLACE SUPPORT**

This policy recognises that there are many workplace factors which can make working life more difficult for women experiencing the menopause and which may make symptoms worse.

#### **Line Managers**

It is recognised that the menopause is a very personal experience and different adjustments and levels of support may be needed for different individuals. Line managers should seek to provide appropriate support and adjustments when needed to help women deal with issues arising from the menopause. A form is enclosed at the end of this policy which will help to generate a discussion between the member of staff and the line manager.



## **Employees**

It is recognised that employees have a responsibility for their health, safety and welfare but that workplace demands can complicate this. Employees can expect such things as:

- access to toilets;
- access to drinking water;
- access to natural light;
- regulated temperatures.

## **REASONABLE ADJUSTMENTS**

Every employee is different and reasonable adjustments are different depending on differing symptoms. The following may be considered as reasonable adjustments to help manage symptoms, and should be agreed with the line manager or staffing committee:

### ***Sleep disruption and/or night sweats***

- We recognise someone may take more short term absence if they've had a difficult night
- We will consider a change to shift patterns or the ability to swap shifts on a temporary basis
- We will consider offering a flexible working arrangement, for example a later start and finish time. Please see the Council's policy on Flexible Working.

### ***Hot flushes and/or daytime sweats***

- We will look at ways to cool the working environment, for example provide a fan, move a desk close to a window or adjust the air conditioning
- We will provide easy access to cold drinking water and washrooms where possible
- We will limit the time wearing personal protective equipment (PPE) such as face masks (subject to any COVID-secure measures required)

### ***Heavy or irregular periods***

- We will provide easy access to washroom and toilet facilities where possible
- We will allow for more frequent breaks to go to the toilet
- We will be understanding about someone working from home if they have very heavy bleeding
- We will make it easy to request extra uniforms / workwear

### ***Headaches and fatigue***

- We will consider a temporary adjustment to someone's work duties
- We will provide a quiet area to work where possible
- We will provide access to a rest room where possible
- We will offer easy access to drinking water where possible
- We will allow regular breaks and opportunities to take medication

### ***Muscular aches, and bone and joint pain***

- We will make any necessary temporary adjustments to work schedules
- We will allow someone to move around or stay mobile, if that helps

### ***Other adjustments***

Other adjustments we may consider include:

- Where work requires constant standing or prolonged sitting, we may provide access to a rest room (e.g. to sit during work breaks), or space to move about for those in sedentary roles.
- In customer-focused or public facing roles, we may provide access to a quiet room for a short break so as to manage a severe hot flush

To discuss symptoms and reasonable adjustments, please arrange to speak with your line manager. A form is enclosed to help with the discussion.

### **EXTERNAL COUNSELLING**

Counselling service – 0117 934 2121

Hellesdon Parish Council will provide all employees (including any members of their immediate family who permanently live with them) with a confidential counselling service over the phone if they are aged 18 or over (or aged between 16 and 18 and in full-time employment), via our Insurance Policy.

The counselling service, where appropriate, may include onward referral to relevant voluntary. Any costs arising from the use of these onward referral services must be approved in advance by the staffing committee.

The counselling service helpline is open 24 hours a day, seven days a week.

## Hellesdon Parish Council

### Menopause Discussion Form

This confidential menopause discussion form is designed to help you start a conversation with your line manager regarding your menopause symptoms at work, and to set out how you can be supported.

Completion of this form is voluntary, and you do not have to include information that you are not comfortable sharing.

Any adjustments requested will be discussed and if reasonable and practical will be implemented.

Any adjustments will be subject to regular review.

<b>Staff Member to Complete before the Meeting</b>
<p>1. What are the main menopause symptoms affecting you at work? <i>(For example, difficulty sleeping, hot flushes, changes in mood, anxiety and worry, reduced ability to concentrate or focus, problems with memory, headaches or migraines, aches and pains, irregular and / or heavy periods, urinary issues)</i></p>
<p>2. What impact do these symptoms have on you at work? <i>(For example, you're worrying about making mistakes, struggling with temperature control, poor sleep making your working hours difficult, frequent trips to the toilet)</i></p>

3. What adjustments do you feel would help you at work?  
*(For example, change of shift patterns, flexible working, working from home, adjusting air conditioning, providing a fan, limit time wearing PPE, more frequent breaks, providing a quiet area to work)*

4. What impact, if any, would these adjustments have on your team?

5. What would you like to be communicated to your colleagues? And who by?  
*(Your colleagues may notice the workplace adjustments and may ask about them. Think about what you'd be comfortable sharing with them. Consider whether you'd like your line manager to discuss with your team or if you would prefer to do it yourself.)*

6. Is there anything else you would like to discuss

**Line Manager to Complete During the Meeting**

7. What adjustments have been agreed?

8. What adjustments have not been agreed and the reason why ?

9. Who will action the adjustments, and the timescale for doing so?

10. Any other comments?

<b>Signature (Staff Member)</b>		<b>Date:</b>	
<p>I will let you know if there are changes to my condition that have an effect on my work and/or if the agreed adjustments are not working. We will then meet privately to discuss any further reasonable adjustments or changes that should be made.</p> <p>If you notice a change in my performance, behaviour or attendance at work or feel that these reasonable adjustments are not working, I would be happy to meet you privately to discuss what needs to be done.</p>			
<b>Signature (Line Manager)</b>		<b>Date:</b>	
<b>Review Date:</b>			

<b>First Review</b>	<b>Date:</b>
10 What is the effectiveness of the agreed adjustments?	
11 Are any other adjustments needed?	
12 Any other comments?	
<b>Signature (Staff Member)</b>	<b>Date:</b>
<b>Next review date (if required, otherwise review will be upon request of one of the parties):</b>	

## **ADOPTION POLICY**

### **ABOUT THIS POLICY**

This policy sets out the arrangements for adoption leave and pay for employees who are

- Adopting a child through a UK adoption agency.
- Fostering a child with a view to possible adoption.
- Having a child through a surrogate mother.

In some cases you and your spouse or partner may be eligible to opt into the shared parental leave (SPL) scheme which gives you more flexibility to share the leave and pay available in the first year after the child is placed with you. However, one of you must take at least two weeks' adoption leave first. Details of SPL are set out in our Shared Parental Leave Policy.

This policy only applies to employees. It does not apply to agency workers or self-employed contractors. It does not form part of any employee's contract of employment and we may amend it at any time.

### **PERSONNEL RESPONSIBLE FOR IMPLEMENTING THE POLICY**

The Parish Council has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Parish Clerk has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Staffing Committee

The Parish Clerk has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

### **ENTITLEMENT TO ADOPTION LEAVE**

In adoption cases or fostering for adoption cases, you are entitled to adoption leave if you meet all the following conditions:

- You are adopting a child through a UK adoption agency, or you are a local authority foster parent who has been approved as a prospective adopter.
- The adoption agency or local authority has given you written notice that it has matched you with a child for adoption, or that it will be placing a child with you under a fostering for adoption arrangement, and tells you the date the child is expected to be placed into your care (Expected Placement Date).
- You have notified the agency that you agree to the child being placed with you on the Expected Placement Date.

In a surrogacy case, you are entitled to adoption leave if all the following conditions are met:

- A surrogate mother gives birth to a child who is biologically your child, the child of your spouse or partner, or the child of both of you.
- You expect to be given parental responsibility for the child under a parental order from the court. The child must live with you and you must apply for the parental order within six months of the child's birth.
- Only one parent can take adoption leave. If your spouse or partner takes adoption leave with their employer you will not be entitled to adoption leave but you may be entitled to paternity leave (see our Paternity Leave Policy) and/or shared parental leave (see our Shared Parental Leave Policy).

The maximum adoption leave entitlement is 52 weeks, consisting of 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL).

#### **NOTIFICATION REQUIREMENTS: ADOPTION CASES**

Not more than seven days after the agency or local authority notifies you in writing that it has matched you with a child (or where that is not reasonably practicable, as soon as reasonably practicable), you must give us notice in writing of the Expected Placement Date, and your intended start date for adoption leave (Intended Start Date).

We will then write to you within 7 days to inform you of the date you would be due to return to work (your Expected Return Date) assuming you take your full entitlement to adoption leave.

Once you receive the matching certificate issued by the adoption agency, you must provide us with a copy.

#### **NOTIFICATION REQUIREMENTS: SURROGACY CASES**

In a surrogacy case, you must tell us in writing of your intention to take adoption leave and give the expected week of childbirth (EWC). You must give this information by the end of the 15th week before the EWC, or if that is not reasonably practicable, as soon as is reasonably practicable. You must also complete a declaration confirming your entitlement. We will write to you within 7 days of receiving your notification, to confirm your Expected Return Date assuming you take your full entitlement to adoption leave.

When the child is born you must tell us the date of birth.

#### **STARTING ADOPTION LEAVE**

In adoption or fostering for adoption cases, OAL may start on a predetermined date no more than 14 days before the Expected Placement Date, or on the date of placement itself, but no later.

If you want to change your Intended Start Date please tell us in writing. You should give us as much notice as you can, but wherever possible you must tell us at least 28 days before the original Intended Start Date (or the new Intended Start Date if you are bringing the date forward). We will then write to you within 28 days to tell you your new Expected Return Date.

In a surrogacy case, OAL will start on the day the child is born, unless you are at work, in which case it will start on the following day. You cannot change the start date.

Shortly before your adoption leave starts we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave.



## **ADOPTION PAY**

Statutory adoption pay (SAP) is payable for up to 39 weeks. It stops being payable if you return to work sooner or if the placement is disrupted. You are entitled to SAP if:

- you have been continuously employed for at least 26 weeks ending with the week in which the agency notified you that you had been matched with the child (Qualifying Week) and are still employed by us during that week;
- your average weekly earnings during the eight weeks ending with the Qualifying Week (Relevant Period) are not less than the lower earnings limit set by the government; and
- you have given us the relevant notifications

SAP is calculated as follows:

- First six weeks: SAP is paid at the Earnings-related Rate of 90% of your average earnings over the Relevant Period.
- Remaining 33 weeks: SAP is paid at the Prescribed Rate which is set by the government for the relevant tax year, or the Earnings-related Rate if this is lower.

SAP accrues with each complete week of absence and payments are made on the next normal payroll date. Income tax, National Insurance and pension contributions are deducted as appropriate.

If you leave employment for any reason (for example, if you resign or are made redundant) you are still eligible for SAP if you have already been notified by an agency that you have been matched with a child. In such cases, SAP starts:

- 14 days before the Expected Placement Date; or
- the day after your employment ends, whichever is the later.

If you become eligible for a back-dated pay rise which includes a sum in respect of the Relevant Period, you will be treated for SAP purposes as if the pay rise had been paid in the Relevant Period. This means that your SAP will be recalculated and increased retrospectively, or that you may qualify for SAP if you did not previously qualify. We shall pay you a lump sum to make up the difference between any SAP already paid and the amount payable by virtue of the pay rise. Any future SAP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

## **TERMS AND CONDITIONS DURING ADOPTION LEAVE**

All the terms and conditions of your employment remain in force during OAL and AAL, except for the terms relating to pay. In particular:

- benefits in kind shall continue;
- annual leave entitlement under your contract shall continue to accrue and
- pension benefits shall continue

## **ANNUAL LEAVE**

Annual leave will accrue at the rate provided under your contract.

Our holiday year runs from 1<sup>st</sup> April to 30<sup>th</sup> March. In many cases a period of adoption leave will last beyond the end of the holiday year. Any holiday entitlement for the year that is not taken OR cannot reasonably be taken before starting your adoption leave can be carried

over to the next holiday year and must be taken immediately before returning to work unless your manager agrees otherwise.

You should discuss your holiday plans with your manager in good time before starting your adoption leave. All holiday dates are subject to approval by your manager.

### **PENSIONS**

During OAL and any further period of paid adoption leave we shall continue to make any employer contributions that we usually make into a money-purchase pension scheme, based on what your earnings would have been if you had not been on adoption leave provided that you continue to make contributions based on the adoption pay you are receiving.

### **REDUNDANCIES DURING ADOPTION LEAVE**

In the event that your post is affected by a redundancy situation occurring during your adoption leave, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment. Employees on maternity and adoption leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

### **DISRUPTED ADOPTION**

In an adoption or fostering for adoption case, adoption leave is disrupted if it has started but:

- you are notified that the placement will not take place;
- the child is returned to the adoption agency after placement; or
- the child dies after placement.

In a surrogacy case, adoption leave is disrupted where you do not apply for a parental order within the relevant time, or the court does not grant a parental order and the time limit for appeal or further application has expired, or where the child dies.

In the event of disruption, your entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless your entitlement to leave or pay would have ended earlier in the normal course of events.

### **KEEPING IN TOUCH**

You may work for up to 10 days during your adoption leave. KIT days can only be worked by mutual agreement; that is to say both you and the council must agree to the work / training taking place. When agreeing KIT days, we will agree the type of work to be carried out and the duration in advance. Particular care should be taken when agreeing a rate of pay because payment for KIT days is off-set against Statutory Adoption Pay and not in addition to it. Therefore, we should agree a rate for that week which must be equal to or in excess of the rate of SAP.

Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:

- updating you on any changes that have occurred during your absence;

- any training needs you might have; and
- any changes to working arrangements (for example, if you have made a request to work part time).
- 

### **RETURNING TO WORK**

We will expect you back at work on your Expected Return Date unless you tell us otherwise. It will help us if, during your adoption leave, you are able to confirm that you will be returning to work as expected.

If you wish to return to work earlier than the Expected Return Date, you must give us at least eight weeks' notice. It is helpful if you give this notice in writing. If you do not give enough notice, we may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner.

If you wish to return later than the Expected Return Date, you should either:

- request unpaid parental leave, giving us as much notice as possible but not less than 21 OR days; or
- request paid annual leave in accordance with your contract, which will be at our discretion.

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply.

In any other case, late return will be treated as unauthorised absence.

You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been if you had not been absent. However, if you have taken any period of AAL or have combined your adoption leave with more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return to the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

### **DECIDING NOT TO RETURN**

If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should give notice of resignation in accordance with your contract. The amount of adoption leave left to run when you give notice must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period.

Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

This does not affect your right to receive SAP.

### **SWITCHING TO SHARED PARENTAL LEAVE**

In some cases you and your spouse or partner may be eligible to opt into the SPL scheme which gives you more flexibility to share the leave and pay available in the first year. Your partner should check with their employer if they are eligible.

You would need to give us at least eight weeks' written notice to end your adoption leave and opt into SPL. You can give this notice before or after the child is placed with you, but you must take at least two weeks' adoption leave. You would then be able to share any remaining leave with your partner.

## **FLEXIBLE WORKING**

We will deal with any requests by employees to change their working patterns (such as working part time) after adoption leave on a case-by-case basis. There is no absolute right to insist on working part time, but you do have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible. The procedure for making and dealing with such requests is set out in our Flexible Working Policy.

## **ANNUAL LEAVE POLICY**

### **Annual leave entitlement**

Your paid leave entitlement is set out in your contract of employment. The basic leave entitlement for a full-time member of staff is ~~22~~ 23 days per annum in addition to 8 Bank holidays. Part time employees receive a pro-rated entitlement according to their hours of work.

### **Working part-time**

If your entitlement to Bank Holidays exceeds the number days that fall on your normal working days (typically because you don't work on Mondays) you will be able to take the excess as leave. If your entitlement to Bank Holidays is less than the number of Bank Holidays that fall on your normal working days, (typically because your normal working days include Mondays) then you can make up the difference by using your leave entitlement. With agreement from the Clerk (or the Council in the case of the Clerk), you may be able to work additional hours to make up the deficit or take unpaid leave.

### **Leave year**

The leave year runs from 1st April to 31st March. It is your responsibility to manage your leave in such a way that you are able to take it all during the leave year. Your annual leave entitlement will be on a pro-rata basis in your first and last year of employment with the council.

### **Carrying over leave**

Except in the very rare circumstances of a booked and agreed period of leave being cancelled at the council's request, it is only possible to carry over a maximum of five unused days of leave from one leave year to the next, nor will any payment be made for leave unused at the end of a leave year.

### **Requesting leave**

You should request leave from your line manager with as much notice as possible. This will allow the council to plan workloads. Before granting leave we will consider;

The team's workload,

The need for office or team cover, and,

Whether other staff have or are likely to ask for the same time off (e.g. a popular holiday time).

If you take leave without such permission it will be treated as unauthorised absence and dealt with under the Disciplinary Procedure.

**Sickness during leave**

If you become ill during a period of paid annual leave, you must comply with the requirements of the sickness reporting and certification procedure, if you wish to have this sickness period discounted from the period of paid leave taken. It is important that you contact the Clerk on the first day of sickness and keep the council up to date during the period of sickness.

**Payment of annual leave**

The council does not offer payment in lieu of leave entitlement unless you are leaving the council and have not taken leave entitlement that you have accrued at the time of leaving.

**Payment in lieu**

If you leave during the course of a leave year, and cannot take any outstanding accrued leave before your last day, you will receive a payment in lieu of any outstanding accrued leave. In such a case, a calculation will be made of the amount of paid leave due to you, on a pro rata basis, for that part of the leave year up to the date of termination of the contract. Holiday pay will be based on your current rate of pay including any regular overtime. If, however, you have taken more paid leave than is due by this calculation, then a deduction will be made from your salary payments for an amount at your basic daily rate for the days in question. Such a deduction will be deemed to be a contractually authorised deduction.

This is a non-contractual procedure which will be reviewed from time to time.

## **BEREAVEMENT LEAVE POLICY**

### **Overview**

Grief is a natural response people have when they experience a death (a bereavement). It can affect someone in several ways and can impact on their ability to do their work.

Everyone experiences grief differently. Hellesdon Parish Council will:

- be sensitive to what each person might need at the time
- consider the person's physical and emotional wellbeing, including once they've returned to work
- recognise that grief is not a linear process and affects everyone differently – there is no right or wrong way to grieve and it can affect people at different times following a death

### **Death of a Dependant**

Employees have a right to time off if a dependant dies. A dependant could be:

- a spouse, partner or civil partner
- a parent
- a child (if under 18)
- a person who lives in your household (not tenants, lodgers or employees)

If a child under the age of 18 dies, or is stillborn after 24 weeks of pregnancy you have a right to 2 weeks off. This is called 'parental bereavement leave' and is also known as 'Jack's Law'. This leave will be paid by the council.

The council will also pay for two weeks off in the event of a death of any other dependant. Any period of leave longer than two weeks will be considered by the Staffing Committee, which will also determine whether additional leave should be granted, whether it should be paid, or whether it should be taken and another form of leave such as unpaid leave or annual leave.

### **Death of Someone who was Not a Dependant**

There is no legal right to time off for the death of someone who was not a dependant, but the council acknowledges the need for compassion.

Leave may be taken to deal with unexpected issues such as the attendance of a funeral, but this will be taken as either annual leave or unpaid leave. If an employee believes they have exceptional circumstances, then this can be considered by the Staffing Committee.

### **Notice**

An employee should notify The Clerk of their need to take leave as soon as possible or, at the latest, on the first day of absence. An employee's next of kin or family member can notify The Clerk on their behalf.

Leave days do not have to be taken consecutively.

**Different Cultures**

Line managers will check whether the employee's religion, belief or culture requires them to observe any particular practices or make special arrangements which would require them being off work at a particular time. Employees should not assume that their line manager is aware of any such requirements and should draw this to their line manager's attention as soon as possible.



## **CAPABILITY POLICY**

### **1) ABOUT THIS PROCEDURE**

The primary aim of this procedure is to provide a framework within which managers can work with employees to maintain satisfactory performance standards and to encourage improvement where necessary.

It is our policy to ensure that concerns over performance are dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond at a hearing before any formal action is taken.

This policy does not apply to cases involving genuine sickness absence, proposed redundancies or misconduct. In those cases reference should be made to the appropriate policy or procedure in the Staff Handbook.

This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

This procedure does not form part of any employee's contract of employment and it may be amended at any time.

### **2) IDENTIFYING PERFORMANCE ISSUES**

In the first instance, performance issues should normally be dealt with informally between you and your line manager as part of day-to-day management. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future capability hearings. The formal procedure should be used for more serious cases, or in any case where an earlier informal discussion has not resulted in a satisfactory improvement. Informal discussions may help:

- clarify the required standards;
- identify areas of concern;
- establish the likely causes of poor performance and identify any training needs; and/or
- set targets for improvement and a time-scale for review.

Employees will not normally be dismissed for performance reasons without previous warnings. However, in serious cases of gross negligence, or in any case involving an employee who has not yet completed their probationary period, dismissal without previous warnings may be appropriate.

If we have concerns about your performance, we will undertake an assessment to decide if there are grounds for taking formal action under this procedure. The procedure involved will depend on the circumstances but may involve reviewing your personnel file including any appraisal records, gathering any relevant documents, monitoring your work and, if appropriate, interviewing you and/or other individuals confidentially regarding your work.

### **3) DISABILITIES**

Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to your working arrangements, including changing your duties or providing additional equipment or training. We may also consider making adjustments to this procedure in appropriate cases.

If you wish to discuss this or inform us of any medical condition you consider relevant, you should contact your line manager or the Chair of the Staffing Committee.

### **4) CONFIDENTIALITY**

Our aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this capability procedure.

You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

You will normally be told the names of any witnesses whose evidence is relevant to your capability hearing, unless we believe that a witness's identity should remain confidential.

### **5) NOTIFICATION OF A CAPABILITY HEARING**

If we consider that there are grounds for taking formal action over alleged poor performance, you will be required to attend a capability hearing. We will notify you in writing of our concerns over your performance, the reasons for those concerns, and the likely outcome if we decide after the hearing that your performance has been unsatisfactory. We will also include the following where appropriate:

- A summary of relevant information gathered as part of any investigation.
- A copy of any relevant documents which will be used at the capability hearing.
- A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

We will give you written notice of the date, time and place of the capability hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, usually seven days, to prepare your case based on the information we have given you.

### **6) RIGHT TO BE ACCOMPANIED AT HEARINGS**

You may bring a companion to any capability hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. You must tell the manager conducting the hearing who your chosen companion is, in good time before the hearing.

A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

If your companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days we may require you to choose someone else.

We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) where this will help overcome a

particular difficulty caused by a disability, or where you have difficulty understanding English.

## **7) PROCEDURE AT CAPABILITY HEARINGS**

If you or your companion cannot attend the hearing you should inform us immediately and we will usually arrange an alternative time. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct. If you fail to attend without good reason, or are persistently unable to do so (for example, for health reasons), we may have to take a decision based on the available evidence including any written representations you have made.

The hearing will normally be held by your line manager and will normally be attended by a member of the Staffing Committee. You may bring a companion with you to the hearing (see paragraph 6). Your companion may make representations, ask questions, and sum up your case, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise.

The aims of a capability hearing will usually include:

- Setting out the required standards that we believe you may have failed to meet, and going through any relevant evidence that we have gathered.
- Allowing you to ask questions, present evidence, call witnesses, respond to evidence and make representations.
- Establishing the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement.
- Identifying whether there are further measures, such as additional training or supervision, which may improve performance.
- Where appropriate, discussing targets for improvement and a time-scale for review.
- If dismissal is a possibility, establishing whether there is any likelihood of a significant improvement being made within a reasonable time and whether there is any practical alternative to dismissal, such as redeployment.

A hearing may be adjourned if we need to gather any further information or give consideration to matters discussed at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened. We will inform you in writing of our decision and our reasons for it within 5 days of the capability hearing. Where possible we will also explain this information to you in person.

## **8) STAGE 1 HEARING:**

Following a Stage 1 capability hearing, if we decide that your performance is unsatisfactory, we will give you an improvement note, 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 period for review.
- The consequences of failing to improve within the review period, or of further unsatisfactory performance.

An improvement note will be authorised by the Staffing Committee

The improvement note will normally remain active for six months from the end of the review period. After the active period the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of any future capability proceedings.

Your performance will be monitored during the review period and we will write to inform you of the outcome:

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

#### **9) STAGE 2 HEARING: FINAL WRITTEN WARNING**

If your performance does not improve within the review period set out in the improvement note, or if there is further evidence of poor performance while your improvement note is still active, we may decide to hold a Stage 2 capability hearing. We will send you written notification as set out in paragraph 5.

Following a Stage 2 capability hearing, if we decide that your performance is unsatisfactory, 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 period for review; and
- the consequences of failing to improve within the review period, or of further unsatisfactory performance.

A final written warning will be authorised by the Staffing Committee

A final written warning will normally remain active for 12 months from the end of the review period. After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future capability proceedings.

Your performance will be monitored during the review period and we will write to inform you of the outcome:

- if your line manager is satisfied with your performance, no further action will be taken;
- if your line 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.

### **10) STAGE 3 HEARING: DISMISSAL OR REDEPLOYMENT**

We may decide to hold a Stage 3 capability hearing if we have reason to believe:

- your performance has not improved sufficiently within the review period set out in a final written warning;
- your performance is unsatisfactory while a final written warning is still active; or
- your performance has been grossly negligent such as to warrant dismissal without the need for a final written warning.

We will send you written notification of the hearing as set out in paragraph 5.

Following the hearing, if we find that your performance is unsatisfactory, we may consider a range of options including:

- Dismissing you.
- Redeploying you into another suitable job at the same or a lower grade.
- Extending an active final written warning and setting a further review period (in exceptional cases where we believe a substantial improvement is likely within the review period).
- Giving a final written warning (where no final written warning is currently active).

The decision will be authorised by the Staffing Committee

Dismissal will normally be with full notice or payment in lieu of notice, unless your performance has been so negligent as to amount to gross misconduct, in which case we may dismiss you without notice or any pay in lieu.

### **11) APPEALS AGAINST ACTION FOR POOR PERFORMANCE**

If you feel that a decision about poor performance under this procedure is wrong or unjust you should appeal in writing, stating your full grounds of appeal, to the Chairman of the Staffing Committee, within one week of the date on which you were informed in writing of the decision.

If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay.

If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing.

We will give you written notice of the date, time and place of the appeal hearing. This will normally be two to seven days after you receive the written notice.

The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case. In any event the appeal will be dealt with as impartially as possible.

The appeal hearing will be conducted by three members of the Staffing Committee who have not been previously involved in the case. You may bring a companion with you to the appeal hearing (see paragraph 6).

A hearing may be adjourned if we need to gather any further information or give consideration to matters discussed at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Following the appeal hearing we may:

- confirm the original decision;
- revoke the original decision; or
- substitute a different penalty.

We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. Where possible we will also explain this to you in person.

There will be no further right of appeal.

## COUNCILLOR OFFICER PROTOCOL

### INTRODUCTION

The purpose of this Protocol is to guide councillors and officers of the council in their relations with one another. The Protocol's intention is to build and maintain good working relationships between councillors and officers as they work together. Employees who are required to give advice to councillors are referred to as "officers" throughout.

A strong, constructive, and trusting relationship between councillors and officers is essential to the effective and efficient working of the council.

This Protocol also seeks to reflect the principles underlying the Code of Conduct which applies to councillors and the employment terms and conditions of officers. The shared objective is to enhance and maintain the integrity (real and perceived) of local government. The following extract from the Local Government Association guidance on the 2020 Model councillor Code of Conduct states that:

*"Both councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority.*

*At the heart of this relationship, is the importance of mutual respect. councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.*

*councillors provide a democratic mandate to the local authority and are responsible to the electorate whom they represent. They set their local authority's policy framework, ensure that services and policies are delivered and scrutinise local authority services.*

*[Councillors of the executive,] Chairs and vice chairs of committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such councillors must still respect the impartiality of officers and must not ask them to undertake work of a party-political nature or compromise their position with other councillors or other officers.*

*Officers provide the professional advice and managerial expertise and information needed for decision making by councillors and to deliver the policy framework agreed by councillors. They are responsible for implementing decisions of councillors and the day-to-day administration of the local authority.*

*The roles are very different but need to work in a complementary way.*

*It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the code requires*

*councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a councillor's democratic mandate as the people accountable to the public for the work of the local authority. It is also important for a local authority to have a councillor-officer protocol which sets out how this relationship works and what both councillors and officers can expect in terms of mutual respect and good working relationships."*

**This Protocol covers:**

- The respective roles and responsibilities of the councillors and the officer;
- Relationships between councillors and officers;
- Where/who a councillor or an officer should go to if they have concerns;
- Who is responsible for making decisions.

**BACKGROUND**

This Protocol is intended to assist councillors and officers, in approaching some of the sensitive circumstances which arise in a challenging working environment.

The reputation and integrity of the council is significantly influenced by the effectiveness of councillors and the officer working together to support each other's roles.

The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Overly close personal familiarity between councillors and officers is not recommended as it has the potential to damage this relationship

**ROLES OF COUNCILLORS AND OFFICERS**

The respective roles of councillors and officers can be summarised as follows:

- Councillors and officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct.
- Councillors are responsible to the electorate and serve only for their term of office.
- Officers are responsible to the council. Their job is to give advice to councillors and to the council, and to carry out the council's work under the direction and control of the council and relevant committees.

Councillors

Councillors have four main areas of responsibility:

- To determine council policy and provide community leadership;
- To monitor and review council performance in implementing policies and delivering services;
- To represent the council externally; and
- To act as advocates for their constituents.

All councillors have the same rights and obligations in their relationship with the officer, regardless of their status and should be treated equally.

Councillors should not involve themselves in the day to day running of the council. This is the officer's responsibility, and the officer will be acting on instructions from the council or its committees, within an agreed job description.

In line with the councillors' Code of Conduct, a councillor must treat others with respect, must not bully or harass people and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the council.



Officers can expect councillors:

- to give strategic leadership and direction and to seek to further their agreed policies and objectives with the understanding that councillors have the right to take the final decision on issues based on advice
- to act within the policies, practices, processes and conventions established by the council
- to work constructively in partnership with officers acknowledging their separate and distinct roles and responsibilities
- to understand and support the respective roles and responsibilities of officers and their associated workloads, pressures and reporting lines
- to treat them fairly and with respect, dignity and courtesy
- to act with integrity, to give support and to respect appropriate confidentiality
- to recognise that officers do not work under the instruction of individual councillors or groups
- not to subject them to bullying, intimidation, harassment, or put them under undue pressure.
- to treat all officers, partners (those external people with whom the council works) and members of the public equally, and not discriminate based on any characteristic such as age, sex, race, sexual orientation, gender identity, disability or religion.
- not to request officers to exercise discretion which involves acting outside the council's policies and procedures
- not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the council or in their role as a councillor without proper and lawful authority
- not to use their position or relationship with officers to advance their personal interest or those of others or to influence decisions improperly
- to comply at all times with the councillors' Code of Conduct, the law, and such other policies, procedures, protocols and conventions agreed by the council.
- respect the impartiality of officers and do not undermine their role in carrying out their duties
- do not ask officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an officer being criticised for operating in a party-political manner
- do not ask officers to exceed their authority where that authority is given

#### Chairs and vice-chairs of council and committees

Chairs and vice-chairs have additional responsibilities as delegated by the council. These responsibilities mean that they may have to have a closer working relationship with employees than other councillors do. However, they must still respect the impartiality of officers and must not ask them to undertake work or anything else which would prejudice their impartiality.

## Officers

The primary role of officers is to advise, inform and support all members and to implement the agreed policies of the council.

Officers are responsible for day-to-day managerial and operational decisions within the council, including directing and overseeing the work of any more junior officers. Councillors should avoid inappropriate involvement in such matters.

In performing their role officers will act professionally, impartially and with neutrality. Whilst officers will respect a councillor's view on an issue, the officer should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement or views.

Officers must:

- implement decisions of the council and its committees which are lawful, which have been properly approved in accordance with the requirements of the law and are duly recorded. This includes respecting the decisions made, regardless of any different advice given to the council or whether the decision differs from the officer's view.
- work in partnership with councillors in an impartial and professional manner
- treat councillors fairly and with respect, dignity and courtesy
- treat all councillors, partners and members of the public equally, and not discriminate based on any characteristic such as age, sex, race, sexual orientation, gender identity, disability or religion.
- assist and advise all parts of the council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the council's formal decisions.
- respond to enquiries and complaints in accordance with the council's standards protocol
- be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for councillors, the media or other sections of the public.
- act with honesty, respect, dignity and courtesy at all times
- provide support and learning and development opportunities for councillors to help them in performing their various roles in line with the council's training and development policy
- not seek to use their relationship with councillors to advance their personal interests or to influence decisions improperly
- comply, at all times, with employment policies or procedures approved by the council

Officers have the right not to support councillors in any role other than that of councillor, and not to engage in actions incompatible with this Protocol.

In giving advice to councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. An officer may report the views of individual councillors on an issue, but the recommendation should be the officer's own. If a councillor wishes to express a contrary

view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities. There are exceptional circumstances where a councillor can fulfil the role of officer, for example where there is a vacancy. This can only be done if the councillor is not paid for the role and should only ever be short-term while the council seeks to fill a vacancy. There will need to be a particular clear understanding of when the councillor is acting as a councillor and when acting as the Proper Officer.

### The Relationship: General

Councillors and officers are indispensable to one another. However, their responsibilities are distinct. Councillors are accountable to the public, whereas officers are accountable to the council as a whole.

At the heart of this Protocol is the importance of mutual respect and also of civility.

Councillor/officer relationships are to be conducted in a positive and constructive way.

Therefore, it is important that any dealings between councillors and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party.

Individual councillors should not actively seek to undermine majority decisions of the corporate body, as this could then bring them into conflict with officers who have been charged with promoting and implementing the council's collectively-determined course of action.

Councillors should not raise matters relating to the conduct or capability of an officer, or of officers collectively, in a manner that is incompatible with this Protocol at meetings held in public or on social media. This is a long-standing tradition in public service. An officer has no means of responding to criticisms like this in public.

A councillor 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
- ensure that any criticism is made in private
- take up the concern with the chair

Neither should an officer raise with a councillor matters relating to the conduct or capability of another councillor or officer or to the internal management of the council in a manner that is incompatible with the objectives of this Protocol.

Potential breaches of this Protocol are considered below.

### Expectations

All councillors can expect:

- A commitment from officers to the council as a whole, and not to any individual councillor, group of councillors or political group;
- A working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from officers to enquiries and complaints;
- Officer's professional and impartial advice, not influenced by political views or personal preferences;

- Timely, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from officers and other councillors;
- Training and development opportunities to help them carry out their role effectively;
- Not to have personal issues raised with them by officers outside the council's agreed procedures;
- That officers will not use their contact with councillors to advance their personal interests or to influence decisions improperly.

Officers can expect from councillors:

- A working partnership;
- An understanding of, and support for, respective roles, workloads and pressures;
- Leadership and direction;
- Respect, courtesy, integrity and appropriate confidentiality;
- Not to be bullied or to be put under undue pressure;
- That councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- That councillors will at all times comply with the council's adopted Code of Conduct.

Some general principles

Close personal relationships between councillors and officers can confuse their separate roles and get in the way of the proper conduct of council business, not least by creating a perception in others that a particular councillor or officer is getting preferential treatment. Special relationships with particular individuals are not recommended as it can create suspicion that an employee favours that councillor above others.

The Proper Officer (usually called the Clerk) is the head of paid services and has a line-management responsibility to all other staff. Communications should be made directly with the Proper Officer, unless it is agreed by the Proper Officer that such communications may take place directly with other officers over a particular matter. Councillors should not give instructions directly to the Proper Officer's staff without the express approval of the Proper Officer.

**COUNCILLORS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS**

Councillors are free to approach officers to provide them with such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as members of the council. This can range from a request for general information about some aspect of the council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Officer.

The legal rights of councillors to inspect council documents are covered partly by statute and partly by the common law.

The common law right of councillors is based on the principle that any member has a prima facie right to inspect council documents so far as their access to the documents is

reasonably necessary to enable the member properly to perform their duties as a member of the council. This principle is commonly referred to as the “need to know” principle. The exercise of this common law right depends therefore upon the councillor’s ability to demonstrate that they have the necessary “need to know”. In this respect a member has no right to “a roving commission” to go and examine documents of the council. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”. This question must be determined by the officer.

In some circumstances (e.g. a committee member wishing to inspect documents relating to the functions of that committee) a councillor’s “need to know” will normally be presumed. In other circumstances (e.g. a councillor wishing to inspect documents which contain personal information about third parties) a councillor will normally be expected to justify the request in specific terms. Any council information provided to a councillor must only be used by the councillor for the purpose for which it was provided i.e. in connection with the proper performance of the councillor’s duties as a member of the council.

For completeness, councillors do, of course, have the same right as any other member of the public to make requests for information under the Freedom of Information Act 2000.

### **CORRESPONDENCE**

Correspondence between an individual councillor and an officer should not normally be copied (by the officer) to any other councillor. Where exceptionally it is necessary to copy the correspondence to another councillor, this should be made clear to the original councillor. In other words, a system of “silent copies” should not be employed.

Acknowledging that the “BCC” system of e-mailing is used, it should be made clear at the foot of any e-mails if another councillor has received an e-mail by adding “CC councillor X.” Official letters or emails on behalf of the council should normally be sent out under the name of the officer, rather than under the name of a councillor. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter or email to appear over the name of the chair, but this should be the exception rather than the norm. Letters or emails which, for example, create obligations or give instructions on behalf of the council should never be sent out in the name of a councillor.

Correspondence to individual councillors from officers should not be sent or copied to complainants or other third parties if they are marked “confidential”. In doing so, the relevant officer should seek to make clear what is to be treated as being shared with the councillor in confidence only and why that is so.

### **PRESS AND MEDIA**

Councils are accountable to their electorate. Accountability requires local understanding. This will be promoted by the council, explaining its objectives and policies to the electors and customers. Councils use publicity to keep the public informed and to encourage public participation. The council needs to tell the public about the services it provides. Good effective publicity should aim to improve public awareness of the council’s activities. Publicity is a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential to ensure that decisions on publicity are properly made in accordance with the Code of Recommended Practice on Local Authority Publicity and the council’s Media Policy.

The officer may respond to press enquiries but should confine any comments to the facts of the subject matter and the professional aspects of the function concerned. On no account must an officer expressly or impliedly make any political opinion, comment or statement. Any press release that may be necessary to clarify the council's position in relation to disputes, major planning developments, court issues or individuals' complaints should be approved by the officer.

The chair (or chair of a committee) may act as spokespersons for the council in responding to the press and media and making public statements on behalf of the council but should liaise with the officer on all forms of contact with the press and media. The council may also appoint individual councillors as spokespeople where there is an area of particular expertise but this should only be done with the agreement of the council.

The council must comply with the provisions of the Local Government Act 1986 ("the Act") regarding publicity. All media relations work will comply with the national Code of Practice for Local Government Publicity. The Code is statutory guidance and the council must have regard to it and follow its provisions when making any decision on publicity.

The LGA has produced useful guidance on the Publicity Code -

<https://www.local.gov.uk/publications/short-guide-publicity-during-pre-election-period>

For more detailed information and guidance regarding the role of councillors in connection with the use of social media, reference should be made to the council's Social Media Policy where there is one in place.

## **IF THINGS GO WRONG**

### Procedure for officers:

From time to time the relationship between councillors and the officer (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, it is important that the council adopts a formal grievance protocol or procedure. The principal council's monitoring officer may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice. The chair of the council should not attempt to deal with grievances or work related performance or line management issues on their own. The council should delegate authority to a small group of councillors to deal with all personnel matters.

The law requires all employers to have disciplinary and grievance procedures. Adopting a grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way.

Where the matter relates to a formal written complaint alleging a breach of the councillors' Code of Conduct the matter must be referred to the principal council's monitoring officer in the first instance in line with the Localism Act 2011. The council may however try to resolve any concerns raised informally before they become a formal written allegation.

### Procedure for councillors:

If a councillor is dissatisfied with the conduct, behaviour or performance of the officer or another employee, the matter should be reported to the Chairman of the Staffing Committee and then raised with the officer in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.

## DEPUTISING POLICY

### Overview

This policy sets out the way in which the council will pay acting up payments to employees who take on the full responsibilities and duties of a higher graded post either for some or all of their working hours.

### Eligibility

This policy applies to all employees of Hellesdon Parish Council.

This policy applies when, at the request of their manager, an employee acts up into a higher graded post. This involves carrying out all of the duties and responsibilities of that post, for either some or all of their working hours. It only applies where such arrangements are temporary – for example to cover long term sickness, maternity leave or other short term requirements.

This policy does not apply if:

- an employee takes on additional duties or responsibilities to cover a period of planned leave of less than 4 weeks (for example covering their manager's annual leave); or
- If the change is permanent.

### Entitlement

Where an employee takes on the full duties and responsibilities of a higher graded post they will receive the difference between their current salary and the minimum spinal point of the new grade which would apply if they were appointed to the post on a permanent basis.

Where an employee is taking on the full duties and responsibilities of a higher graded post for a proportion of their working week, a calculation will be made of what percentage of the higher job they are undertaking, based on the percentage of their working week that is spent acting up into the higher graded post.

The employee will be paid that percentage of the difference between their current salary and the minimum spinal point of the new grade which would apply if you were appointed to the post on a permanent basis.

## **DIGNITY AT WORK POLICY**

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**Hellesdon Parish Council believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council.**

### **Purpose**

Hellesdon Parish Council is committed to creating a working environment where all council employees, councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying

In support of this objective, Hellesdon Parish Council has signed up to the Civility Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behaviour, speech, and in the written word. Further information about the Civility and Respect Pledge is available [NALC](#) & [SLCC](#)

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment;
- ensures that we respond sensitively and promptly; and,
- supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

### **Scope**

This policy covers bullying and harassment of and by clerks and all employees engaged to work at Hellesdon Parish Council. Should agency staff, or contractors have a complaint connected to their engagement with Hellesdon Parish Council this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance. Should the complaint be about the chair of the council the complaint should be raised to the vice chair.

Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the council's grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the council will take appropriate action if any of its



employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

### **The position on bullying and harassment**

All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Hellesdon Parish Council will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, civility and respect pledge, equalities policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.

## Harassment

- Where a person is subject to uninvited conduct that violates their dignity
- Behaviour that creates a hostile, humiliating, degrading or similarly offensive environment.

## Bullying

- Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset.

### **What Type of Treatment amounts to Bullying or Harassment?**

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work

- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear, however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic ( such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example). See the council's Equality Policy.

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

### **Victimisation**

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

## **Reporting Concerns**

### **What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)**

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the clerk/or a councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

**What you should do if you feel you are being bullied or harassed by a councillor:** If you are being bullied or harassed by a councillor, please raise this with the clerk/chief officer or the chair of the council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

**What you should do if you witness an incident you believe to be harassment or bullying:** If you witness such behaviour you should report the incident in confidence to the clerk/chief officer or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

**What you should do if you are being bullied or harassed by another member of staff:** If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

### Informal resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council's policy and must stop. Alternatively, you may wish to ask the clerk/chief officer, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the chair of the council. (If your concern relates to the chair, you should raise it with the chair of the personnel/staffing committee). The chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

#### Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council's grievance procedure. You should raise your complaint to the clerk/chief officer or the chair of the council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The clerk/chief officer or the chair of the council will appoint someone to investigate your complaint in line with the grievance policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

The council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your complaint (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the grievance procedure.

**The use of the Disciplinary Procedure**

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

*This is a non-contractual policy and procedure which will be reviewed from time to time.*

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**GUIDANCE FOR USING THE DIGNITY AT WORK POLICY**

This is an example of an employment policy designed for a council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This guidance is provided to support understanding of the policy, and its application, as well as where local adaptations may be required. The guidance is not part of the policy and should be removed from the policy adopted and shared with council employees.

The Dignity at Work Policy will replace a previous 'Bullying and Harassment' Policy, to create a policy that is focussed on encompassing behaviours beyond simply bullying and harassment, and zero tolerance with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice.

Wording has been suggested to demonstrate a council's commitment to promoting dignity and respect where they have signed up to the NALC, SLCC and OVW Civility and Respect Pledge. Councils that have not signed up to this are requested to consider making this pledge which is based on basic behaviours and expectations of all council representatives to create workplaces that allow people to maintain their dignity at all times. If your council has not agreed to the pledge this wording should be removed.

The policy is drafted with consideration of employment language and terminology that is reflective of a modern working environment, setting a tone that is engaging, collaborative and inclusive. A council may want to update references where relevant to reflect local terminology and structure, however should be considerate of equality, diversity and inclusion.

The examples of bullying and harassment are just that – examples. This should not be considered an exhaustive list.

**Notes:**

**Protected Characteristics**

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

Discrimination includes treating people differently because of a protected characteristic. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

Examples of harassment related to a protected characteristic could include;

- Making assumptions about someone's ability due to their **age**, or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
- Making fun or mimicking impairments related to a health condition, or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.
- Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.

- **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant persons stomach.
- Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone’s lifestyle based on their ethnicity.
- **Gender** harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals dress or appearance.
- Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief**.
- Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.

A person does not need to be employed or have 2 years qualifying service to make a discrimination claim at a tribunal.

- Job applicants who believe they have not been appointed because of a ‘protected characteristic’ can make a claim.
- New or established employees who are dismissed, or treated unreasonably because of a health condition can make a discrimination claim.
- An employee subjected to harassment can make a discrimination claim at a tribunal.
- An employee asked to retire can make a discrimination claim at a tribunal

### **Legal risks**

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

### **Culture and behaviour**

We work in eclectic communities and working environments, and a positive culture within the council enables employees with different backgrounds and beliefs to share ideas and shape how the council achieves its objectives for their community.



It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.

It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from the perpetrator or others). The council should consider whether there are opportunities (such as 121s to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours. Individuals can often mention concerns they are experiencing but not want to take it further. The council should remind the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns. If the allegations mentioned are significant, the council may want to suggest that it will need to investigate further, even if a 'grievance' is not raised, so as to ensure that any concerns and risks are managed, and the council is meeting its responsibilities and duty of care as an employer.

Whilst both staff and councillors jointly determine the working culture, councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.

### **Scope**

All council representatives are expected to uphold the values of the Dignity at Work Policy, however this policy sets out how allegations from employees will be managed. As indicated in the policy, concerns from a contractor, agency worker etc. should be raised to the identified person, and an appropriate approach will be considered based on the situation and relationship of the complainant with the council.

Likewise, concerns raised about the behaviour of a contractor or agency worker would not generally be managed via the full process (such as the disciplinary process) but appropriate action would be considered based on the situation. To treat people (such as contractors, or a casual worker) engaged by the council the same as an employee could blur the status of the employment relationship, so consider seeking professional advice if needed.

### **Managers**

Recognising that councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the clerk, another employee of the council, or a councillor depending on the situation. It is good practice to have a clearly identified person who is the responsible 'line manager' or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc. More often for council employees this may be the clerk, and for the clerk this could be the chair, or possibly chair of a staffing committee.

### **Bullying and harassment & performance management**

The policy sets out that bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management. It is not uncommon for an

employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

### **Responsibilities**

All staff and representatives of the council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

### **During the investigation**

Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a ‘listening ear’ for both parties in the investigation. This could be a councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.

Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.

The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

### **Confidentiality**

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small council it is likely that it will be clear that the accused will know where

the accusation has come from. The council representative (clerk/chief officer/councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a council to consider an anonymous complaint, however if the concerns are significant and compromise the council in their duty of care to employees, then consideration of how to deal with the matter may be required.

### **Victimisation**

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelling a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

### **False allegations**

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would be potentially be gross misconduct.

### **Complaints against Councillors**

Following the Ledbury case, the law is clear that any formal complaint about a councillor regarding a breach of the code of conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council agrees reasonable measures with the employee to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person about whom the complaint has been made etc.

Careful consideration is required where a grievance is raised against the council as a whole due to lack of support related to councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the council, or require exploration of the councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any councillors where this may relate to the code of conduct. It is a matter of fact whether the complaint is against the council and can therefore be dealt with by the council's grievance procedure or against a councillor and can only be dealt with by the Monitoring Officer.

## **DISCIPLINARY POLICY**

### **Introduction**

- 1 This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievances at work. The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.
- 2 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 3 This policy confirms:
  - The Council will fully investigate the facts of each case.
  - The Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management".
  - Employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
  - Employees may be accompanied or represented by a companion – a workplace colleague, a trade union representative or a trade union official - at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
  - the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions.
  - if the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date.

- any changes to specified time limits in the Council’s procedure must be agreed by the employee and the Council.
- information about an employee’s disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee’s disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR).
- recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee’s medical condition.
- employees have the right to appeal against any disciplinary decision. The appeal decision is final.
- if an employee who is already subject to the Council’s disciplinary procedure raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure.
- disciplinary action taken by the Council can include an oral warning, written warning, final written warning or dismissal.
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct.
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it.
- the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the Council’s and the employee’s consent.

#### **Examples of misconduct**

4 Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct: The list is not exhaustive.

- unauthorised absence
- poor timekeeping
- misuse of the Council’s resources and facilities including telephone, email and internet
- inappropriate behaviour
- refusal to follow reasonable instructions

- breach of health and safety rules.

### **Examples of gross misconduct**

5 Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct: The list is not exhaustive

- bullying, discrimination and harassment
- incapacity at work because of alcohol or drugs
- violent behaviour
- fraud or theft
- gross negligence
- gross insubordination
- serious breaches of health and safety rules
- serious and deliberate damage to property
- use of the internet or email to access pornographic, obscene or offensive material
- disclosure of confidential information.

### **Examples of unsatisfactory work performance**

6 The following list contains some examples of unsatisfactory work performance: The list is not exhaustive.

- inadequate application of management instructions/office procedures
- inadequate IT skills
- unsatisfactory management of staff
- unsatisfactory communication skills.

### **Disciplinary investigation**

7 The Council's Staffing Committee will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the staffing committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The staffing committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should deal with the following:

- what the investigation is required to examine
- whether a recommendation is required

- how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report
  - who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.
- 8 The Investigator will be asked to submit a report within 20 working days of appointment. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage (see paragraph 16).
- 9 The Staffing Committee will first notify the employee in writing of the alleged misconduct and ask him/her to attend a meeting with the Investigator. The employee will be given at least five working days' notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.
- 10 Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
- 11 If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
- 12 The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the staffing committee whether or not disciplinary action should be taken.
- 13 The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
- the employee has no case to answer and there should be no further action under the Council's disciplinary procedure.
  - the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally; or
  - the employee has a case to answer and there should be action under the Council's disciplinary procedure.
- 14 The Investigator will submit the report to the Staffing Committee which will decide whether further action will be taken.

- 15 If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

### **The disciplinary meeting**

- 16 If the Staffing Committee decides that there is a case to answer, it will appoint a staffing sub-committee of three councillors. The staffing sub-committee will appoint a Chairman from one of its members. The Investigator shall not sit on the sub-committee. No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The sub-committee's letter will confirm the following:

- the names of its Chairman and other two members.
- details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting.
- a copy of the investigation report, all the supporting evidence and a copy of the Council's disciplinary procedure.
- the time and place for the meeting. The employee will be given reasonable notice of the hearing (at least 15 working days) so that he /she has sufficient time to prepare for it.
- that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least five working days before the meeting.
- that the employee and the Council will provide each other with all supporting evidence at least five working days before the meeting. If witnesses are not attending the meeting, witness statements must be submitted to the other side at least five working days before the hearing.
- that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.

The disciplinary meeting will be conducted as follows:

- the Chairman will introduce the members of the sub-committee to the employee.
- the Investigator will present the findings of the investigation report.
- the Chairman will set out the Council's case and present supporting evidence (including any witnesses and/or witness statements).
- the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements).
- any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness.
- the employee (or companion) will have the opportunity to sum up.



- the Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.
- the disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

### **Disciplinary action**

17 If the sub-committee decides that there should be disciplinary action, it may be any of the following:

#### **Oral warning**

An oral warning is issued for most first instances of minor misconduct. The Council will notify the employee:

- of the reason for the warning, the improvement required (if appropriate) and the time period for improvement.
- that further misconduct/failure to improve will result in more serious disciplinary action.
- of the right to appeal.
- that a note confirming the oral warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for six months.

#### **Written warning**

If there is a repetition of earlier misconduct which resulted in an oral warning, or for different and more serious misconduct, the employee will normally be given a written warning. A written warning will set out:

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement.
- that further misconduct/failure to improve will result in more serious disciplinary action.
- the employee's right of appeal.
- that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for 12 months.

#### **Final written warning**

If there is further misconduct during the period of a written warning or if the misconduct is sufficiently serious, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement.
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal.

- the employee’s right of appeal.
- that a note confirming the final written warning will be placed on the employee’s personnel file, that a copy will be provided to the employee and that the warning will remain in force for 18 months.

**Dismissal**

The Council may dismiss:

- for gross misconduct.
- if there is no improvement within the specified time period, in the conduct which has been the subject of a final written warning.
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

18 The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal.

19 If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee’s personnel file. Action imposed as a result of the disciplinary meeting will remain in force unless and until it is modified as a result of an appeal

**The appeal**

20 An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.

21 The grounds for appeal include;

- a failure by the Council to follow its disciplinary policy.
- the sub-committee’s decision was not supported by the evidence.
- the disciplinary action was too severe in the circumstances of the case.
- new evidence has come to light since the disciplinary meeting.

22 The Appeal will be heard by a panel of three members of the staff committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.

- 23 The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.
- 24 At the appeal meeting, the Chairman will:
- introduce the panel members to the employee.
  - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee.
  - explain the action that the appeal panel may take.
- 25 The employee (or companion) will be asked to explain the grounds for appeal.
- 26 The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal hearing.
- 27 The appeal panel may decide to uphold the decision of the staffing committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
- 28 If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
- 29 The appeal panel's decision is final.

## **EMERGENCY DEPENDENTS LEAVE POLICY**

### **Purpose and scope**

All employees with dependants can take reasonable unpaid time off to deal with unforeseen emergencies. This is unlikely to amount to more than a day or two a year.

This policy covers all instances where you may need to take unplanned absence to attend to urgent or serious situations affecting your dependants and where no alternative provision is available.

Emergency leave is designed to provide carers with the opportunity to make alternative arrangements for the care of dependants. The Emergency leave policy is not intended to be used to allow carers to look after dependants on an ongoing basis (although time off may be available under other policies).

### **Taking emergency leave**

Dependants include parents, husband, wife, partner, civil partner, children or individuals living as part of the family for whom you are the main carer or an individual who depends on you for care, e.g. an elderly neighbour.

Emergency leave is only intended to cover unplanned absence to attend to urgent or serious situations affecting your immediate family or dependants. It is impossible to provide a complete list of circumstances that are covered under the policy; however, the most common circumstances are as follows: -

- to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted
- to make arrangements for the provision of care for a dependant who is ill or injured,
- as a result of the death of a dependant,
- because of the unexpected disruption or termination of arrangements for the care of a dependant, or
- to deal with an incident which involves a child of the employee and which occurs unexpectedly when the child is at school.

As soon as is reasonably practicable in the circumstances, contact the Clerk by telephone to explain the circumstances, and if possible, an indication of the length of time-off you are likely to need in order to make alternative arrangements. If the Clerk unavailable you must contact the Chair of the Staffing Committee instead.

If you need to stay and care for a dependant on an ongoing basis you can agree with the Clerk to take annual leave; or where you have insufficient annual leave to take a period of unpaid leave. Alternatively, you may be able to take Parental Leave where the care is for your child.

## **FLEXIBLE WORKING POLICY**

### **What is flexible working**

Every staff member has a contract of employment that sets out the working hours. A request to work flexibly is a request from the employee to change either the number of working hours, when or where they are worked. Flexible working does not mean a member of staff can work the hours they wish from day-to-day, week-to-week.

Flexible working arrangements take account of employees' preferences, interests and non-work responsibilities whilst also meeting the needs of the council. Common examples of flexible working include part-time working; zero-hours / casual working; variable hours; flexitime; job-sharing; term-time working; compressed hours; career breaks; and sabbaticals.

Flexible working can result in benefits to councils, in that such arrangements can help make the most of today's diverse workforce and improve the council's ability to recruit and retain staff. It is good practice to make flexible working open to all staff.

This policy has been written to explain the process which we will use to respond to requests by staff to vary hours, pattern or place of work.

### **Scope**

You have a statutory right to request a change to your contractual terms and conditions of employment to work flexibly ~~provided you have been continuously employed with us for at least 26 weeks at the date the application is made,~~ regardless of whether you work full or part-time or have a temporary contract of employment. It does not apply to agency staff.

### **Policy**

Our policy is to comply with both the spirit and the letter of the law on the right to request flexible working. To this end its aim is to inform all staff of their right to request flexible working and to ensure those rights are understood and that staff feel confident any decisions regarding their requests will be handled objectively, fairly, free from discrimination, and that staff will not be treated detrimentally because they have asked for flexible working arrangements.

### **Making the request**

To apply for flexible working, please provide the following information in writing, and submit this to the Clerk. In the case of the Clerk, the request should be submitted to the Chair of the Staffing Committee:

- The date of the application,
- A statement that this is a statutory request,
- Details of how you would like to work flexibly and when you want to start,

- An explanation of how you think flexible working might affect the council and how this could be dealt with, e.g. if you're not at work on certain days, and,
- A statement saying if and when you've made a previous application.

You can ~~only~~ make ~~one~~ two statutory requests in any 12-month period. You are asked to let us know if you are making the request because you consider the change could be a reasonable adjustment to support a disability. In such a case some of the requirements of this policy would not apply (i.e. the minimum period of service; one request per annum).

### **Responding to your request**

Once we receive your written request, we will arrange a discussion with you as soon as possible, unless we agree immediately to your request. It may be that we need to ask you to supply further details before the meeting. If there is likely to be a delay in discussing your request, we will inform you. You may be accompanied at the meeting by a work colleague. Having the right to request a change to your working arrangements does not necessarily mean that your request will be accepted. Your request will be fully discussed at the meeting. We will carefully consider your request looking at the benefits of the requested changes on working conditions for you as an employee and the council and weighing these against any adverse impact of implementing the changes.

Having considered the changes, you are requesting and weighing up the advantages, possible costs and potential logistical implications of granting the request, we will write to you with the decision. The decision will be either:

- To accept the request and establish a start date, with or without a trial period and review date. Where the request is granted, we will set out what changes will be made to your terms and conditions of employment, or,
- To propose an alternative, which may require further discussion, or,
- To confirm a compromise agreed at the discussion, or,
- To reject the request, setting out the reasons, how these apply to the application and the appeal process.

Requests to work flexibly will be considered objectively, however we may not always be able to grant a request to work flexibly if it cannot be accommodated. If we turn down your request, it will be because of one, or a combination of the following reasons, and we will explain why.

- The burden of additional costs is unacceptable to the council
- Detrimental effect on the council's ability to deliver for the community
- Inability to re-organise 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 to the council

If you are only looking for an informal change for a short period to your working hours or conditions, for instance to pursue a short course of study, we may consider allowing you to revert back to your previous conditions after a specified period, e.g. three months, or after the occurrence of a specific event, such as the end of a course of study.

You must be aware that if your request is approved you do not have a statutory right to make a further request for a period of 12 months, although you may still ask without the statutory right.

### **Timeframe for dealing with requests**

We will do what we can to respond to your request as soon as possible although the law requires the consideration process to be complete within three months of first receiving a request, including any appeal. If the request cannot be dealt with within three months, we may ask to extend the consideration process, provided you agree to the extension.

### **Handling requests in a fair way**

We may receive more than one request to work flexibly closely together from different employees and it may or may not be possible to accept all requests. If we agree to a request for flexible working arrangements this does not mean that we can also agree to a similar change for another employee. Each case will be considered on its merits looking at the business case in the order they have been received. We may need to take others' contractual terms into account and we may ask you if there is any room for adjustment or compromise before coming to a decision.

### **Appealing the decision**

If we decline your request and you wish to appeal, you must do so, in writing, within 5 days of receiving the letter informing you of the outcome. We will then write to you to arrange a meeting to discuss your appeal. This meeting will be held as soon as reasonably possible and will normally be with a sub-committee of councillors. You may wish to be accompanied at that meeting by a work colleague.

There may be circumstances when the council is unable to meet within the required timeframes, in which case a meeting will be held as soon as is practically possible.

### **The effect on your contract of employment**

Any change in your hours or pattern of work will normally be a permanent change to your contractual terms and conditions. This means that you will not automatically be able to revert back to the previous working pattern (unless otherwise agreed). So, for example, if your new flexible working pattern involves working reduced hours, you will not automatically be able to revert to working full time hours.

Changes to your working pattern may affect other terms and conditions of employment. For example, reducing your hours of work will mean that your pay and leave will be pro-rated accordingly. Your pension may also be affected.

Any changes to your terms and conditions as a result of a change to your working pattern will be confirmed in your decision letter, however if you have further queries about how a proposed change to your pattern of work might affect your terms and conditions please speak to the Clerk of the Council in the first instance.

### **Data protection**

When managing a flexible working request, we will process personal data collected in accordance with the data protection policy. Data collected from the point at which we receive a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure. This is a non-contractual procedure which will be reviewed from time to time.



## **GENERAL ABSENCE POLICY**

To monitor general absence, Hellesdon Parish Council has adopted the Bradford Formula

The Bradford Formula supports the principal that repeat absences have a greater operational impact than long term sick.

To calculate an employee's Bradford score, the following is used:  $S^2 \times D = B$ , where:

S indicates the total number of separate absences for the worker

D indicates the total number of days of absence for the same individual

B indicates the Bradford Factor

The standard score triggers are:

0 points = no concern about your employee.

51 points = informal discussion with notes on suggested improvement.

201 points = written warning.

401 points = final written warning.

601 points = enough cause for dismissal after continued absenteeism and due warnings.

The Bradford Formula supports the principal that repeat absences have a greater operational impact than long term sick.

The score takes away subjectivity. However, for staff who have medical conditions, disabilities, mental health problems, or family members who have one or more of those, it is recognised that they are likely to need more time off than the average employee. The Bradford Formula will enable discussions to be had at an early stage to see if interventions or support needs to be put in place to assist the individual employee.

The Bradford Formula will be used over the timescale of one rolling year.

The Equality Act 2010 will be taken into account for all staff absences.

## GRIEVANCE POLICY

### Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. ([https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG\\_Guide\\_Feb\\_2019.pdf](https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf)). It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
3. This policy confirms:
  - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
  - the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date
  - any changes to specified time limits must be agreed by the employee and the Council

- an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final
- information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)
- recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition
- if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure
- if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith
- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the Council's and the employee's consent.
- Employees can use all stages of the grievance procedure If the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a councillor Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of Broadland Council who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (see paragraph 5).
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination.
- If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with his or her line

manager at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime.

#### **Informal grievance procedure**

4. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of the staffing committee or, if appropriate, another member of the staffing committee. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employee's and the councillor's consent.

#### **Formal grievance procedure**

5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the staffing committee.
6. The staffing committee will appoint a sub-committee of three members to investigate the grievance. The sub-committee will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

#### **Investigation**

7. The sub-committee will investigate the matter before the grievance meeting which may include interviewing others (e.g. employees, councillors or members of the public) .

#### **Notification**

8. Within 10 working days of the Council receiving the employee's grievance, the employee will be asked, in writing, to attend a grievance meeting. The sub-committee's notice will include the following:
  - the names of its Chairman and other members
  - a summary of the employee's grievance based on his/her written submission
  - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within 25 working days of when the Council received the grievance

- the employee’s right to be accompanied by a workplace colleague, a trade union representative or a trade union official
- a copy of the Council’s grievance policy
- confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee’s behalf and that the employee should provide the names of his/her witnesses at least five working days before the meeting
- confirmation that the employee will provide the Council with any supporting evidence at least five working days before the meeting.

### **The grievance meeting**

9. At the grievance meeting:

- the Chairman will introduce the members of the sub-committee to the employee
- the employee (or companion) will set out the grievance and present the evidence
- the Chairman will ask the employee what action does he/she wants the Council to take
- any member of the sub-committee and the employee (or the companion) may question any witness
- the employee (or companion) will have the opportunity to sum up the case
- the Chairman will provide the employee with the sub-committee’s decision, in writing, within five working days of the meeting. which will notify the employee of the action, if any, that the Council will take and of the employee’s right to appeal
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

### **The appeal**

10. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the staffing committee. An appeal must be received by the Council within five working days of the employee receiving the sub-committee’s decision and must specify the grounds of appeal.

11. Appeals may be raised on a number of grounds, e.g.:

- a failure by the Council to follow its grievance policy
- the decision was not supported by the evidence
- the action proposed by the sub-committee was inadequate/inappropriate
- new evidence has come to light since the grievance meeting.

12. The appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.
13. The employee will be notified, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.
14. At the appeal meeting, the Chairman will:
  - introduce the panel members to the employee
  - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee
  - explain the action that the appeal panel may take.
15. The employee (or companion) will be asked to explain the grounds of appeal.
16. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
17. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.

## **MATERNITY POLICY**

### **Purpose and scope**

This policy and procedure apply to all current employees, whether full or part-time, temporary or fixed-term.

The purpose of this policy and procedure is to provide clear information about our maternity provisions. This document sets out our policy on maternity leave, pay, and arrangements surrounding returning to work after maternity leave. It also sets out the procedures which we need to follow at various stages, before, during and after maternity leave.

This document provides basic guidance on the health and safety aspects of working whilst pregnant.

### **Procedure**

#### Telling your manager that you are pregnant

As soon as you know that you are pregnant, you are encouraged to let us know. This is in your own interests, and ensures that we can take any necessary steps to look after your health and safety and that of your baby.

As soon as you tell us that you are pregnant, we will conduct an assessment of any health and safety risks to you or your baby. Early notice also allows us to let you know what your rights will be to maternity leave and pay. However, you do have the right to wait until the 15th week before you expect the baby before telling us that you are pregnant. Either way, you are required to confirm in writing the fact that you are pregnant, attaching a copy of your MAT B1 and indicating when you expect to start your maternity leave. You should note that you have the right to change the start date of your maternity leave provided that you give at least 28 days written notice of the change.

#### Note on the MAT B1 certificate

The MAT B1 is a form signed by a doctor/midwife confirming your expected week of childbirth (EWC). Hospitals and GP surgeries have different policies regarding when the MAT B1 should be signed and by whom. The MAT B1 is not always issued automatically and you may have to ask your doctor/midwife for a copy.

### **Entitlements**

#### Ante-natal care

During your pregnancy, your doctor/midwife will make regular appointments with you for ante-natal checks, scans, tests etc. You are entitled to take reasonable time off work to attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid and you will not be expected to make up the time. You should however give us as much notice as possible of your appointments and, after the first one, should present the appointment card from the hospital or clinic.

### Maternity leave

You are entitled to take up to 52 weeks' maternity leave. This is made up of 26 weeks of ordinary maternity leave (OML) plus 26 weeks' additional maternity leave (AML). You also have the right to return to work after the end of your OML or AML. This right applies to all female employees regardless of length of service or the number of hours worked per week. You can choose when to start your maternity leave. This can be any date from the beginning of the 11th week before the week the baby is due. The law requires that an employee take a minimum of two weeks maternity leave immediately following the birth.

### Sick leave during your pregnancy or maternity leave

If you are off sick due to a pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), then your maternity leave period will begin straight away.

If you are off sick due to a non-pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), it will be treated as sick leave in the usual way.

Any pregnancy related sick leave taken before the start of the fourth week will be treated as sick leave in the usual way.

### Early births

If the birth of your baby occurs before the 11th week before the EWC or your planned date of leaving, your maternity leave will commence the day after your baby is born.

### **Maternity pay**

You are eligible to receive 39 weeks statutory maternity pay (SMP) if:

- You have at least 26 weeks' continuous service with the council by the end of the 15th week before the expected week of childbirth (EWC) ("the qualifying week"), and,
- You have average weekly earnings in the eight weeks up to and including the qualifying week of at least the lower earnings limit for Class 1 National Insurance contributions.

If you qualify for SMP, it will usually be paid for a period of up to 39 weeks. Rates are fixed by law and are subject to tax and National Insurance deductions. During the first 6 weeks of this 39-week period, SMP is paid at 90% of your average weekly earnings; thereafter you will receive the weekly lower statutory maternity rate or 90% of your weekly earnings, whichever is the lesser amount. Your average weekly earnings are calculated over the 8 weeks prior to the end of your qualifying week (15th week before the EWC) (see here for details of statutory rates - [www.gov.uk/maternity-pay-leave/pay](http://www.gov.uk/maternity-pay-leave/pay)).

If you do not qualify for SMP you may be eligible to receive Maternity Allowance. If you are not entitled to statutory maternity pay, we will issue you an SMP1 form to allow you to claim the Maternity Allowance.

### **Shared Parental Leave (SPL)**

You are entitled to curtail your maternity leave and pay and instead take SPL and pay with your partner/the father of the child, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. See the Shared Parental Leave Policy.



### **The effect of maternity leave on contractual benefits**

During your maternity leave you will be entitled to receive the contractual benefits that you would normally receive if you were at work with the exception of cash benefits (e.g. remuneration and allowances).

On return to work following OML and AML you are entitled to benefit from any general improvements to the rate of pay (or other terms and conditions) that you would have received had you been at work. This may also lead to a re-calculation of your SMP Entitlements.

#### Annual leave

Your contractual annual leave entitlement continues to accrue during your maternity leave. You can choose to take any leave accrued, as a block, either before you commence maternity leave, immediately upon your return to work or a combination of the two. You should be aware that if you take the annual leave before starting maternity leave and then leave employment mid-way through the maternity leave, the usual deductions will apply from your final salary or we may ask for an appropriate refund.

#### Pension scheme

Occupational pension contributions continue during OML and during any period of paid maternity absence.

### **Maintaining contact during maternity leave**

Some people choose to have little if any contact with work during their maternity leave while others want to maintain a high level of contact. Before you start your maternity leave, we will meet with you to discuss reasonable contact arrangements during your maternity leave. Below is a list of the sorts of information you may want to be kept informed about:

- Notes of important meetings or announcements affecting staff
- Details of internal vacancies which arise
- Details of significant developments to working practices
- Details of any training courses which are offered to the team

There may be occasions when we need to contact you even if you have indicated that you do not wish to be contacted. In these circumstances contact will only be made when there is significant information which might affect you. For example, where there are changes proposed to the job you are expected to return to.

### **Keep in Touch (KIT) Days**

You may work for up to 10 days during your maternity leave. KIT days can only be worked by mutual agreement; that is to say both you and the council must agree to the work / training taking place. When agreeing KIT days, we will agree the type of work to be carried out and the duration in advance. Particular care should be taken when agreeing a rate of pay because payment for KIT days is off-set against Statutory Maternity Pay and not in addition to it. Therefore, we should agree a rate for that week which must be equal to or in excess of the rate of SMP.

### **Returning to work**

We will assume that you will take your full maternity leave entitlement and intend to return to work doing the same job (see paragraph below regarding entitlement to return to the

same job after maternity leave), with the same hours, unless you notify us, in writing, or request otherwise. In other words, you do not have to notify us if you intend to return to work at the end of your AML.

If you want to return to work before the end of your maternity leave, you will need to notify us in writing giving at least eight weeks' notice of your intended return date. If you do not give at least eight weeks' notice, we may delay your return to work by up to a further eight weeks where there is good reason.

You have the right to resume working in the same job if returning to work from OML. If you return to work after a period of AML, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

If you decide not to return to work after your maternity leave, you will need to resign giving the appropriate notice as specified in your contract of employment.

#### Requesting a change to your pattern of work

You have the right to request that we consider changing your pattern of work (subject to eligibility criteria). See the Flexible Working Policy.

### **Your health and safety**

#### Risk assessment

Whilst most women are able to work normally during pregnancy there are some duties which are best avoided or minimised. We may be able to reorganise your work to avoid/minimise such duties or may arrange different work for you for health and safety reasons. Only in exceptional cases would other action be required e.g. suspension on medical grounds or other appropriate action.

Once you tell us of your pregnancy, we will hold a meeting with you to discuss health and safety issues. In consultation with you, we will complete a risk assessment, agreeing with you any measures to be taken. We will hold regular meetings with you throughout your pregnancy in order to review the initial assessment. If you have any concerns please raise these directly with the council.

#### **Data protection**

When managing your maternity leave and pay, we will process personal data collected in accordance with the data protection policy. Personal and or sensitive information is held securely and accessed by, and disclosed to, those who need to manage maternity leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual procedure which will be reviewed from time to time.

## **PATERNITY POLICY**

### **Purpose and scope**

The purpose of this policy and procedure is to provide clear information about our paternity provisions. This document sets out our policy on paternity leave and pay.

Immediately you discover your partner is pregnant, you should make the council aware so that you can be briefed on your entitlements. Ordinary paternity leave is also available to adoptive parents (either the adoptive father or the adoptive mother) where a child is matched or newly placed with them for adoption.

### **Eligibility**

To qualify for ordinary paternity leave and pay, you will need to have at least 26 weeks service by the end of the 15th week before the expected week of childbirth (EWC) or ending with the week in which you were notified of having been matched with the child. You must also have, or expect to have, responsibility for the upbringing of the child.

### **Ante-natal appointments**

An expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. The time off is capped at six and a half hours for each appointment.

“Partner” includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions, and intend to apply, for a Parental Order for the child born through that arrangement.

Employees who are adopting a child are entitled to take time off to attend adoption appointments. Please see the Adoption Policy for full details.

You should endeavour to give the council as much notice as possible of when you need the time off for the antenatal appointment. We may ask you for a declaration stating the date and time of the appointment and that you qualify for the unpaid time off through your relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

### **Ordinary Paternity Leave (OPL)**

An employee whose partner gives birth to a child, or who is the biological father or either adoptive parent of the child, is entitled to two weeks' ordinary paternity leave. OPL can commence from the date of the child's birth, or child's placement with the adopter, or within 56 days of the birth or date of placement. If the child is born early, OPL may be taken between the date of birth and up to the 56th day after the EWC.

Ordinary Paternity Leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. Only one period of leave is available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

If you choose to start your OPL on a fixed and predetermined date and the child is not born or placed for adoption by that date, you must change the date you want to start your leave and notify us in writing as soon as you reasonably can. If you take both OPL and shared parental leave you must take ordinary paternity leave first.

### **Notification of Ordinary Paternity Leave**

You must inform the council in writing of your intention to take OPL by the end of the qualifying week, unless this is not reasonably practicable. You must tell us:

- The week the baby is due,
- Whether you wish to take one or two weeks' leave, and,
- When you want your leave to start.

In the case of an adopted child, you must give notice of your intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date you intend to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

You can change your mind about the date on which you want the leave to start providing you tell your manager at least 28 days in advance (unless this is not reasonably practicable).

### **Ordinary Statutory Paternity Pay (OSPP)**

You will qualify for OSPP if your weekly earnings in the 8 weeks up to and including the Qualifying Week (QW) are not less than the lower earnings limit for the payment of National Insurance contributions. The QW is 15 weeks before the baby is due or the week during which you are notified of being matched with a child for adoption.

Paternity leave will be paid at the prevailing rate of SPP or 90% of average weekly earnings if this figure is less than OSPP.

### **Shared Parental Leave (SPL)**

The birth mother or primary adopter is entitled to curtail their maternity/adoption leave and pay and instead take SPL and pay in conjunction with the child's father (in the case of birth) or the spouse, civil partner or partner of the child's mother/adopter, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. See the Shared Parental Leave Policy.

### **Pay increases awarded during paternity leave**

We will ensure that whilst you are on PL you are not left out of a pay award which you would ordinarily have been entitled to. This means that if we make a pay award which takes effect during your PL, then when you return to work, you will return to the 'new' rate of pay that applies to the job you are returning to.

**Returning to work**

On resuming work after PL, you are entitled to return to the same job as you occupied before commencing paternity leave on the same terms and conditions of employment as if you had not been absent.

**Requesting a change to your pattern of work**

You have the right to request that the organisation considers changing your pattern of work (subject to eligibility criteria). See the Flexible Working Policy.

**Additional paternity leave**

Additional paternity leave is available to eligible employees who may take up to 26 weeks' unpaid additional paternity leave within the first year of their child's life provided that the mother has returned to work.

**Data protection**

When managing your paternity leave and pay, we will process personal data collected in accordance with the data protection policy. Personal and or sensitive information is held securely and accessed by, and disclosed to, staff who need to manage paternity leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual procedure which will be reviewed from time to time.

## Redundancy Policy

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### 1. Introduction

1.1 Hellesdon Parish Council aspires to be a fair and equitable employer committed to the principle of maintaining the highest possible level of job security for its employees.

However, it is recognised that there may be certain circumstances when staffing reductions are necessary. Examples of this could be:

- in times of severe budgetary constraints
- changing of business models and services
- restructuring of the council

1.2 In the event of a potential redundancy situation being identified, Hellesdon Parish Council will endeavour to address this by:

- reviewing external recruitment
- redeploying employees where possible
- considering requests for voluntary redundancy
- any other reasonably practicable measures in order to avoid a compulsory redundancy situation.

However, should compulsory redundancy become necessary Hellesdon Parish Council will strive to ensure a consistent and fair method of selection is applied.

1.3 The Redundancy Policy sets out how potential redundancy situations and, if necessary, compulsory redundancies will be managed within Hellesdon Parish Council.

1.4 The policy applies to all Council employees.

## **2. Exclusions to the Policy**

2.1 The Redundancy Policy will not apply in the following circumstances:

- Termination during, or at the end of a probationary period of service in accordance with the Probationary Performance Policy, whether or not the probationary period was extended beyond its originally specified duration.
- Resignation by an employee, or other termination, by mutual consent.
- To agency staff, contractors, volunteers or external consultants.
- Apprentices who do not secure permanent employment after their training.
- Employees on a fixed term contract with less than 2 years' service in the affected post.

## **3. Objectives**

3.1 The objectives of the Redundancy Policy are to:

- Ensure the Council complies with its legislative requirements in relation to redundancy situations;
- Provide clear advice when handling potential redundancy situations;
- Outline measures that may be available to seek to minimise or avoid compulsory redundancy;
- Set out a clear framework for the management of compulsory redundancy situations including the application of a Redundancy Selection Criteria;
- Ensure that where compulsory redundancy is necessary employees leave the Council feeling that they have been treated in a fair and equitable manner.

## **4. Potential Redundancy Situation**

4.1 A potential redundancy situation arises when:

- An employer has ceased, or intends to cease, to carry on the business in the place where an employee was so employed; or
- Where the requirements of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish; or
- Where the requirements of the business for employees to carry out work of a particular kind, in the place where they are so employed, have ceased or diminished or are expected to cease or diminish.
- Where the circumstances of the employer change.

4.2 As soon as it becomes evident that a potential redundancy situation could exist then the Service Manager, in conjunction with HR Business Partner will identify those likely to be affected, both directly and indirectly.

4.3 In some instances the employee(s) to be made redundant will comprise all those undertaking a particular job. In these circumstances, however, care must be taken to check whether a wider group of employees could potentially be affected as a consequence of them having similar or common contracts of employment. In this situation it may be appropriate to ring fence those employees highlighted and follow the process as detailed in Appendix A.

## 5. Alternatives to Compulsory Redundancy

5.1 In order to avoid or reduce the need for compulsory redundancy alternative measures will be considered. These will include the following:

- Natural wastage through normal staff turnover;
- Reviewing relevant external recruitment;
- Reducing overtime;
- Reducing the number of hours worked;
- Voluntary redundancy;
- Redeployment within the Council.
- Offer to apply for alternative roles in the Council

## 6. The Consultation Process

6.1 Consultation must be carried out “in good time” i.e. as soon as redundancies are proposed. Where 20 or more redundancies are proposed there is a statutory duty to consult with the Trade Unions. The Clerk with the support of the Staffing Committee will be responsible for issuing a Section 188 notice to the relevant Trade Unions and submitting a HR1 form to the Secretary of State.

6.2 When consulting staff, it is important to consult those who are sick, on maternity, paternity or adoption leave. Failure to consult an employee on maternity leave may lead to a successful sex discrimination claim at tribunal, with unlimited compensation.

6.3 Where the Council is proposing to make redundancies consultation must begin at the earliest opportunity and no less than follows:

Number of Employees	Period of Consultation
Over 100 employees at one establishment within a period of 90 days or less	A period of at least 45 days consultation will apply
between 20 and 99 employees at one establishment within a period of 90 days or less	A period of at least 30 days before the first of the dismissals takes effect.
fewer than 20 in one establishment	the Council will endeavour to observe a consultation period of at least 14 days. This will be taken on a case by case basis



6.4 Fixed term contracts that have reached their termination date or will terminate during the consultation time are excluded from the requirement to consult collectively.

6.5 An employee(s) and, where appropriate, his/her representative(s) will be provided with the following information as part of the genuine and meaningful consultation process:

- The reason(s) for the proposal(s);
- The number(s) and description of employees proposed to be dismissed as redundant
- The total number of employees of that description employed at the establishment in question;
- The timeline of the planned consultation period;
- The proposed structure;
- The proposed method of selecting the employees who may be dismissed;
- The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect; and
- The proposed method of calculating the amount of any redundancy payments – other than statutory payments – to be made to the employees who are dismissed.

Consultation will also include ways of:

- Avoiding or reducing the number of dismissals i.e. considering other options instead of dismissal; and
- Mitigating the consequences of dismissal, e.g. outplacement support

During the consultation process all employees have the option to have individual consultations with the Clerk and the Chair of the Staffing Committee to discuss their options or to put forward evidenced counter proposals to the planned restructure or redundancy.

## **7. Application of the Compulsory Redundancy Selection Criteria**

7.1 If, despite consideration of alternative measures, the need for compulsory redundancy is unavoidable, then the 'Redundancy Selection Criteria', attached at Appendix A to the Policy, will be used to determine which employee(s) will ultimately be declared redundant unless it is evident which, or all employees will be made redundant. It should be noted that the Council reserves the right to amend the redundancy selection criteria/weighting where circumstances suggest that this would be reasonable.

7.2 All employees involved in the redundancy selection process will be provided with a copy of the 'Redundancy Selection Criteria', together with an explanation as to how this will be applied, prior to the redundancy selection taking place.

## **8. Redeployment**

8.1 The Council will make every reasonable effort to find alternative work within the organisation for any employee who is selected for redundancy, should the employee be deemed as suitable for that work.

8.2 Where either an employee or management have identified a post as being potentially suitable alternative employment the employee will need to participate in a selection process in order to

establish whether or not the position is suitable for the employee taking into account his/her skills, knowledge, experience, level of seniority as well as the terms and conditions of the post.

8.3 Employees who are on Maternity, Paternity (or Adoption), leave are legally entitled to be offered any suitable alternative job before any other employee. Failure to do so will result in the dismissal being automatically unfair.

8.4 Where an alternative post offered is substantially the same with regards to:

- Existing Grade
- Work location;
- Duties of the post;
- Working hours

the post will be considered Suitable Alternative Employment (SAE).

If the employee accepts the offer of redeployment they will be entitled to a 28 day trial period. The purpose of the trial period is to enable both the Council and an employee to assess the suitability of the post.

8.5 Should the Council deem an employee to be unsuitable for the post, or the employee themselves has concerns about their new role during the 28 day trial period, appropriate action will be taken in consultation with the employee, which may include seeking further redeployment opportunities, but may also include an employee finishing work in line with notice previously issued.

The determination of what is suitable and, indeed, what constitutes an unreasonable refusal is not statutorily defined and hence each case will need to be determined on merit and in consultation with the Clerk and the Staffing Committee

Should an employee unreasonably refuse an offer of SAE, the employee will lose his/her right to any redundancy payment that may be due

## **9. Issuing Notice of Redundancy**

9.1 Notice of redundancy will not be issued until the consultation period has elapsed.

9.2 Statutory notice is

- at least one week's notice if employed between one month and 2 years
- one week's notice for each year if employed between 2 and 12 years
- 12 weeks' notice if employed for 12 years or more

The employer will check the contract of employment for each individual employee to ensure that those with more beneficial notice periods have these granted.

9.3 If you have been made aware through consultation that you are at risk of redundancy the employee and manager need to work together to ensure that all pro rata annual leave and credit/debit hours are taken wherever possible. In the event that an individual has exceeded their annual leave entitlement, action will be taken to recover the amount from pay.

## **10. Appeals against Redundancy**

10.1 Notice of redundancy will contain details of the right of appeal against Selection for Redundancy to the Staff Appeals Panel. Any appeal must be submitted in writing to the Clerk within 10 working days of receipt of the redundancy notification and provide all details of the reason for the appeal. For the full appeal process see Appendix B.

10.2 While an appeal is in progress, the contractual period of notice will continue to run from the original date of notification of redundancy.

## **11. Redundancy Payments**

11.1 All eligible employees who are made redundant either following a call for volunteers, or through a compulsory redundancy and have a minimum of two years continuous service with the Council are entitled to a redundancy payment. Redundancy payments are calculated dependent of the length of continuous service in the affected post. The maximum length of service counted for statutory redundancy pay is 20 years.

11.2 Employees will receive Statutory Redundancy Pay. This is:

- half a week's pay for each full year you were under 22
- one week's pay for each full year you were 22 or older, but under 41
- one and half week's pay for each full year you were 41 or older

Length of service is capped at 20 years.

Weekly pay is the average you earned per week over the 12 weeks before the day you got your redundancy notice.

11.3 If an employee holds more than one post they will only be made redundant from the affected post and will remain in any other posts. Redundancy pay will be calculated on the continuous start date of the post from which they are being made redundant and all other continuous start dates will remain.

11.4 Final redundancy payments will be made once the employee has completed their notice period and all final salary payments have been made. The redundancy payment will then be calculated and paid on the next available pay run.

11.5 Redundancy payments are expressly exempt from income tax. They will, however, be taken into account in determining whether or not the total compensation paid to an employee exceeds the £30,000 tax-free limit.

11.6 All employees are responsible for checking their redundancy calculations to ensure any errors are highlighted as soon as possible.

## **12. Assistance to Seek New Employment**

12.1 An employee with at least two years continuous service at the dismissal date has a statutory entitlement to reasonable time off with pay during his/her notice period to look for new employment or to make arrangements to undertake training for future employment. The

Employment Rights Act 1996 does not specify what is deemed to be a reasonable amount of time off, However, employers do not have to pay more than two fifths of a week's pay regardless of the length of time off allowed. For example, if an employee works five days a week and they take four days off in total during the whole notice period, Hellesdon Parish Council is only obliged to pay employees for two days.

Employees are required to provide reasonable notice of their interview, including proof of the interview date, time and location to the Clerk.

## **Redundancy Selection Criteria**

## **Appendix A**

### **1.0 Introduction**

1.1 It is essential that during a redundancy process the Council ensures that fair and transparent criteria for selection for redundancy are identified and applied consistently.

1.2 As a preliminary stage to selection, volunteers for redundancy may be invited to express an interest and be considered by management. However the Council is under no obligation to accept these volunteers. Care must be exercised when selecting from a list of volunteers to ensure that a balanced workforce remains in order to meet the demands of the service.

1.3 The handling of compulsory redundancies where selection is involved requires a systematic approach, if any dismissals are to be judged as fair. There is also an expectation amongst Trade Unions that in the event of compulsory redundancies being necessary, the Council will adopt reasonable selection criteria.

There may be occasions where different selection criteria is used and in this case employees will be made aware of this at the beginning of the consultation period.

### **2.0 Selection Procedure**

2.1 Wherever possible the Chair, Vice Chair and another member of the Staffing Committee (but who are not members of the Staff Appeals Committee), with knowledge of the staff in will then apply selection criteria in the scoring system:-

#### ***Work performance:***

- outstanding – consistently exceeds company standard 15
- exceeds objectives of the role 12
- meets all objectives of the role 9
- meets some objectives of the role 6
- fails to meet objectives of the role 3

#### ***Skills and competence:***

- fully competent, multi-skilled, supports others on regular basis 15
- fully competent in current role 12
- competent in most aspects of current role, requires some supervision 9
- some competence in role, requires regular supervision and guidance 6
- cannot function without close support or supervision 3

***Disciplinary record:***

- no record of disciplinary action 5
- record of informal disciplinary action 4
- verbal warning current 3
- written warning current 2
- final written warning current 1

***Attendance record:***

- no recorded absence 5
- some absence but below average for selection pool (or workplace) 4
- attendance in line with workplace (or selection pool) average 3
- absence level above average for selection pool (or workplace) 2
- high and unacceptable level of absence 1

## **Redundancy Appeals Procedure**

## **Appendix B**

### **1 Process to be followed prior to the Appeal**

1.1 The Appeal will be heard by the Staff Appeals Panel

1.2 The Clerk will write to the employee informing of them of the date and time of the appeal hearing which will usually be held within three weeks of receipt of the notification of appeal. However, if this will not be possible the employee will be notified of the likely timescale. Acknowledgement of receipt will be required from the employee and the employee must also provide any written evidence they intend to use in the hearing to the Clerk at least seven days in advance of the hearing.

1.4 Seven days prior to the Appeal, the Panel that made the redundancy decision will provide statement of case for the redundancy. This will need to include the following:

- The papers (often including committee reports) which provide information on the need for the redundancy
- The selection criteria used (where applicable)
- Details of all posts included in the pool for redundancy selection broken down by gender, age, start date, ethnic origin, disability and length of service in current post.
- Any measures taken to try and avoid compulsory redundancy
- Details of consultation arrangements
- The reasons provided by the employee appealing against redundancy.

1.5 Although the employee is likely to have seen the documentation contained within the statement a copy should be sent to the employee seven days before the hearing by the Clerk.

### **2 Process to be followed at the Appeal**

2.1 An employee has the right to be accompanied, at the Appeal, by a Trade Union representative, friend or work colleague.

2.2 At the Appeal it will be the responsibility of the Panel which made the redundancy decision to demonstrate to the Staff Appeals Panel that the

- redundancy selection criteria have been applied fairly. It will be for the employee or his/her Trade Union representative, friend or work colleague, to demonstrate to the Staff Appeals

Panel that the redundancy selection criteria have been applied inappropriately and/or the information considered had been incorrect resulting in the employee being selected wrongly for redundancy.

2.3 The Staff Appeals Panel, having considered submissions from both parties, can determine that the redundancy selection criteria had:

- Been applied correctly and dismiss the appeal
- Not been applied correctly and/or the information upon which it was based was incorrect but that the resultant amendments would have made no difference to the outcome of the redundancy selection and on these grounds dismiss the appeal;
- Not been applied correctly and/or the information upon which it was based was incorrect but it was unclear what impact this would have on the redundancy selection and so refer the matter back for reassessment;
- Been applied incorrectly and/or the information upon which it was based was incorrect with the result that the employee had been selected wrongly for redundancy and so uphold the appeal;
- Not been applied to the correct group of employees and so refer the matter back for re-assessment.

### **3. Process to be followed after the Appeal**

3.1 The decision of the Staff Appeals Panel will be final.

3.2 The Staff Appeals Panel will give the outcome to the appeal in writing as soon as reasonably practicable and normally within 14 working days.

3.3 Where the appeal is unsuccessful and a redundancy decision is confirmed, employment will terminate on the date specified in the original written notification of redundancy.

3.4 In the event that an appeal against redundancy selection is allowed this may mean that another employee will have to be selected for redundancy, provided that the alternatives to redundancy have been considered in respect of the selected employee and the employee has subsequently been afforded the right of appeal. In these circumstances the employee concerned should be advised as soon as is practicable and the opportunity to appeal afforded.

## SHARED PARENTAL LEAVE POLICY

### Purpose

The purpose of this policy and procedure is to provide employees, and those with management responsibility, with clear information about our shared parental leave (SPL) provisions. This document sets out

- our policy on SPL, shared parental pay (ShPP) and arrangements surrounding returning to work after SPL, and
- the procedures which we need to follow at various stages, before, during and after SPL.

SPL also applies where a child is placed for adoption. The arrangements in relation to adoption are very similar to those that apply in relation to the birth of a child. If you are considering taking SPL in relation to the adoption of a child you should contact the Clerk who will provide you with further information regarding eligibility and notice requirements.

### Scope

This policy and procedure applies to all current employees, whether full or part-time, temporary or fixed-term subject to the eligibility criteria outlined in this policy.

### Summary of SPL

SPL allows working parents to share periods of leave and/or pay entitlement following the birth or adoption of a child. Up to 50 weeks statutory maternity/adoption leave (SML/SAL) and up to 37 weeks statutory maternity/adoption pay (SMP/SAP) may be available to be shared. The leave can be shared so that it is taken at the same time as your partner or at different times.

How much leave or pay can be shared will depend upon how much maternity/adoption leave and maternity/adoption pay has been used by the child's mother/primary adopter. It is only the *untaken* balance that can be taken. If, for example, the child's mother/primary adopter is entitled to 52 weeks maternity/adoption leave and 39 weeks maternity/adoption pay and has taken 16 weeks leave and pay, the balance of 36 weeks leave and 23 weeks' pay can be shared.

In order for SPL to be taken the child's mother or main parent must meet the eligibility criteria and bring her/his entitlement to maternity/adoption leave and/or pay or maternity allowance (MA) to an end. However, if you are the child's birth mother you must take the compulsory 2 weeks maternity leave following birth.



If you are the child's father or mother's partner, you must also meet eligibility criteria to take SPL. If the mother/primary adopter is not going to take SPL but stay with maternity/adoption leave you may still have an entitlement to statutory paternity leave and pay.

### **Eligibility**

SPL can only be used by two people:

- The mother/main adopter, and,
- Either the father of the child, or, the spouse, civil partner or partner of the child's mother/adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

The eligibility criteria are outlined in the forms contained as appendices to this policy.

### **Evidence of entitlement**

The council may, within 14 days of the SPL entitlement notification being given, request:

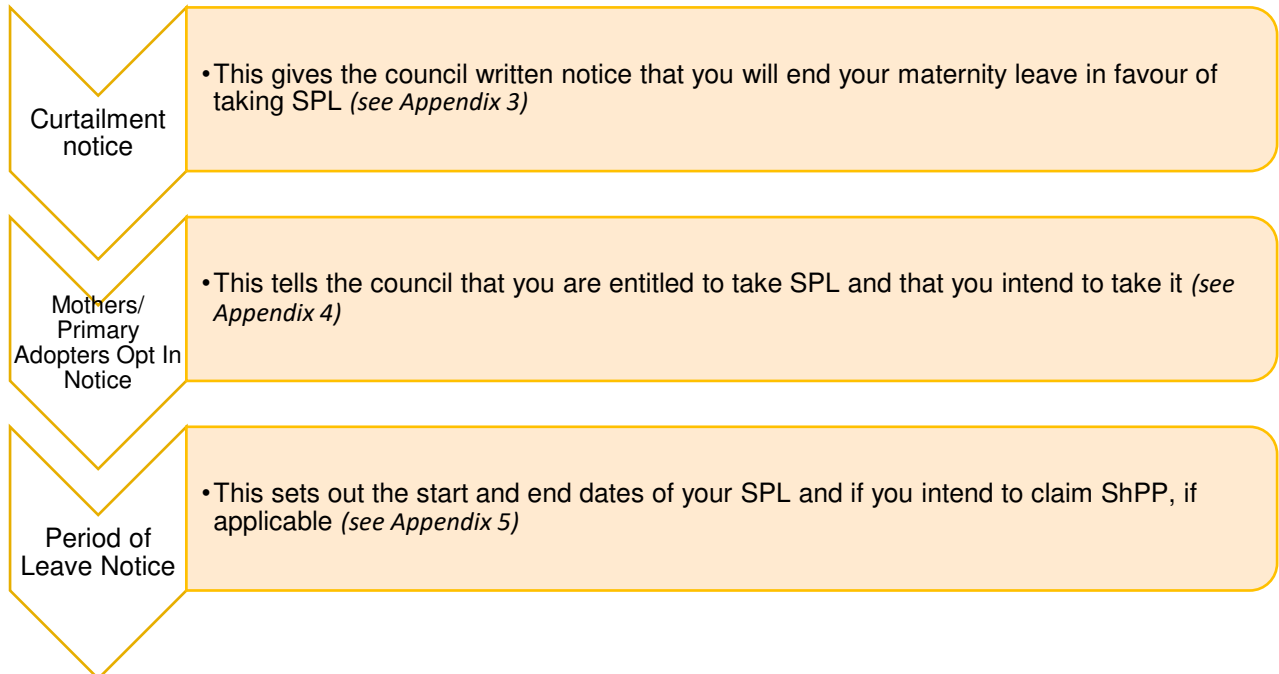
- the name and business address of your partner's employer (where your partner is no longer employed or is self-employed their contact details must be given instead),
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth), and,
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

To be entitled to SPL, you must produce this information within 14 days of the council's request.

## Forms which need to be completed

### Mothers opting to take SPL

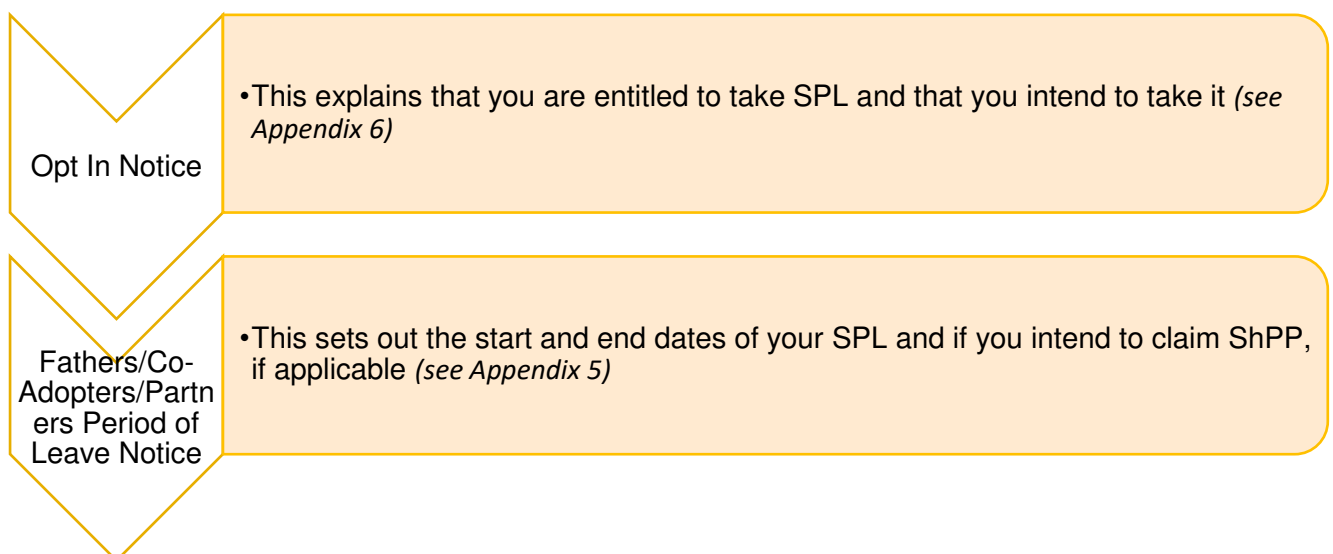
Any mother who wants to take SPL will need to give the council 3 notices/declarations:



**NOTE:** These notices can be given to the council at different times but we must receive them at least 8 weeks before you intend to take SPL.

### Fathers (or partners of mothers) opting to take SPL

You must give the council, no later than 8 weeks before you want the SPL to start



### **Booking Shared Parental Leave**

SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. If you return to work between periods of SPL, the next period of SPL can start on any day of the week.

SPL can be taken at any time until 12 months after the baby is born. It cannot start until 2 weeks after the birth.

You can choose to take SPL at the same time, or at different times, to your partner. You can also choose to take a continuous block of time or you can ask to take it as discontinuous periods.

#### Continuous leave notifications (known as 'notices')

A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, 6 weeks in a row).

You have the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to you and we have been given at least 8 weeks' notice. You may submit up to 3 separate notifications for continuous periods of leave.

#### Discontinuous leave notifications ('notices')

A single notification may also contain a request for 2 or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where you return to work (for example, an arrangement where an employee will take 6 weeks of SPL by working every other week for a period of 3 months).

Where there is concern over accommodating the notification, you or the council may request a meeting with a view to agreeing an arrangement that meets the needs of both parties (see 'Responding to a SPL notification').

The council will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, you can either withdraw your request within 15 days of giving it, or you can take the leave in a single continuous block.

You have the right to submit up to 3 notices specifying leave periods you are intending to take. Remember that if you want to change your mind over a period of SPL and submit a

variation notice, this will count as another of the 3 notices. If you withdraw a notice for discontinuous leave within 15 days of submitting it, it won't count as one of the 3 notices.

### **Maximum number of blocks of leave**

The total number of periods of leave which you will be able to take is 3.

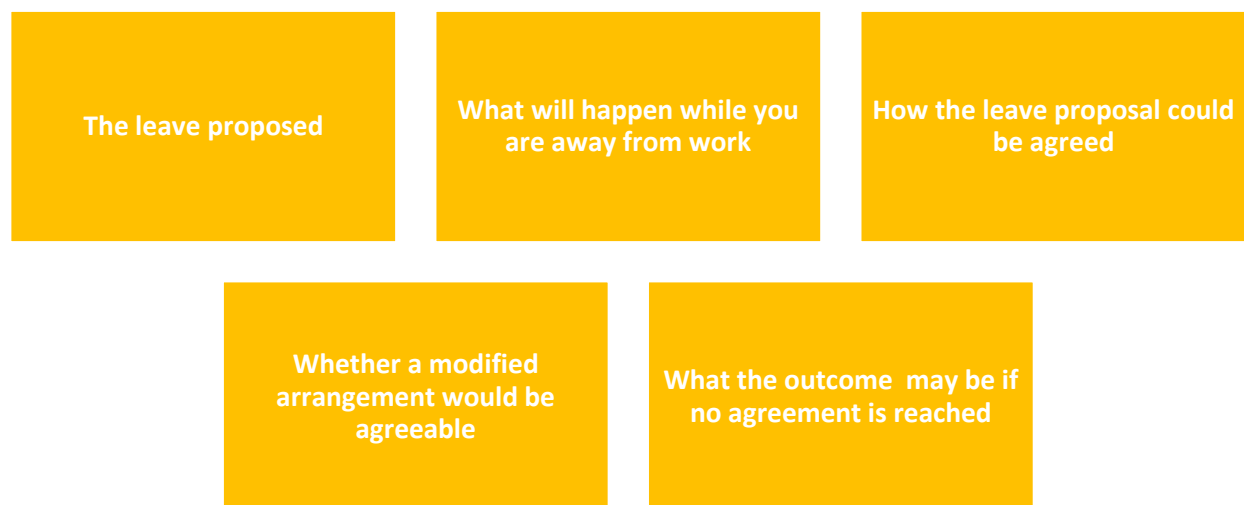
### **Responding to a SPL notification**

Once the council receive the leave booking notice, we will deal with it as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All eligible notices for continuous leave will be acknowledged in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the council against any adverse impact to the council.

If the council believe that it will be difficult to accommodate a request for discontinuous leave you will be invited to discuss this at a formal meeting. At the meeting you may, if you wish, be accompanied by a workplace colleague or a trade union representative. The purpose of the meeting is to discuss:



Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

You will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, we may propose a modified version of the request.

### **Variations to arranged SPL**

You have the right to vary or cancel an agreed and booked period of SPL, provided that you advise the council in writing at least 8 weeks before the date of any variation. Any new start date cannot be sooner than 8 weeks from the date of the variation request.

A change as a result of a child being born early, or as a result of the council requesting it be changed, and the employee being agreeable to the change, will not count as one of the 3 notifications. Any variation will be confirmed in writing by the council.

### **Shared Parental Pay (ShPP)**

Statutory ShPP of up to 39 weeks (less any weeks of statutory maternity pay claimed by you or the other parent) may be available provided you have at least 26 weeks' continuous employment with the council at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid at a rate set by the government each year. Go to [www.gov.uk](http://www.gov.uk) for latest rates applicable.

### **The effect of SPL on contractual benefits**

Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

#### Annual Leave

Annual leave entitlement will continue to accrue at the rate provided under your contract. If your SPL will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your leave can be carried over and must be taken immediately before returning to work unless your line manager agrees otherwise. Please discuss your holiday plans with the Clerk in good time before starting SPL. All holiday dates are subject to approval by the Clerk.

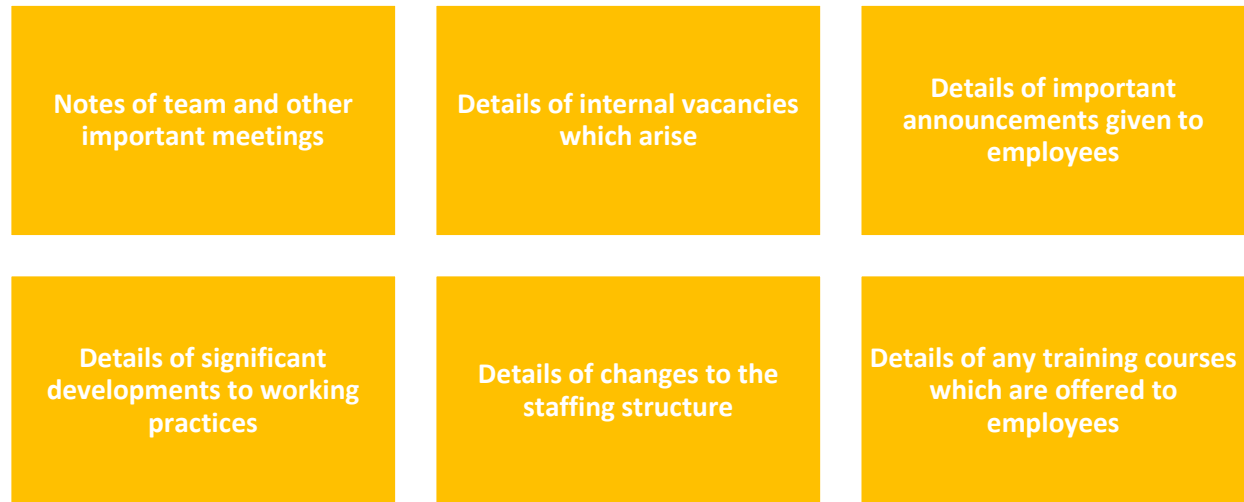
#### Pension Scheme

If you are a member of the pension scheme, we will continue to make the employer pension contributions during any period of paid SPL, based on your normal salary, in accordance with the pension scheme rules. Any employee contributions you make will be based on the actual amount of any ShPP you are receiving. You must inform the Clerk if you wish to make up any shortfall in employee contributions.

### **Maintaining contact during SPL**

Some people will choose to have little if any contact with work during their SPL while others want to maintain a high level of contact. Before you start your SPL, the council/clerk will meet

with you to discuss reasonable contact arrangements during your SPL. Below is a list of the sorts of information you may want to be kept informed about:



There may be occasions when the council need to contact you even if you have indicated that you do not wish to be contacted. In these circumstances contact will only be made when there is significant information which might affect you. For example, where there are changes proposed to the job you are expected to return to.

### **Shared Parental Leave in Touch (SPLIT) Days**

You may ask or be asked to work (including attending training) on up to 20 "keeping-in-touch" days during your SPL (SPLIT days). This is in addition to any KIT days that you may have taken during maternity leave. SPLIT days are not compulsory and must be discussed and agreed with your manager.

You will be paid at your normal basic rate of pay for time spent working on a SPLIT day and this will be inclusive of any ShPP entitlement. Alternatively, you may agree with the council to receive the equivalent paid time off in lieu.

### **Returning to work**

If you want to end a period of SPL early, you must give the council 8 weeks' prior notice of the return date. It is helpful if you give this notice in writing. If you have already used your three notifications to book and/or vary leave then the council do not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

If you want to extend your SPL you must submit a new Period of Leave Notice at least 8 weeks before the date you were due to return to work, assuming you still have SPL entitlement remaining and have not already submitted 3 periods of leave notices. If you are unable to

request more SPL you may be able to request annual leave or ordinary parental leave, which will be subject to operational need.

You will have been formally advised in writing by the council of the end date of any period of SPL. You are expected to return on the next working day after this date, unless you notify the council otherwise. If you are unable to attend work due to sickness or injury, the normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

On returning to work after SPL, you are entitled to return to the same job if your aggregated total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less. The same job is the one you occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if you had not been absent.

If your maternity/paternity/adoption leave and SPL amounts to over 26 weeks in aggregate, you are entitled to return to the same job you held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

### **Fraudulent claims**

Where there is a suspicion that fraudulent information may have been provided or where we have been informed by the HMRC that a fraudulent claim was made, the council will investigate the matter further in accordance with the council's disciplinary procedures.

### **Data protection**

When managing your shared parental leave and pay, the council processes personal data collected in accordance with our data protection policy. Data collected from the point at which you inform the council that you plan to take shared parental leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing your shared parental leave and pay.

*This is a non-contractual procedure which will be reviewed from time to time*

## **SICKNESS ABSENCE POLICY**

### **What to do if you are unwell**

If you are away from work because of sickness you must:

Telephone your manager before your contractual (or normal start time for work) on the first day of absence providing details and how long you expect to be off. If you are unable to call personally, someone else may call for you. It is your responsibility to ensure the Council is notified. You must then telephone again each day (unless otherwise agreed with the Clerk). If you are away for seven days or less (including weekends and other non-working days), you must complete a self-certification form and provide it to the council when you are back at work.

If you are away for more than seven days (including weekends and other non-working days), you must send in a 'fit to work' statement from your doctor and continue to do so as each new certificate is issued to you. This certificate gives details as to whether you are too ill to work or whether you are well enough to work with suitable support from the Council. This gives you and the Council the opportunity to discuss suitable arrangements which will support your return to work. The form also gives more space for the doctor to provide information about your condition and helpful tick boxes to suggest common ways to help you return to work.

All sickness or injury absence will be entered on your employment record and will be monitored via the Bradford Factor (See General Absence Policy).

### **Return-to-work meetings**

On the first day back at work after a period of sickness absence your manager may want to meet informally. If this is not possible on your first day back, the meeting may take place later. The return-to-work meeting should take place in a private place, and all discussions should be private and confidential. The meeting would normally include

- a welcome back to work;
- outline the purpose of the return-to-work meeting; which is to manage and monitor absence and attendance to identify any problem areas and offer support where appropriate;
- a discussion about the reasons for absence, in a supportive way and to understand whether the council can take any steps to help the employee's attendance;
- explain that the absence will be recorded;
- establish if medical advice has been sought (if appropriate);
- ensure the self-certification form has been completed or a fit note from the doctor has been provided;
- a discussion on absence over the last 52 weeks, the impact on pay and any next steps; and



- a handover of work where appropriate.

### **Medical appointments**

The council recognises that employees will, from time to time, need to attend medical appointments. Please try to arrange medical appointments in your own time or, if this is not possible, at times that will cause the minimum amount of absence from work or inconvenience to the council. The council will allow reasonable time off work for such appointments.

### **Statutory Sick Pay**

If you are ill and unable to attend work, you may be entitled to Statutory Sick Pay (SSP). SSP is currently paid after 4 Qualifying Days absence from work. The Qualifying Days are your normal working days that are in your contract. Tax and National Insurance will be deducted from SSP and if you earn below the lower earnings limit, you will not qualify for SSP.

### **Council's Sick Pay (Occupational Sick Pay)**

This is detailed in your contract of employment

### **Medical advice**

The Council may want to obtain advice on your fitness for work from occupational health advisers or medical practitioners. Examples of when the Council might refer to occupational health or a medical practitioner include the following:

- to seek a medical report on your illness or injury;
- to establish when you might be able to return to work;
- to understand when you are likely to be fully fit to resume your normal duties;
- to understand what alternative duties you might be fit to undertake if you are unfit to resume your normal duties;
- to understand when you are likely to be fit to undertake any alternative duties;
- to ask for guidance on your condition, for example if there is a possibility that you are disabled or ambiguity as to the exact nature of the condition;
- to ask what reasonable adjustments could be made to working conditions or premises to facilitate a return to work;
- to understand the likely recurrence of the illness or injury once you have returned to work; and
- to discuss any adjustments that could be made to accommodate your disability, if you are disabled.

The Council will pay the cost of the report and you will have the right to see it. The Council will also be provided with a copy of the report and once we have seen it, we will want to meet you to discuss the findings and consider options available to you.

If you choose not to consent to an Occupational Health referral, any decisions in relation to your employment may be made without the benefit of access to medical reports.

### **Persistent short-term absence**

Persistent short-term absence is where an employee is frequently absent from work for relatively short periods due to sickness. We understand most employees will have some

short-term sickness absence from time to time. However, if you are frequently and persistently absent from work, this can damage efficiency and productivity, and place an additional burden of work on your colleagues and councillors.

Therefore, it is essential that frequent absence is dealt with promptly and consistently and in some circumstances, the Council may begin a capability or disciplinary procedure as part of the absence management process. If we do so, we will meet with you to set attendance targets. Following a review meeting we may issue a formal warning if those targets are not met. You will be given written notice in advance of any formal meeting and you can be accompanied by a work colleague or trade union representative. You may appeal against a formal warning. If your absence remains unacceptable after a second formal warning, the council may bring your employment to an end following consultation with you.

If frequent absence is due to an underlying long-term health condition then we will also request, with consent, a medical report either from an Occupational Health Physician or your G.P. or consultant to establish further information about your health and how the council can support your attendance.

When considering the reasons for absence, and deciding on whether a formal meeting is appropriate, the council will not consider any pregnancy related absence. The council will also make adjustments where absences are related to a disability by allowing a higher level of absence before considering whether disciplinary action is appropriate.

The council will consider any alternative employment options before making any decision about ending employment. You will have the right to be accompanied by a work colleague or trade union representative at formal meetings and a right of appeal against a formal warning or dismissal sanction. The monitoring of absence operates on a rolling 52-week period.

Where it appears that there is no acceptable reason for an absence or if you have not followed the correct absence notification procedure, the matter should be treated as a conduct issue and dealt with under the disciplinary procedure.

### **Long-term absence**

As a guide, long term absence is any absence which lasts or is expected to last over 4 weeks. In all cases of long-term absence, it is essential for the Council to maintain contact with you. In cases where the return date is less certain this will take the form of consultation and will include:

- Discussions at the start of the absence and periodically throughout
- Obtaining better information on your health and likely prognosis, ideally through an Occupational Health Physician
- Where appropriate alerting you to the fact that your absence is becoming a problem, and
- Allowing you the opportunity to state your opinion of your condition and giving consideration to that opinion

Where ill-health means that you are unlikely to return to work for a long period of time, the council may need to consider bringing your employment to an end. In these circumstances, the council will:

- Review your absence record to assess whether or not it is sufficient to justify dismissal
- Consult with you
- Obtain up-to-date medical advice
- Advise you in writing as soon as it is established that termination of employment has become a possibility
- Meet with you to discuss the options and consider your views on continuing employment before any decisions are made, allowing you to be accompanied by a work colleague or trade union representative
- Review if there are any alternative jobs that you could do prior to taking any decision on whether or not to dismiss
- Allow a right of appeal against any decision to dismiss you on grounds of long-term ill health
- Following this meeting, inform you of the final decision

### **Absence as a result of disability**

Where you experience sickness absence as a result of a disability it will be treated in line with the provisions contained within the Equality Act 2010 (formerly as part of the Disability Discrimination Act 1995). This will include considering whether any reasonable adjustments can be made.

### **Data protection**

The Council will treat personal data collected during the absence management process in accordance with its data protection policy on processing special categories of personal data. Information about how your data is used and the basis for processing your data will be provided in our employee privacy notice. When relying on legitimate interests as the legal ground for processing your data, you can object to the processing.

This is a non-contractual procedure which will be reviewed from time to time.

## UNPAID PARENTAL LEAVE POLICY

### Overview

Eligible employees can take unpaid parental leave to look after their child's welfare, for example to:

- spend more time with their children
- look at new schools
- settle children into new childcare arrangements
- spend more time with family, such as visiting grandparents

Your employment rights (like the right to pay, holidays and returning to a job) are protected during parental leave.

### Eligibility

Employees qualify if all of these apply:

- they've been in the company for more than a year
- they're named on the child's birth or adoption certificate or they have or expect to have parental responsibility
- they're not self-employed or a 'worker', eg an agency worker or contractor
- they're not a foster parent (unless they've secured parental responsibility through the courts)
- the child is under 18

We retain the right to ask for proof (like a birth certificate) as long as it's reasonable to do so, eg: we can't ask for proof each time an employee requests leave.

### Entitlement

Parental leave is unpaid. If you are eligible, you're entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday.

The limit on how much parental leave each parent can take in a year is 4 weeks for each child.

You must take parental leave as whole weeks (eg 1 week or 2 weeks) rather than individual days, unless your child is disabled. You don't have to take all the leave at once.

A 'week' equals the length of time an employee normally works over 7 days.

Example

If an employee works 3 days a week, one 'week' of parental leave equals 3 days. If an employee works irregular weeks the number of days in a 'week' is the total number of days they work a year divided by 52.

**Notice Period**

You must give 21 days' notice before your intended start date, in writing. You must confirm the start and end dates in your notice.

## HELLESDON PARISH COUNCIL - WHISTLEBLOWING POLICY

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## **Policy**

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the council is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the council. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

## **Background**

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. You have no responsibility for investigating the matter - it is the council's responsibility to ensure that an investigation takes place.

If you make a protected disclosure you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

## **Principles**

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the council should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.

Whistle Blowing Policy  
Adopted March 2022  
Next Review Due 2023/2024 M4

- No employee or other person working on behalf of the council will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the Clerk or the Chair of the Council.

## **Procedure**

Concerns relating to an alleged breach of the councillor Code of Conduct should be referred to the Monitoring Officer for investigation.

This procedure is for disclosures about matters other than a breach of your own contract of employment, which should be raised via the Grievance Procedure.

### Stage 1

In the first instance, any concerns should be raised with the Clerk, who will arrange an investigation of the matter. The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained.

The Clerk (or delegated officer) will take any necessary action, including reporting the matter to the Council, or any appropriate government department or regulatory agency. The Clerk (or delegated officer) will also invoke any disciplinary action if required. On conclusion of any investigation, insofar as confidentiality allows, you will be told the outcome and what the council has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

### Stage 2

If you are concerned that the Clerk is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant



person, you should escalate the matter to the Chair of the Council. The Chair will arrange for a review of the investigation to be carried out, make any necessary enquiries.

### Stage 3

If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf)

### **Data protection**

When an individual makes a disclosure, we will process any personal data collected in accordance with the data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

— policy ends here —

The wording of this policy is based on an employee's statutory right to make a disclosure in the public interest. Adopting and applying this policy as it stands will support the council to comply with this right.

An employee making a genuine disclosure under this policy is protected from victimisation and any unfavourable treatment. If a member of staff believes they have been treated differently because they have made a disclosure, they may be able to make a claim to an Employment Tribunal irrespective of whether they are a casual, fixed term worker, or an established member of staff.

Whistle Blowing Policy  
Adopted March 2022  
Next Review Due 2023/2024 M4