

Filey Town Council

**Council Offices, 52A Queen Street,
Filey, North Yorkshire, YO14 9HE**

Telephone: 01723 514498

Email: mail@fileytowncouncil.co.uk

Website: www.fileytowncouncil.co.uk



Staff and Council Office Handbook

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Document History

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David Liddle

Town Clerk & Responsible Financial Officer

1. Introduction

The information, policies and procedures have been compiled primarily for staff. However, councillors and members of the public might also wish to access the document.

This document can also be treated as a supplementary by staff to the written statement of employment.

This document is for use by all staff and the Council and its Committees in making decisions with respect to personnel matters.

If you require clarification about any of its contents, please discuss the matter with the Town Clerk or the Chairman of the Staffing Committee.

The information contained in this Staff Handbook applies to all salaried employees of Filey Town Council, whose conditions of service are determined by the National Joint Council for Local Government Services and as locally agreed by the Staffing Committee of the Town Council.

The Town Council recognises that the information may need further revision from time to time to take account of changing conditions and circumstances.

The Council seeks to act as a responsible employer, using as far as is possible for a Local Council, all reasonable and contemporary personnel practices and compliance in all respects with employment law and other legislation.

The Council will have reference to national local authority and public-sector organisations in determining normative practice. Terms and conditions will be kept under review and National Agreements honoured.

The Council's Employment policy is geared to encourage and reward dedicated staff who take a professional attitude to work. The council seeks to offer a stable and constructive working environment for staff who are prepared to work in partnership to meet the Council's aim of giving high quality service to the community.

This handbook provides details of the Council's staffing policies and procedures and how they will be implemented.

All day to day staff management decisions on personnel matters are delegated to the Clerk. Day to day matters relating to the Clerk will be dealt with by the Chairman of the Staffing Committee or the Chairman of Council on the Council's behalf.

Procedures in law also exist for the review of problem cases for all staff by the Council and its committees. These procedures are detailed within.

2. Council Staff Structure

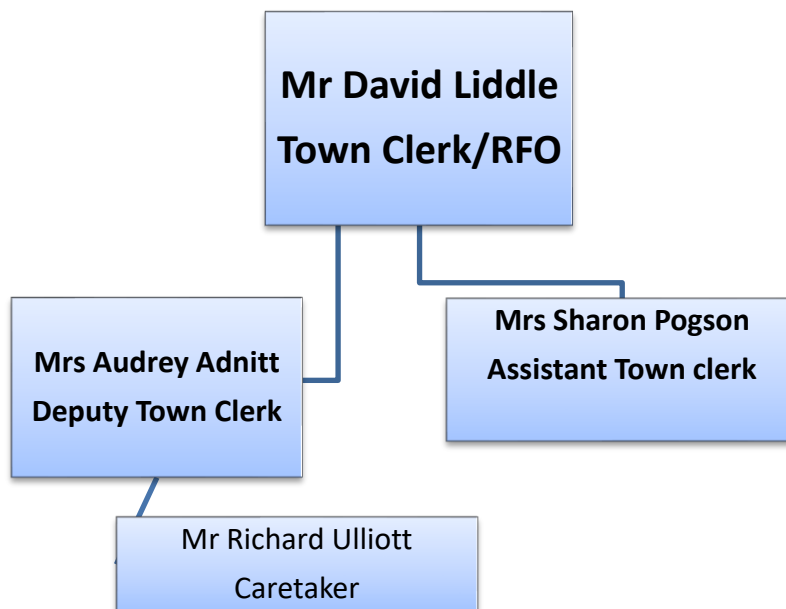
The Council currently employees four salaried members of staff, which are as follows:

- Town Clerk
- Deputy Town Clerk
- Assistant Town Clerk
- Caretaker

In addition to salaried staff the Council appoints an Archivist to the Crimlisk Fisher Archive. This is a voluntary position, and not included in the structure. Certain policies in the pack will have an impact on the Archivist, such as the Equal Opportunity policy, others will not.

The Council has several contracts in place. Whilst in broad terms the policies in this pack might be applicable (e.g. Equal Opportunities, Data Protection, etc) the Council looks to regulate the relationship with contractors through contracts.

As the Council is the size of a small business it has a comparatively straight forward staff structure.



The Town Clerk & Responsible Financial Officer (RFO) is the senior officer at the Council and fulfils the statutory roles of the Proper Officer and the Section 151 Officer.

3. Equal Opportunities Policy

What do we value?

- We value people from all backgrounds and believe they have a right to be free from prejudice and discrimination.
- We believe that while people are all different, they have an equal right to benefit from opportunities.
- We recognise that discrimination can be overt or covert – open or hidden.
- We endeavour not to discriminate on the grounds of: ability; age; colour; ethnic or national origin; gender; gender reassignment; intellect; marital status; nationality; race; religion or belief; sexual orientation; social or economic status (this is not an exhaustive list)
- Equality of opportunities is an integral part of what we do, not an after-thought.

How will we do this?

People (members, staff, volunteers, and users)

- We challenge discriminatory comments, and support colleagues in challenging discriminatory comments.
- We recognise that people on the receiving end of such behaviour may need support.
- We welcome discussion with people with special requirements to identify how their needs might be met.
- We make sure anyone providing information about discrimination is not victimised.

Resources

- We ensure that any resources are balanced and reflect the diverse nature of the community.
- We endeavour to ensure that any resources are as accessible as possible to all abilities/cultures/languages of the community.

Meetings

- We endeavour to hold these at a time and place suitable to the majority, if not to all.

Food

- We respect people's dietary needs, whether these are cultural, medical or moral.

Employment and volunteering

- We have a commitment to equal opportunities as part of any job description.
- We advertise as widely as possible, in accordance with needs and resources.
- We focus on ability, not disability.
- We treat all applicants fairly.
- We regularly review our procedures and application forms for staff and volunteers.
- Volunteers are as respected and supported as members of staff.
- We have an induction procedure for staff and volunteers

Training

- Staff and volunteers are encouraged to attend training relevant to their work.
- We encourage staff and volunteers to look at their personal/career development.

Access

- We seek advice on making information and premises accessible, where it is feasible to do so.
- We seek advice on recruitment and employment issues as necessary under.
- The make-up of volunteers, staff, users, and participants endeavours to be inclusive of the whole community wherever possible.

The Law

The policy will be implemented within the framework of the relevant legislation, as updated, which includes:

- Equal Pay Act 1970
- Rehabilitation of Offenders Act 1974
- Sex Discrimination Act 1975
- Gender Reassignment Regulations 1999
- Race Relations (Amendment) Act 2000 (repealed 2010)
- Disability Discrimination Act 1995 (repealed 2010)
- The Protection from Harassment Act 1997
- Equality Act 2010
- Marriage (Same Sex Couples) Act 2013

Policy

The Council has committed itself to a policy of equality of opportunity in employment and to avoiding unlawful discrimination in employment and against customers.

Although the overall responsibility for achieving, promoting, and providing equality of opportunity rests with the employer (the Council) employees at every level have a responsibility to own and promote the Policy. The active co-operation of Elected Members, and all employees is, therefore, essential for the success of the Council's Equalities Policy.

This document, therefore, outlines the Council's Equalities Policy, the Council's obligations under existing legislation and its intention to abide by and comply, not only with the requirements, but also the spirit of the legislation.

Equal opportunities and diversity in employment policy statement

The Council positively supports the principle of equal opportunities in the provision of services and employment. It opposes all forms of unlawful or unfair discrimination. Equality of opportunity means that service users, job seekers, contractors, suppliers, and employees will be treated equally and fairly, regardless of their protected characteristic.

The Council welcomes and values the diversity of its workforce, the people, and the communities in the area, and of the people who use our services. The Council is seeking to ensure that through its

policies, service delivery, employment, contracting and funding practices, we achieve the highest possible equality standards. The Council's Equalities Policy has been developed in accordance with Equality Act 2010.

Our commitment to diversity

The Council, in the delivery of its services and in its employment of staff, will be proactive in eliminating discrimination as a result of a protected characteristic.

The Council will take all reasonable action to ensure disabled persons to have access to our services and to job opportunities that arise within the Council.

The Council will respect the right of people to have a private and family life and to maximise their potential in all aspects of their lives.

The Council will promote dignity and respect at work.

The Council will promote and work towards creating a fairer community without discrimination and prejudice.

The Council will promote Equality of Opportunity.

The legislation

The Equality Act 2010 is effective from 1 October 2010. The Act makes it unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion, or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics. Subject to limited exceptions in some circumstances for religion or belief and sexual orientation, it is unlawful to discriminate directly or indirectly, harass or victimise a member of the public based on any of the protected characteristics in the provision of services or goods.

It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation, or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Liabilities

All employees must be aware of their legal obligations under existing legislation and that unlawful acts of discrimination could render the Council and employees liable to legal proceedings. However, it should be emphasised that employees may be held solely liable in civil proceedings for unlawful acts of discrimination if the Council can establish that it has taken such steps as are reasonably

practicable to prevent acts of discrimination. This may also be the case if the act is neither authorised nor a means of doing an authorised act.

Definition of terms

Protected Characteristics

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

This policy document refers to five categories of discrimination which are defined as follows:

Direct Discrimination a person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

Associative Discrimination a person (A) discriminates against another (B) if, because of A's association with another person who possesses a protected characteristic, A treats B less favourably than A treats or would treat others.

Perceptive Discrimination a person (A) discriminates against another (B) if, because A perceives that B possesses a protected characteristic, A treats B less favourably than A treats or would treat others.

Dual Discrimination a person (A) discriminates against another (B) if, because of a combination of two relevant protected characteristics, A treats B less favourably than A treats or would treat a person who does not share either of those characteristics.

Indirect Discrimination arises where A applies a provision, criterion, or practice (PCP) to B or to persons with whom B does not share the relevant protected characteristic. The PCP puts or would put persons with whom B shares the protected characteristic at a particular disadvantage when compared with persons with whom B does not share the characteristic. When the PCP puts or would put B at that disadvantage and the PCP is not a proportionate means to achieving a legitimate aim.

In addition to these five areas of discrimination there is also:

Harassment a person (A) harasses another (B) if A engages in unwanted conduct related to the protected characteristic which has the purpose or effect of violating B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B. There is no requirement

that the complainant possesses the protected characteristic themselves and so this covers association and perception. Harassment also includes the unwanted conduct of third parties.

Victimisation is unfair treatment where a person victimises another person (B) if A subjects B to a detriment because either B does a protected act or A believes that B has done or intends to do a protected act. A protected act is doing anything for the purpose of or in connection with the Equality Act and specifically includes bringing proceedings, giving evidence or information in connection with proceedings, or making an allegation that another person has contravened the Act.

Programme of Action

The following sections outline the steps which the Council will take to develop and implement good employment and human resource practices in pursuit of its Equalities Policy.

Recruitment, Selection and Progression

All job advertisements will include the following statement:

'We are working towards being an Equal Opportunities Employer.'

The Council will take steps to ensure that:

- all sections of the community and the Council's workforce are fully informed of job opportunities within the Council and are encouraged to apply the criteria for selection and progression are determined solely on the basis of the requirements of the job.
- people are selected and appointed solely on the basis of their relevant, assessable experience and abilities.
- all members of selection and interviewing panels will be trained in and expected to demonstrate an understanding of the Council's Equalities Policy.
- all job descriptions and person specifications will make reference to the Equalities policies.
- that a specific question to test the understanding of equalities is asked at interview or during the selection process.
- it is compulsory for all new employees to attend an equalities workshop as part of the induction process.

Training and Development

The Council will:

- provide the training required to implement this Equalities Policy.
- ensure that all employees will have equal and direct access to training and development opportunities regardless of their protected characteristic.
- evaluate all training provision, both internal and external, to ensure that it complies with this Equalities Policy.

The Council will develop and promote measures to increase the number of people with disabilities at all levels within its workforce. The Council will develop a programme of measures to provide greater opportunities for people who need or wish to combine employment with other responsibilities.

Retention and Retraining

The Council will endeavour to retain and retrain as necessary, employees who become disabled or whose disability deteriorates. These employees will be counselled to ensure that alternative job or retraining opportunities offered are in accordance with their wishes and the necessary procedures will be developed.

Retirement or dismissal on the grounds of ill health will only be considered in the last resort.

Terms and Conditions of Employment

Observance of the Council's Equalities Policy is a condition of employment. The Council will review existing locally determined terms and conditions of service to ensure that they do not discriminate and will amend and develop where necessary to bring them into line with its Equalities Policy.

The Council will take whatever action is open to it, in the consultative and negotiating process, to ensure that nationally determined terms and conditions of service do not discriminate and are in line with its own Equal Opportunities Policy.

Dismissal and Redundancies

The Council will ensure that dismissal and redundancy decisions are not made on the basis of a protected characteristics.

Dignity at Work

The Council is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect. Some harassment is unlawful discrimination and serious harassment may be a criminal offence. A single incident can be harassment if it is sufficiently serious. All complaints relating to harassment will be investigated promptly.

Council will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.

Employees have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that it's known to be untrue may lead to disciplinary action being taken against the complainant.

Discipline

Acts of discrimination, victimisation and harassment as defined in this document, perpetrated by an employee of the Council against other employees, clients or members of the public will result in disciplinary action. This will also apply to employees who attempt to induce other employees to discriminate, victimise or harass. Failure to comply with or adhere to the Council's Equalities Policy will be treated as a disciplinary offence.

Grievances

The Council will treat seriously and take prompt action on any employee grievance concerning discrimination, victimisation, or harassment. The Council will encourage the development of appropriate support systems and procedures for employees who wish to pursue such grievances – see separate Disciplinary and Grievance Policy.

In addition to the grounds covered by the existing grievance procedure, an employee who considers that she/he has been subjected to discrimination, victimisation or harassment by another employee will have recourse to the grievance procedure.

The Working Environment

The Health and Safety at Work Act 1974, Section 2 (2), imposes on an employer the duty of the provision and maintenance of a working environment for employees that is, so far as is reasonably practicable, safe, without risk to health and adequate as regards facilities and arrangements for their welfare at work.

The Council will take steps to ensure that:

- it will provide a safe and accessible working environment for existing and potential employees;
- it will provide equipment and facilities, including adaptations to the workplace, to enable people with disabilities to develop their full potential, and;
- action will be taken to protect employees who are at risk of violence while carrying out their duties.

Consultation

The Council will consult with all recognised Trade Unions representing its workforce to secure their support and cooperation in the promotion and implementation of its Equalities Policy. The Council will seek to consult with all sections of the community in the furtherance of its Equalities Policy.

Implementation

The Council will ensure that its Equalities Policy is implemented at all levels and locations within the Council.

Overall responsibility for implementation of the policy resides with the Council (the employer) the responsibility for day-to-day operation of the policy rests with the Clerk.

Line Managers must ensure that all employees in their department are aware of the policy and understand their role in its implementation.

Every employee is required to assist The Council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the Council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Company's disciplinary procedure. Conduct of this type will often be gross misconduct which can lead to dismissal without notice.

Monitoring

Monitoring is an essential and integral element of the Council's Equalities Policy. The Council will monitor the effective implementation of its policy and assess if it is achieving its aims and objectives, and to plan future work in this area.

The responsibility for monitoring the policy will rest with Clerk.

4. ICT, Data Storage and Electronic Communications

It is in the best interests of Filey Town Council, its employees, and residents that information collected to fulfil the day-to-day functions of the Council is treated with the greatest respect. This ensures that best value is obtained from the information without the contravention of any legislation that affects its use.

The purpose of this Policy is to:

- i. provide for the cost-effective protection of all the Council's IT systems, including IT assets, people, programs, data, and equipment.
- ii. ensure that all Council's employees are made aware of and fully comply with all relevant legislation and European Directives relating to data protection and security of IT systems; and
- iii. establish a framework to identify and address the inherent risks and to define the necessary procedures.

The administration of security is a general responsibility, and the Policy will apply to anyone using the Council's IT systems.

Information Security can be defined as the Protection of Information for:

- i. **Confidentiality:** protecting sensitive information from unauthorised disclosure or intelligible perception.
- ii. **Integrity:** safeguarding the accuracy and completeness of information and computer software.
- iii. **Availability:** ensuring that information and vital services are available to users when required.

The overall objectives of the Policy are to:

- a) provide management direction and support for information technology and electronic communications security.
- b) manage information technology and electronic communications security within the Council's Services.
- c) maintain the security of the Council's IT systems and information assets accessed by third parties.

- d) ensure that users are aware of information technology and electronic communications security threats and concerns and are equipped to support the Policy in the course of their normal work.
- e) minimise the damage from information technology security incidents and malfunctions, and to monitor and learn from such incidents.
- f) prevent unauthorised access, damage, or interference to the Council's IT systems.
- g) ensure the correct and secure operation of computer and network facilities.
- h) minimise the risk of system failures and loss of information.
- i) safeguard the integrity of software and data.
- j) ensure the safeguarding of information in the network and the protection of the supporting infrastructure and
- k) avoid breaches of any statutory, criminal, or civil obligations and of any general security requirements.

Key controls

It is the intention of the Council to meet the above objectives by achieving compliance with the key controls outlined in the British Standard Code of Practice for Information Security Management' BS7799 and DISC PD 0007. These are to:

- a) establish an Information Technology Security Policy document (this document)
- b) allocate responsibilities for information technology security.
- c) provide education and training in information technology security.
- d) establish a system of reporting of security incidents.
- e) enforce virus controls.
- f) ensure business continuity planning is in place.
- g) control the copying of proprietary software.
- h) safeguard records.
- i) monitor data protection.

Review

The Policy will be reviewed regularly to assess the impact of new threats to the integrity of IT systems and to take account of legislative and other developments.

Legislative Requirements

Whilst legislation exists with regard to the role and behaviour of those employed within Local Government, a number of Acts affect all users of IT and personal information. These Acts are: The Copyright, Designs and Patents Act 1988, GDPR and the Computer Misuse Act 1990. Article 8 of the Human Rights Act 1998 will come into force in October 2000, and it is the intention of the Government to introduce legislation relating to E-Communications.

Copyright

All users should be aware of the legal restrictions as applied to copyright material.

Software and other material must not be copied without the owner's consent.

Unlicensed software must not be used on Council computer equipment.

Regular audits will be carried out to ensure that no unauthorised software has been loaded onto any of the Authority's machines. It is the responsibility of the Town Clerk to ensure that all software in use within their Services has the appropriate permission, i.e., a licence for the use of the software on all machines involved. Software copyright is enforced by the Federation Against Software Theft (FAST).

Data Protection

The provisions of the Data Protection Legislation are quite specific with regard to security. Users should refer to the Council's Data Protection Policy.

Computer Misuse

The Computer Misuse Act introduced three criminal offences:

"Unauthorised access; unauthorised access with intent to commit a further, serious offence; and unauthorised modification of computer material."

Users should be aware of their own obligations with regard to the disclosure of Council information and the use of Council property.

Pornography

It is a criminal offence under the Obscene Publications Act 1974 to send or receive pornographic material via the Internet. Anyone found guilty faces imprisonment and/or a substantial fine. In addition, the Council would face a fine not to mention adverse publicity.

Disciplinary Action

Any breaches of this Policy will be dealt with under the Council's Disciplinary Procedure and criminal offences will be reported to the Police.

Policy Roles and Responsibilities

Members will determine the Council's Information Technology Security Policy and review the effectiveness of the security arrangements within the Council.

The Town Clerk has overall responsibility for the security of the Council's IT systems including the management and maintenance of the Council's website and will ensure that the Policy is implemented, reviewed, monitored, and evaluated.

The Committee will be concerned with the following:

- an inventory system to record IT hardware, software, and databases.
- the assessment of current and new threats
- the secure and correct operation of the IT and network facilities
- the protection of the integrity and availability of the Council's information
- the legal acquisition of IT resources in the most cost-effective manner
- the development of security controls designed into application systems.
- the minimalisation of risk of data corruption following systems change.
- the classification of data according to confidentiality and availability
- the physical protection of computer equipment and data
- the application of appropriate recruitment control procedures
- the maintenance of IT systems through the back-up and recovery of data using cloud storage methods.
- the prevention and detection of unauthorised access, misuse, and damage to IT systems by using logical and physical access controls.
- the processes to record actual, suspected, and potential breaches of information security.
- the practical application of Data Protection Principles
- the use of Email and Internet
- all computing equipment, program or data obtained by the Council are procured in accordance with existing procurement guidelines as set out in the Council's Financial Regulations
- procedures have been set up to ensure that computers, data, and facilities are adequately protected.
- an up-to-date copy has been made of all (important) data within the Service.
- secure areas have been identified within the Service.
- all essential data within the Service has been backed up and copies are held in a secure remote location.
- a risk analysis has been carried out with regard to all business information processes, to establish the effect the loss of any data would have on council services and procedures have been put in place to ensure that a satisfactory system is established to recover such systems, in the necessary period.
- all identity cards, keys, manuals, and equipment are returned to the appropriate location when staff and members leave the employment of the Council.
- equipment within the Service is stored in a safe place e.g., not near a water supply etc.
- procedures are in place that indicate that the Town Clerk can authorise and administer systems and can approve access to files, e-mail, and Internet facilities.

Individual users must:

- follow security procedures relating to passwords.
- only use equipment and computer systems that they have authority to use.
- use equipment and computer systems only for the permitted purpose, in the permitted manner, and only for the authorised business of the Town Council.
- Filey Town Council is happy to allow access to broadband services during office hours (including evening meetings) for matters appertaining to council business.
- always adhere to the Information Technology Security Policy

Individual users must not:

- attempt to access or use IT systems without permission.
- disclose passwords to unauthorised persons.
- introduce unauthorised data or software onto an IT system.
- use any unlicensed software.
- illegally copy any computer software or council documents.
- reveal any information to any unauthorised person or organisation.
- play games on any computer.
- induce or allow others to do any of these things.

Electronic Communications (Offensive, Illegal and Unsuitable Material)

Misuse of the Internet, e-mail, telecommunications, or computer equipment can constitute a criminal offence. Where the Council believes a criminal offence has taken place, it has a duty to inform the Police. In such cases, individuals may be open to prosecution. The Council and the individual could be liable to pay damages. Using the Council's facilities in any way that is in breach of this Policy and is proven to break the law, for employees, will constitute gross misconduct in accordance with the Council's Agreed Disciplinary Procedure.

Material accessed via the Internet or e-mail is subject to automatic filtering. The filtering process aims to ensure that it will not be possible to access material, which is offensive or illegal.

Offensive material is anything, which is abusive, intimidating, malicious or insulting. The persistent abuse of power, or the belittling of someone, either in public or private, which makes them feel upset, threatened, humiliated or vulnerable or undermines their self-confidence, through the use of IT, may also breach other Council policies.

In the specific context of Electronic Communications, this includes:

- Aggression, including threats, abuse, and obscenities.
- Sexual advances, propositions, suggestive remarks.
- Insults, explicit or pornographic material.
- Insults which are related to a person's sex or sexuality.
- Racist abuse including 'jokes', insults or taunts.
- Offensive abuse, ridicule, 'jokes or name calling relating to a person's disability; and

- Material which the person knows, or ought to have known, would offend a colleague with sensitivities, even if it is not explicitly offensive, e.g., religious, or pro-hunting views.

This list gives examples of the types of behaviour, which constitute offensive or illegal material. This is not an exhaustive list. There may be other material, not detailed here, which is offensive, illegal, or unsuitable and may be deemed to contravene other Council policies including the Equality Policy.

Users receiving offensive or sexually explicit mail (internal and external) should inform the Town Clerk immediately. Such material may, for example, not be identifiable until an e-mail is opened, and, in these cases, employees will not be held responsible provided they report it in good time.

Use of electronic communications (E-mail, Internet Usage)

The Council's e-mail and Internet Systems are for use in the effective delivery of the Council's Services and should be used as such. As with any other form of communication, particular care must be taken, especially in using e-mail (which because of its informal nature can include language and tone which can easily be misinterpreted).

Employees shall not post, transmit, re-transmit or store (temporarily or permanently) material on or through any such service, system or resource that is in violation of any law, defamatory, indecent, obscene, libellous, discriminatory, threatening or that may otherwise adversely affect any individual, group or entity; violates the rights of any person, including rights protected by copyright, trade secret, patent or other intellectual property law.

Misuse of the Council's e-mail and Internet service is a violation of this Policy. Serious misuse of e-mail and Internet is likely to result in disciplinary action in accordance with the Council's Disciplinary Procedure. Examples of serious misuse includes:

- Sending offensive, discriminatory, abusive, or libellous messages, which includes sending e-mail messages which contain material of a racist, sexist, homophobic, sexually explicit, or discriminatory nature.
- Intentionally accessing or downloading any material from any website containing sexual, discriminatory, offensive, or illegal material.
- Deliberately using e-mail or Internet facilities in such a way that it constitutes harassment or bullying.
- Forwarding sensitive Council information or personal data to unapproved external sources;
- Modifying a message and forwarding it without highlighting the changes or deleting the original authors name.
- Originating or participating in e-mail chain letters; and
- Those using email must be careful not to commit the Authority to any action(s) for which they do not have responsibility to act. Only designated officers (the Town Clerk and Deputy Town Clerk) have delegated authority to commit the Council to action(s), sign letters, etc. Emails must not be used as a method to circumvent current delegated responsibilities.

In addition, other forms of persistent misuse of e-mail and Internet, such as those examples detailed below, may also result in disciplinary action:

- Sending e-mail messages which are not appropriate to recipients, in particularly emails sent to large number of recipients.
- Knowingly burdening the e-mail system with non-business critical data especially involving the transmission of large data files and/or large attachments; and
- Non-business use of Internet “chat rooms”.

The above list gives examples of the types of behaviour, which constitute violation of this Policy. This is not an exhaustive list. There may be other violations, not listed here, which may result in action being taken under the Council’s Disciplinary Procedure.

The Council may block access to certain Websites and may also block the sending and/or the receipt of e-mail messages from specific addresses.

Occasional and reasonable personal use is permitted providing that:

- It is in the user’s own time.
- It does not interfere with the performance by employees of their own duties or those of other employees.
- It does not degrade the performance of the e-mail or Internet system.
- It is not for furthering outside business interests or for personal monetary gain and
- The e-mail and Internet content conforms to all other requirements of this Policy.

Users must comply with the conditions of copyright of any material sent to them or acquired by them via e-mail or over the Internet.

Users must not send e-mail messages which might constitute a legally binding contract without the Council’s permission to do so.

All users should be particularly careful about what they commit to via e-mail, as it can be used as evidence in employment tribunals and formal enquiries, including internal disciplinary and grievance hearings.

Software must not be downloaded from the Internet (to safeguard the Authority from viruses and copyright infringement), unless agreed in advance with the Town Clerk.

External Email Disclaimer

In order to protect the interests of the Council and its employees, agents and representatives, the following standard disclaimer must be added automatically to all external e-mails (whether business or non-business related) at the point that they are sent.

It is not permitted under any circumstances to make additions to, alter, amend, or delete any part of this disclaimer. This applies to any addition, alteration, amendment, or deletion whether directly, indirectly or by explicit or implicit reference.

Filey Town Council Standard Disclaimer:

If you have received this e-mail in error, please notify the sender and delete the e-mail and all attachments immediately. This e-mail (including any attachments) may contain confidential and/or privileged information, if you are not the intended recipient any reliance on use, disclosure, dissemination, distribution or copying of this e-mail or attachments is strictly prohibited. It has been checked for viruses, but the contents of an attachment may still contain software viruses, which could damage your computer system. We do not accept liability for any damage you sustain as a result of a virus introduced by this e-mail or any attachment and you are advised to use up-to-date virus checking software. E-mail transmission cannot be guaranteed to be secure or error free.

This e-mail is not intended nor, should it be taken to create any legal relations, contractual or otherwise. Any views or opinions expressed within this e-mail or attachment are solely those of the sender, and do not necessarily represent those of Filey Town Council unless otherwise specifically stated. We are not bound by or liable for any opinion, contract or offer to contract expressed in any e-mail.

Monitoring of electronic communication usage

The use of all means of electronic and telecommunications services including e-mail, and Internet is subject to monitoring in accordance with this Policy in order to detect and deal with abuse of the system. In using any of these services for private use, whether permitted or not, users are deemed to consent to reasonable monitoring of such private use being carried out in accordance with this Policy.

The Council has facilities that allow for continuous or ad-hoc monitoring of usage from the Internet and e-mail (internal and external).

These facilities are principally designed to allow the Council to optimise the value of the Council's investment in Information Technology through:

- Continually monitoring network and system performance, throughput, response times and usage.
- Ensuring the network is configured and maintained to give optimum usage and performance; and
- Remote fault diagnosis and fault restoration.

Users of the Council's communication systems should be aware that these facilities can be deployed to monitor the use of electronic communications where there are reasonable grounds to suspect misuse or abuse.

As such, users should not therefore, have any expectation of 'privacy' in relation to accessing Websites, personal e-mail correspondence or messages sent via the Internet, as these, in principle, may be subject to the same checking procedures applied to business related access and e-mail correspondence.

The right to privacy as set out in the Human Rights Act 1998 is relevant to the monitoring of the private use of electronic and telecommunications services by employees at work. However, the right can be interfered with to the extent necessary for example to prevent crime. Such

interference must however be proportionate i.e., it must not go beyond what is necessary to deal with the abuse. In drawing up and operating this Policy, the Council recognises the need for any monitoring to be reasonable and proportionate and in accordance with the provisions of the Regulations of Investigatory Powers Act 2000 and with any relevant guidance issued by the Information Commission.

Copyright

E-mail is subject to the same restrictions as paper in regard to copyright and intellectual property rights. Permission must be sought from the relevant parties in regard to material not owned by the Council.

Information Access

Information is the life blood of any organisation. The Council is no exception. It is vital that this information is:

- Only held because it is needed.
- Always accurate.
- Kept secure.

Most employees will have access to information during the normal course of their work with the Council. Access to computer information (or data) will depend upon individual duties and responsibilities and will be defined for each employee by the Town Clerk.

This part of the Policy is written specifically for the guidance of *all* users and at *all* levels of responsibility. The sections below describe how the principles of information technology security are to be applied.

It explains the simple rules that employees must follow in the course of their work to make sure that employees, at all times, fully comply with the rules that govern the use of Council IT Systems and the information held on them.

New staff on appointment will be required to sign a copy of this Policy signifying their acceptance of its obligations. The signed copy will be kept with Personnel records.

Employees are required to follow all procedures that ensure the proper use of computer equipment and data. In particular:

- Employees should ensure that they are authorised to operate equipment or access data.
- Employees must inform the Town Clerk if they become aware of potential security problems.
- Employees are responsible for the IT equipment assigned to them and particular regard must be taken to ensure that, the equipment resides on a stable platform that cabling is tidy and safe; that the equipment is not close to a heater; and that care is taken where drinks or food are consumed near equipment.

PC's must not be left unattended when "logged-on". Responsibility for data security and integrity lies with the user initiating the log-on. Authorised screen savers should be set for a maximum of ten minutes before being activated, with password protection.

Passwords are an integral part of the security of IT Systems and any user of the Council's IT Systems shall ensure that:

- passwords are never disclosed to unauthorised persons.
- a password belonging to another user is not used to access an IT System without the Town Clerk's permission

Where data is to be loaded onto a computer, employees are responsible for the integrity of the data and must ensure it is virus free. Computer media (e.g., floppy disks, compact disks, and tapes), must **not** be brought in from outside the Council and used on the Council's IT Systems without the prior permission of the Town Clerk and without the prescribed virus checks.

All computer programs and data developed, purchased, or leased by the Council are for the sole use of the Council or its clients.

Deliberate unauthorised access, copying, alteration, destruction, or interference relating to computer programs or data are expressly forbidden; each may be a criminal offence and disciplinary offence.

Users should seek advice from the Town Clerk in dealing with practical problems relating to IT systems (e.g. installation of new software or equipment).

All PC's, including monitors, when not in use must be powered off properly using the appropriate shutdown procedure. All other IT equipment such as modems and printers should also be switched off when not in use.

The Council's IT Systems must only be used for Council or related purposes, or such other purposes as are authorised by the Town Clerk.

5. Bullying and Harassment Policy

Statement

In support of our value to respect others Filey Town Council will not tolerate bullying or harassment by, or of, any of its employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. The council is committed to the elimination of any form of intimidation in the workplace.

This policy reflects the spirit in which the council intends to undertake all its business and outlines the specific procedures available to all employees to protect them from bullying and harassment. It should be read in conjunction with the council's policies on Grievance and Disciplinary handling and the Elected Members Code of Conduct.

The council will issue this policy to all employees as part of their induction and to all Members as part of their Welcome Pack. The council may also wish to share this policy with contractors, visitors, and members of the public.

Definitions

Bullying is:

"Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting, or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress."

Harassment is:

"unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age."

These definitions are derived from the ACAS guidance on the topic.

Bullying and Harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents.

Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, turnover, damage

to the council's reputation and ultimately, legal proceedings against the council and payment of legal fees and potentially unlimited compensation.

Examples of unacceptable behaviour are as follows; (this list is not exhaustive) Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, making threats of physical violence against a person or their family, deliberately undermining a competent worker by overloading work and/or constant criticism, blaming a person for others' mistakes, preventing an individual's promotion or training opportunities.

Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

Penalties

Bullying and harassment by any employed persons can be considered examples of gross misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the council. If elected Members are bullying or harassing employees, contractors, fellow councillors, others then a referral through the Standards process in place at the time reported as a contravention of the Member's Code of Conduct could be an appropriate measure. If an employee is experiencing bullying or harassment from a third party the council will act reasonably in upholding its duty of care towards its own employees. In extreme cases harassment can constitute a criminal offence and the council should take appropriate legal advice, often available from the council's insurer, if such a matter arises.

The Legal position

Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal.

Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the council, and the perpetrator(s) as individual named Respondents.

In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination. The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes, for instance; employers can be vicariously liable for harassment received in

the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.

Process for dealing with complaints of Bullying and Harassment.

Informal approach

Anyone; employee, contractor, member, or visitor, who feels he or she is being bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour, or an intermediary, that their conduct is unacceptable, offensive, or causing discomfort. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

Formal approach

- **Employees:** Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Chair of the Staffing/Personnel committee or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Procedure to be invoked. The employee will be expected to provide evidence of the conduct about which she/he is complaining.
- **Others:** Any other party to the council, other than an employee, who feels he or she is being bullied or harassed should raise their complaint with the council, where possible, if an informal notification to the alleged perpetrator has been unsuccessful at eliminating the problem. The complaint should then be investigated, and a meeting held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any Members or officers of a council should use the council's official Complaints Procedure. It is important that the Officer(s) or Member(s) being complained about do not prevent the council operating impartially in its investigation and decision-making in this regard.

Grievance – Employees only - A meeting to discuss the complaint with the aggrieved party will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the council's Grievance Procedure. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by an officer, or other duly appointed person as appointed by the committee of the council which is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the aggrieved employee to demonstrate how the problem is to be resolved. It may be decided that mediation or some other intervention is required, and the council should contact NALC, an employer's body or ACAS to this effect, or the council may offer counselling. The employee will have a right of appeal. At all times, the confidentiality of the grievance will be of

paramount importance in order to maintain trust in the process hence details of the full grievance will not be shared with the full council without prior approval by the aggrieved party. The council will commit not to victimize the aggrieved for raising the complaint once the appropriate dispute resolution process has been concluded.

Disciplinary Action - Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

For an **Employee** found to have been bullying/harassing others this will follow the council's Disciplinary procedure under the ACAS Code of Practice and would normally be treated as Gross Misconduct.

For **Members** who the council reasonably believe have been bullying or harassing another person(s) whilst undertaking council activities the range of sanctions available to the council, are limited and must be reasonable, proportionate, and not intended to be punitive. In some cases, counselling or training in appropriate skill areas e.g., inter-personal communication, assertiveness, chairmanship etc. may be more appropriate than a penalty. Sanctions may include admonishment, issuing an apology or giving an undertaking not to repeat the behaviour, removal of opportunities to further harass/bully such as removal from a committee(s) where direct contact with the employee or decision-making about that employee will take place, or removing the right to representation on any outside bodies where there will be contact with the employee who has raised the complaint. A referral under the Code of Conduct to the relevant reviewing body is usually an appropriate step and there may be further disciplinary sanctions available as a result of the Standards Committee (England) or Ombudsman (Wales) reviewing the evidence under the Code in place at the time. A referral to the Police under the Protection from Harassment Act 1997 may also be appropriate in the more extreme cases.

False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/Member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure or a referral to the Standards process.

Responsibilities

All parties to the council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed, then everyone can challenge the perpetrator and ask them to stop. There needs to be agreement about how "robust people management" and "bullying" differ; effective management of performance will usually include feedback based on objective evidence, delivered by a committee specifically designated and often trained to manage and appraise staff, with dialogue occurring on a face-to-face basis in confidential surroundings. Bullying is more likely to be complained about when individual Members criticise staff, often without objective evidence, without the mandate from the corporate body of the council and in environments which are open to the public or other employees or by way of blogs, social media comments, or in the pub or local playground.

The council undertakes to share its policy with all members and workers and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy.

A review of the policy shall be undertaken each year (or as appropriate) and necessary amendments will be undertaken by the Clerk and reported to the full council for approval. The Council will undertake to ensure that its members and workers are trained in the processes required by this policy as deemed appropriate.

Useful contacts

- ACAS www.acas.org.uk tel: 0845 7 47 47 47 o Local Government Ombudsman for Wales www.ombudsman-wales.org.uk tel: 0300 790 0203
- Local Government Ombudsman for England www.lgo.org.uk 0300 061 0614
- Equalities and Human Rights Commission www.equalityhumanrights.com
- SLCC www.slcc.co.uk
- DirectGov website www.GOV.uk

6. Disciplinary and Grievance Policies

Disciplinary Arrangements and Policy

INTRODUCTION

- 1 This policy is based on and complies with the 2009 ACAS Code of Practice (<http://www.acas.org.uk/CHttpHandler.ashx?id=1047&p=0>). It 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 to when performance management proves ineffective. For more information see the ACAS publication "How to manage performance" at: (http://www.acas.org.uk/media/pdf/g/7/Acas_how_to_manage_performance-accessible-version-Nov-2011.pdf)
 - 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 trade union representative or a work colleague at any disciplinary or investigatory 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 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 action. 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.
- 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.
- 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

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

DISCIPLINARY INVESTIGATION

- 6 There will be an investigation of the facts. The council's staffing committee will appoint an Investigator who will be responsible for undertaking the disciplinary investigation. The Investigator will be independent and will normally be a Councillor. If the staffing committee (Council if such a committee does not exist) 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 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 paragraphs 14 -16).
- 7 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 should 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.
- 8 Employees may be accompanied or represented by a trade union representative or a work colleague at any investigatory meeting.
- 9 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.
- 10 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 disciplinary action should be taken.

- 11 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 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.
- 12 The Investigator will submit the report to the staffing committee which will decide whether further action will be taken.
- 13 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

- 14 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 will be submitted to the other side at least five working days before the hearing.
 - that the employee may be accompanied by a companion, either a trade union representative or a work colleague

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)

- the employee (or the companion) will set out his/her case and present evidence (including any witnesses)
- any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness.
- the employee (or the companion) will have the opportunity to sum up his/her case
- 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

15 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 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 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 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 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.

- 16 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.
- 17 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 because of the disciplinary meeting will remain in force unless and until it is modified as a result of an appeal.

THE APPEAL

- 18 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.
- 19 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.
- 20 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.
- 21 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, either a trade union representative or a work colleague.

- 22 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.
- 23 The employee (or his companion) will be asked to explain the grounds for appeal.
- 24 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.
- 25 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.
- 26 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.
- 27 The appeal panel's decision is final.

Grievance Arrangements and Policy

INTRODUCTION

1. This policy is based on and complies with the 2009 ACAS Code of Practice (<http://www.acas.org.uk/CHttpHandler.ashx?id=1047&p=0>). 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 trade union representative or work colleague. 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 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 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 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.

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.

FORMAL GRIEVANCE PROCEDURE

5. If it is not possible to resolve the grievance informally, 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 letter 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 trade union representative or work colleague.
 - a copy of the Council's grievance policy
 - confirmation that, if necessary, witnesses may attend 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 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. The letter 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 trade union representative or work colleague.
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 his/her companion) will be asked to explain the grounds of his/her 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.
18. The decision of the appeal panel is final.

7. Multiple and Additional Employment Policy

INTRODUCTION

It is in the best interests of Filey Town Council to recognise employees who engage in other employment in addition to their job with Filey Town Council and it is important that other work does not adversely affect any employee's performance or attendance or breach the terms of the working time regulations.

PURPOSE AND SCOPE

The purpose of this policy is to:

- a) Ensure that employees do not engage in other work that may conflict with or affect their performance or attendance under their Contract of Employment with the Town Council, and;
- b) Prevent employees and/or the Town Council contravening legislation on working time/hours, including the number of total hours worked per week.

This policy covers paid employment, unpaid employment, and voluntary work outside the Town Council. It also covers Parish Council/Bank/Locum/Casual/Permanent work or when an individual is considering taking on an extra job or work within the Town Council.

WHO DOES THE POLICY APPLY TO?

The Policy applies to all employees and prospective employees of the Town Council whether part time, full time, temporary or permanent.

WHAT SHOULD THE POLICY BE USED FOR?

The policy is to be used to manage employees undertaking additional employment whilst being employed by the Town Council.

THE PROCEDURE FOR THE MANAGEMENT OF ADDITIONAL EMPLOYMENT

Pre-appointment

Appointees will be asked to disclose any existing work which will continue after commencing employment with the Town Council including paid employment as well as unpaid and/or voluntary work. A Notification/Application for Additional Employment Form (Appendix 1) attached to this policy will be used for this purpose.

If the successful applicant has disclosed that they will continue with additional employment, the Town Clerk and the Chair of the Staffing Committee will discuss whether any parameters need to be established to ensure that there are no adverse implications for their position with the Town Council. If so, these will need to be discussed with the appointee prior to their offer being progressed further.

Post appointment

Where an employee is considering taking up either an additional job/work outside the Town Council or an additional post within the Town Council, they must request permission to do so initially from their Line Manager by first completing the Notification/Application for Additional Employment Form (Appendix 1). The Line Manager will discuss the proposed application to undertake additional work with the employee and the potential impact on their current employment, performance and/or attendance. The employee will be required to take annual leave if this employment is concurrent with employment with Filey Town Council.

The Line Manager should then consult with the Town Council's Staffing Committee who will consider all the facts and decide if the additional employment would be detrimental to the employee's role in the Town Council. In addition, the Staffing Committee must consider whether an occupational health appointment is necessary where there are concerns over the Working Time Regulations. If a referral is considered necessary, the Line Manager will discuss this with the employee prior to making a referral. A decision should be made by the Staffing Committee and communicated to the employee by the Line Manager and the Chairman of the Staffing Committee as soon as practicable.

If a request for additional employment is rejected and the individual is dissatisfied with the decision, they can appeal using the Town Council's Grievance Procedure. Employees should not commence the additional employment during this time unless their appeal is successful.

EMPLOYEE RESPONSIBILITIES

It is the responsibility of the employee to notify their Line Manager in writing immediately if the additional employment ceases or changes (e.g., number of hours worked, pattern of shifts).

Employees should be aware of the following clause contained within their contract of employment.

"It is a condition of this Contract of Employment that you inform the Council of any additional employment you undertake, in order to ensure that no tax or insurance liabilities will accrue to the Council. The Council also reserves the right to require that any other employment that you undertake does not conflict with the role or standards required to be undertaken of the employee (insert job title) to the Council."

Employees must also have regard for the Town Council's Information Technology and Electronic Communications Security Policy.

All employees are required to sign a Declaration to abide by the Information Technology and Electronics Communications and Security Policy.

SICKNESS

Employees should refrain from their additional employment if they are on sick leave from their employment with the Town Council and the additional work is of:

- i. the same nature
- ii. a similar nature or
- iii. where attending their additional employment would be detrimental to their recovery

Whilst on absence due to sickness or incapacity employees are not permitted to undertake paid work for another employer or for any business established by you, without express permission from the Council.

The Town Council's Sickness Absence Policy states that *"If after investigation it is demonstrated that any false information has been submitted, knowingly, with regard to sickness absence, it will be treated as gross misconduct, and may lead to the instant dismissal of the employee concerned."*

WORKING TIME REGULATIONS

Employees must ensure that their total working hours do not exceed the limits and that they comply with the required rest periods within the Working Time Regulations.

Where there is evidence of an employee acting in breach of the Working Time Regulations, the matter will be investigated in accordance with the Town Council's Disciplinary Procedure as such a breach would be regarded by the Town Council as misconduct.

CAPABILITY/PERFORMANCE

If an employee's performance fails below the required standards or targets, the Line Manager will need to take the appropriate action.

THE USE OF TOWN COUNCIL RESOURCES

Not permitted. The Town Council **does not** permit the use of its resources by employees for additional employment and the following should not be used under any circumstances:

- Telephone (either incoming or outgoing routine calls and at the Town Clerk's discretion)
- The use of computers and storage of data
- The use of any part of the building for storage purposes
- The use of stationery and/or other physical resources
- Any additional employment to be carried out by the employee during their contractual hours whilst employed by the Town Council.
- Any other Town Council resource and not listed above must not be used without express permission being agreed by their Line Manager.

Permitted. The Town Council **does** permit employees to use:

- The Town Council Photocopier for additional work to be paid for at the normal rates which are currently applicable to members of the public.
- The use of the Town Council Photocopier must be undertaken with the express permission of the employee's Line Manager and carried out outside of the individual employee's contractual hours (not during the lunch time when the Council offices are closed) and in the presence of their Line Manager.
- It is not permissible for any employees to undertake any photocopying whilst in the building on their own to comply with Lone Working procedures.
- All photocopying undertaken for additional employment must be logged, recorded, and paid for by the employee and/or invoiced to the employee's additional work organisation by completing a log sheet and authorised by their Line Manager.

FILEY TOWN COUNCIL

NOTIFICATION OF/APPLICATION FOR ADDITIONAL EMPLOYMENT

Personal Details and Filey Town Council Employment

Full Name:

Job Title:

Hours of work per week:

Pattern of Hours e.g., 9.00am – 4.00pm:

Days worked:

Declaration

I will have no other employment/work once I commence in my new post with Filey Town Council.

Signed:..... Date:

Other Employment/Work Details (N.B. You must include any other work done for Filey Town Council)

I have other employment/work, or I am considering other employment/work including Parish Council/Bank/Casual/Agency/Permanent, the details of which are below:

Parish Council/Organisation/Company/Agency:

Address:

Job Title:

Description of work undertaken:
.....
.....

Type of Work (circle as appropriate): Paid Unpaid Voluntary Casual

Hours per week:

Pattern of Hours:

8. Sickness Policy

PURPOSE AND SCOPE

The purpose of this policy is to ensure that the operational efficiency of the organisation can be maintained whilst employees are absent from work for sickness or injury related reasons. It also seeks to provide guidance, security, and support to employees during periods of ill-health.

INTRODUCTION

The Town Council is committed to the provision of good working conditions, where the highest standards of health and safety are observed, and where all employees seek to maintain high levels of attendance.

Employees are entitled to fair treatment if they are absent from work, and procedures for managing absence must be applied consistently and equitably.

When employees are sick, they will be supported during their absence from, and assisted in making a return to, work. If there are concerns about their sickness absence, they are entitled to be informed about these concerns, when they arise.

It is the intention of the Town Council's policy to promote good work attendance levels and reduce absence, which is due to sickness, through positive counselling and employee support.

Good work attendance is vital if the Town Council is to provide effective and efficient services. High levels of attendance will help the Town Council to plan and provide quality services, to win contracts, and assist in maintaining morale amongst employees. Low levels of attendance, on the other hand, will result in poor provision of services, increased costs, lost contracts, and potentially low morale.

The following has been prepared to inform employees, managers and Trade Union Representatives of the Town Council's sickness Absence policy that will be applied in dealing with cases of sickness absence.

WHO DOES THE POLICY APPLY TO?

The policy applies to all employees, whether part-time or full-time, temporary, or permanent.

WHAT SHOULD THE POLICY BE USED FOR?

The policy is to be used in order to manage cases of sickness absence within the Town Council.

The policy is not appropriate to be used in cases involving:

- Performance issues
- Redundancy
- Disciplinary issues

These issues are dealt with under other policies and procedures, for instance the disciplinary procedure.

CONFIDENTIALITY

All information relating to individual employees' absence at work must be kept strictly confidential by all those concerned. Any correspondence relating to the management of absence at work will be sent in envelopes marked 'Private & Confidential' –to be opened by Addressee only'.

TIMESCALES

The Town Council is committed to dealing with all stages of the procedure within acceptable timescales reflecting good practice and will not deal with any matter in such haste as to be detrimental as to the needs of the individual concerned.

ACCOMPANIMENT/REPRESENTATION

Employees must be informed of the right to be represented, if they so wish, by a Trade Union Representative or by a fellow work colleague of their choice, at any stage of the formal sickness absence procedure.

EMPLOYEES

All Filey Town Council employees have obligations under the Sickness Absence Procedure to:

- Recognise their contractual commitment to attend work.
- Report absence as soon as possible in line with the Reporting Procedure
- Maintain contact with line managers throughout protracted periods of absence.
- Be available to attend meetings/reviews at request during normal office hours to discuss ongoing issues at a mutually convenient time subject to their health condition.
- Attend appointments with Occupational Health Physicians as arranged.
- Be informed of their right to be represented/accompanied at any formal meeting by a Trade Union Representative or a colleague not acting in a legal capacity.

NOTIFICATION OF SICKNESS ABSENCE

When an employee falls sick, for Statutory Sick Pay (SSP) purposes, he/she must report the sickness in the following way:

First Day of Absence from Work: If an employee is sick, he/she is responsible for ensuring that the Town Clerk is notified as soon as is practicable and preferably before 10.00 a.m. on the first day of absence, indicating the reason for the absence and, if possible, an indication of how long he/she is expected to be absent so that arrangements can be made for cover if required. If the Town Clerk is not in the office, you should make every effort to speak to the Deputy Town Clerk. A telephone call from either themselves or from a relative or friend on their behalf will be sufficient. Notification must not be made through a fellow employee (unless he/she is a spouse or partner or living in the same household).

If the first day of absence from work is a Monday, the employee should inform the Town Clerk/Deputy Town Clerk whether they had been sick on Saturday and/or Sunday as well as Monday.

Fourth Day of Absence from Work: Where it becomes apparent that absence due to sickness is to continue beyond the third day (including Saturday and/or Sunday, as appropriate), the employee (or

relative or friend on his/her behalf) must again notify the Town Clerk, giving the reason for the absence and the expected date of return to work.

If it is being claimed that the sickness absence is as a result of an industrial injury or an industrial disease, this must be made clear by the employee (see below).

The Town Clerk/Deputy Town Clerk should also update the notification form to include this information.

Absences Between Four and Seven Qualifying Days: When an employee returns to work, he/she must also complete and sign form SC2 and forward it to his/her line manager. This form can be obtained from the local Department of Social Security, Doctor's Surgery, or from the Town Council's Payroll Manager.

Absences of More Than Seven Qualifying Days: If sickness continues for more than seven consecutive calendar days, including Saturday and Sunday, the employee must complete form SC2 for the first seven days of absence and forward it to the Town Clerk immediately, and, on the eighth day of absence, a Doctor's certificate/statement must be submitted to the Town Council.

Continuing Sickness

An employee must submit a Doctor's certificate/statement as often as required for State Benefit purposes. These certificates/statements should be sent to the Town Clerk.

Fit notes

From April 2010 GPs have been required to provide simple, clear, and practical advice in relation to an employee's fitness for work by issuing a 'fit note'. In cases of continuing sickness absence, the fit note will provide, where possible, medical guidance around the opportunities for the employee and the Council to work together in order to consider arrangements to enable a speedier return to work including:

- Phased return to work
- Altered hours.
- Amended duties.
- Workplace adaptations

Return to Work.

In circumstances where either more than one Doctor's certificate/statement is necessary, or the first Doctor's certificate/statement has covered a period of sickness absence of more than 14 days, an employee cannot return to work until the expiry of the certificate/statement indicating fitness to resume normal duties.

Any employee, returning to work, must comply with this condition by reporting personally to his/her line manager to confirm the expiry of the Certificate/Statement.

When an employee returns to work, his/her direct line manager will discuss the absence with him/her informally and try to assist with any particular difficulties, which may have arisen as a result of the absence.

If the employee concerned has had several periods of absence, the direct line manager will want to know more about the circumstances and may decide to invoke the procedure for dealing with short-term absence.

Failure to Comply with Notification Requirements

Failure to comply with this procedure may result in an employee receiving the wrong pay or no pay.

Failure to report sickness absence properly and/or to submit the necessary documentation may be treated as an abuse of the sick pay scheme and may be dealt with under the Town Council's Disciplinary Procedure.

If, after investigation, it is demonstrated that any false information has been submitted, knowingly, with regard to sickness absence, it will be treated as gross misconduct and may lead to the instant dismissal of the employee concerned.

STATUTORY SICK PAY AND STATE BENEFIT

The Town Council recognises that from time to time an employee will suffer from sickness absence and has agreed a scheme to provide financial assistance and procedures for dealing with such absence. Sickness absence represents a cost to the Town Council and its services, and will, therefore, be monitored carefully by management. The authority reserves the right to review levels of sickness absence periodically and to counsel employees to minimise the impact of the absences on their particular service.

Within any span of twelve months, payment of an allowance shall be made for the appropriate periods according to length of service. It should be noted that these provisions should not be treated as a right and that sick pay allowances are the maximum periods during which salary or wages are normally paid and do not imply time limits for other action being taken. The Council therefore reserves the right to withdraw the payment of sickness entitlement and/or to dismiss an employee before he/she has exhausted their entitlement to occupational sick pay.

An employee's entitlement to sickness allowance is as follows: -

During 1st year of service	1 month's normal pay and (after completing 4 months' service) 2 months' half pay
During 2nd year of service	2 months' normal pay and 2 months' half pay
During 3rd year of service	4 months' normal pay and 4 months' half pay
During 4th and 5th year of service	5 months' normal pay and 5 months' half pay
After 5 years' service	6 months' normal pay and 6 months' half pay

Normal pay includes all earnings that would be paid during a period of normal working for normal contractual hours.

Abuse of the sick pay scheme may result in the suspension of payment of sickness allowance and/or disciplinary action.

If, for any reason, there is no entitlement to SSP, the Payroll Manager will send the employee form SSP1, which will enable him/her to claim State Benefit.

There may be occasions, when an employee is notified by the DSS that he/she is not entitled to SSP. On receipt of such notification, the information must be forwarded to the appropriate Payroll Manager.

If sickness continues after the employee has received SSP for 28 weeks, he/she will transfer to State Benefit. The Payroll Manager will send a sickness benefit claim Form SSP1, which will enable him/her to claim State Benefit, if his/her period of sickness continues beyond the 28th week. This Form must be completed by the employee and forwarded to the DSS.

When an employee is in receipt of State Benefit, he/she must forward details of their giro cheque or DSS Forms BS12, BS49 or BS50 to the Payroll Manager.

SICKNESS AND HOLIDAY

In the event of an employee falling sick during a period of annual leave, he/she may be regarded as being on sick leave from the date of his/her Doctor's certificate/statement and further holiday entitlement will be suspended until the employee concerned is fit to return to work.

Self-certification is not sufficient in such circumstances. A Doctor's certificate/statement must be submitted to the direct line manager as soon as is practicable. If sickness occurs, when the holiday is abroad, the Town Council is prepared to accept other documentary evidence of medical attention and/or treatment rather than the certificate/statement, which is commonplace within the United Kingdom.

It is recognised that, because of operational requirements, holidays of a week's duration or more are customarily booked well in advance. It is only much later nearer the date of the holiday that absence on account of sickness occurs.

Where an employee wishes to take annual leave during a period of absence, he/she must provide written confirmation from their GP prior to the period of absence that the "holiday" would assist in progress to recovery or could be treated as a period of convalescence and therefore would not have a detrimental impact on their health. This requirement is designed to avoid a situation where an employee goes ahead with a pre-planned holiday, notwithstanding medical or other advice, which had been received, and thereby renders him/herself liable to disciplinary action on return to work.

INDUSTRIAL INJURY OR DISEASE

Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault out of or in the course of employment with the Town Council.

If an employee is claiming that sickness absence arises from an industrial injury or disease, he/she must give details of when the incident was reported and to whom. It is essential that the Town Council's Incident Reporting Procedures are also followed, and adequate records are kept.

RETURN TO WORK INTERVIEW

When an employee returns to work after a period of sickness absence, their line manager will conduct a return-to-work interview (Using The Return to Work Form). This will be done either on the employee's first day of return to work, or as soon as practicable thereafter, if the line manager him/herself is absent on that day.

The purpose of this meeting is to enquire about the employee's health, discuss the individual's absence record (where there is cause for concern), inform him/her of any significant events at work, bring him/her back into the work environment after the period of absence, to ensure that the appropriate paperwork is completed and that the employee concerned has the necessary documentation, which indicates that he/she is fully fit to return to work on the particular day.

The discussion with the employee will also assist the manager in identifying any underlying problems/issues, which they may be able to help the employee address. Where appropriate, staff should also be made aware of the Town Council's medical referral and counselling services.

SHORT TERM ABSENCE

Short-term absence is defined as sickness absence that lasts no more than four weeks.

To assist line managers in dealing with cases of short-term absence the following trigger points will be used as an indicator as to when the short-term absence procedure should be used.

- Three periods of absence in a three-month period.
- Four or more periods of absence in a six-month period.
- An established pattern of absence for example Mondays/Fridays.

Please note that where employees have not met the above trigger points but have a high level of sickness absence within a period of time, consideration should be given to using the following procedure.

Employees should be made aware of these trigger points, the possible actions that could be taken where trigger points are met and the procedure for dealing with short-term absences.

Sickness counselling is part of a broad process, by which the Town Council as an employer aims, through various methods, to achieve better employee attendance at work. Central to this, is better communication with employees, greater awareness of employees' absences, and a proactive approach to addressing, where appropriate, an individual employee's absence record. The principal objectives of sickness counselling are:

- To establish systems for reviewing individual sickness records in order that Managers, employees, and Trade Union Representatives can objectively assess the absence(s) and decide on appropriate action.
- To establish, if the absence is genuinely due to sickness or whether absence is being used for other reasons i.e., family related problems.
- To review compliance with sickness rules and conditions; and
- To explore reasons for sickness absence in order to prevent the absence recurring, address any welfare problems, and ensure appropriate medical/ specialist assistance is being provided.

Sickness counselling is not an attempt to “forbid” sickness and to require employees to work, when they are sick, rather it is a means of managing sickness absence within limits, which reflect the operational circumstances of Services.

The non-attendance of employees as a result of sickness does lead to obvious difficulties. Clients and customers can suffer because a service is not being provided; other employees in the work group can become under increased pressure due to absence.

Management will respond actively to sickness absence and will take steps to counsel employees about their individual sickness levels.

The following stages outline the process that must be followed in managing persistent short-term absences and may ultimately end in the dismissal of an employee. There are additional flexibilities within the procedure, which can assist line managers in reducing abuse of these trigger points, and review periods and these are outlined below.

If an employee meets any of these trigger points but does not have any absences during the three-month review period, the matter will not progress to the next stage. However, if an employee then reaches another trigger point immediately, the line manager can set a 6, 9 or 12-month review period next time, if there is a suspicion that the system is being abused. Where potential abuse of the scheme is alleged, the employee will be made aware of the potential consequences of this.

Line managers do not have to wait for the review period to end to set up an absence review meeting. For example, if an employee has three absences in one month it is possible to set up the meeting immediately and set the new review period under Stage 2. This also applies to the review periods and should help to make the process of managing absence more effective and efficient. Where possible it is important to fix review-meeting dates in advance in order to prevent timescales slipping beyond the agreed periods.

Stage 1 – Informal Warning:

If the situation is reached, whereby an individual employee’s sickness over a particular period is a matter of concern to the particular Service, arrangements will be made for an informal Sickness Counselling meeting to be held with the employee. Although this will be an informal interview, the employee concerned will be informed that they may be accompanied by a work colleague or Trade Union Representative.

Line managers should discuss with the employee their concerns regarding their sickness absence. They should establish the reason for the absence and what can be done to resolve the problem. Line managers can make a referral to the Medical Officer via Scarborough Borough Council’s Human Resources Department for guidance and advice if deemed appropriate. The action decided should be noted and the situation monitored for an agreed period of time. The employee should also be advised that should high levels of sickness absence continue, or trigger points be reached that it may be necessary to invoke the formal stage of this procedure.

Stage 2 – First Formal Warning:

Line managers should discuss with the employee their concerns regarding their sickness absence. They should establish the reason for the absence and what can be done to resolve the problem.

Line managers can make a referral to the Medical Officer via Scarborough Borough Council's Human Resources Service for guidance and advice if deemed appropriate. At this stage of the process a formal warning may be issued to the employee, which states that if there is not a substantial and sustained improvement in their sickness absence record over an agreed period of time, normally three months, then further action may be taken. Details of the meeting should be confirmed in writing to the employee within five working days. The sickness absence record of the employee should then be monitored for a three-month period.

Stage 3 – Second Formal Warning:

At the end of the three-month period, if the employee's sickness absence is still unacceptable, a formal review meeting should be arranged with the appropriate line manager. Employees should be given five working days' notice of the meeting and offered the right to representation. Where appropriate discussions will take place with the Trade Union Representative dealing with the specific case in order to agree a date for the meeting. A referral to the Medical Officer must be made via Scarborough Borough Council's Human Resources Department before the interview.

At this stage of the process a formal warning may be issued to the employee, which states that if there is not a substantial and sustained improvement in their sickness absence record over an agreed period of time, normally three months, then their employment may be terminated on the grounds of inability to maintain an acceptable attendance level. Actions should be confirmed in writing to the employee within five working days.

Stage 4 - Potential Dismissal:

If there continues to be no improvement in attendance after the agreed review period, or before if trigger points have been met, a further formal meeting should be arranged. The Line manager/supervisor should write to the employee informing them of the continued sickness absence, confirming that they may be dismissed as a result of the absence. Employees should be given five working days' notice of the meeting and offered the right to representation.

The line manager should, via Scarborough Borough Council's Human Resources Service, make a further referral to the Medical Officer if they think this is appropriate. The Chairman of the Town Council's Staffing Committee should conduct the formal meeting, supported by the Town Clerk and if appropriate a representative of the Scarborough Borough Council's Human Resources Service. At this meeting, the line manager will firstly detail the sickness record and all actions/measures that have been taken. The employee and/or their representative will have the opportunity to question the line manager. The employee and/or their representative will then explain their position and put forward any evidence, which may be relevant. The line manager will have the opportunity to question the employee/representative. The line manager will then summarise the management case. The employee and/or their representative will then summarise their case.

If after hearing all the evidence, the Chairman of the Town Council's Staffing Committee believes that the attendance levels are unacceptable, they will present a written detailed report to the Town Clerk outlining their wish to proceed with recommendations to terminate the employee's contract on the grounds of inability to maintain an acceptable attendance level. This report should include details of the sickness record, all action taken to date and results of the Medical Officers reports.

Stage 5 – Dismissal:

If there continues to be no improvement in attendance after the agreed review period, or before if trigger points have been met, a further formal meeting should be arranged to consider the continued employment of the employee. The employee should be advised in writing and invited to attend an interview with Chairman of the Town Council's Staffing Committee, supported by the Town Clerk. At this interview, the Town Clerk will firstly detail the sickness record and all actions/measures, which have been taken. The employee and/or their representative will then be given the opportunity to question the presenting Town Clerk. The employee and/or their representative will then explain their position and put forward any evidence, which may be relevant. The Town Clerk will have the opportunity to question the employee/representative. The Town Clerk will then summarise the case and the employee and/or their representative will then summarise their case. If the Chairman of the Town Council's Staffing Committee is satisfied that the employee is unable to maintain an acceptable attendance level and all reasonable measures have been taken to assist the employee, they should dismiss the employee. The employee should receive the appropriate period of notice and receive written notification of the reasons for their dismissal. The employee should also be informed of their right to appeal.

Appeal Against Formal Action:

The employee has the right to appeal against the dismissal. The Appeals Committee hears appeals against dismissal. The Appeal will review the reasonableness of the decision made by the Chairman of the Town Council's Staffing Committee and will not rehear the entire case. The employee should appeal to Town Clerk in writing within ten working days of receiving the letter confirming dismissal. The grounds for an appeal must fall within one of the following criteria:

- In the light of the facts of the case the judgement was unfair
- In the light of the facts of the case the sanction was too severe
- Procedural irregularities/inaccuracies.

Employees must be advised of their appeal rights within this procedure in the letter confirming any formal action. In addition, in any such letter, the fullest information should be supplied to the employee for the purpose of preparing his/her defence, including precise reasons for the action taken or proposed.

Appeals against written warnings will be heard and determined by a Chief Officer who has not been previously involved in the case.

Appeals against dismissal will be heard and determined by Members of the Appeals Committee. The Appeal will review the reasonableness of the decision made by the Director and will not re-hear the entire case. The employee should appeal to the Town Clerk in writing within ten working days of receiving the letter confirming dismissal.

LONG TERM ABSENCE

Long-term absence is defined as sickness absence that exceeds a four-week period.

Employees should be made aware of the procedure set out below for taking action where the above criteria are met.

Managing Long Term Absence

During a period of long-term absence, line managers should keep in regular contact with the employee either by telephone or by letter, to enquire about the employee's health and keep them up to date on any key developments at work.

Where an employee's period of continuous absence extends to four weeks or more, consideration should be given to a referral being made to the Town Council's Medical Officer in order to determine the extent of the medical problem, when he/she may reasonably be fit to return to work, and his/her suitability for continued employment with the Town Council. Please note that the four-week qualifying period may be extended or reduced, depending upon the circumstances of each case.

Where a referral is to be made a home visit or office meeting should be offered to the employee by the line manager. The meeting to be conducted by the appropriate line manager and the Chairman of the Town Council's Staffing Committee and in addition to providing continued support to the individual should include a discussion regarding the specific details of the absence, how the employee is feeling/progressing, what stage of their absence the employee is at and an indication of the timescales for a return to work. The medical referral process and should also be explained to the individual at the meeting.

Return to Work.

The Medical Officer may be of the opinion that the employee is fit to return to work and provide detailed advice and guidance as to how this can be achieved. In such circumstances the line manager should meet with the employee to discuss the recommendations of the Medical Officer and agree a return-to-work programme in line with this advice. Managers are encouraged to consider a phased return to work if supported by the Council's Medical Officer as a means of supporting the employee's successful return. This can involve an ascending scale of days 'hours attendance per week over a strictly defined period of time, say 4 weeks. The employee will be paid in accordance with the hours worked, but in many cases will be able to make up their pay to the full contractual hours by using accumulated annual leave. If the employee is not fit to return to work and their absence continues the Medical Officer will review the case at regular intervals.

Managers are encouraged to consider whether it is feasible, for example, for an employee to work from home rather than taking sickness absence. Where possible, Managers should explore the opportunities for an individual to work in a different role within the employing service.

Terminal Illness

In the case of a terminally ill employee, there is a need to consider the individual's circumstances and their continued employment in a sensitive and compassionate way as possible. Advice should always be sought from Scarborough Borough Council's Human Resources Service on the issue of continued employment and the details of pension benefits for a spouse or dependants. It is important to consult the employee about their wishes and also to be in a position to provide them with all information they might require on the options available to them.

Redeployment

The Medical Officer may be of the opinion that the employee is temporarily or permanently unfit to carry out their duties. In such circumstances it may be possible to redeploy the individual to other work in the Town Council.

Ill Health Retirement

If the Town Council's Medical Officer, after a number of medical interviews, considers that a particular employee is not able to carry out his/her contractual duties as a result of a permanent incapacity, he/she will recommend to a Medical Officer designated by the North Yorkshire Pension Fund that his/her employment should be terminated on the grounds of ill-health. Ill health retirement is only granted where the Medical Officer confirms that an individual is deemed permanently unfit, that is unfit for any suitable Town Council work until retirement age.

If the recommendation is confirmed by the second Medical Officer, the Human Resources Service, in conjunction with the Chairman of the Town Council's Staffing Committee and the Town Clerk, will arrange for a capability Interview to be held in order to confirm the Medical Officers recommendation and discuss the arrangements with respect to the termination of employment on the grounds of ill health retirement.

Dismissal on the Grounds of Ill Health Capability Owing to Protracted Sickness Absence

If the Town Council's Medical Officer indicates, after a number of medical interviews, that a particular employee, who has had a protracted period of sickness absence, is still unfit and unlikely to return to work to carry out his/her contractual duties in the foreseeable future, the Chairman of the Town Council's Staffing Committee and the Town Clerk will arrange for a capability Interview to be held.

Initially, and subject to prevailing circumstances within the employment of the Town Council, redeployment to alternative employment may be considered, which could afford the opportunity of a trial period to determine its suitability to the individual's needs and preferences provided that reasonable adjustments can be made in accordance with the provisions of the Disability Discrimination Act.

Should no alternative employment be available within the service of the Town Council as a whole at the particular time, consideration will be given to termination of employment on the grounds of ill health capability owing to protracted sickness absence.

Appeal

The employee has the right to appeal against the dismissal. The Appeals Committee hears appeals against dismissal. The Appeal will review the reasonableness of the decision made by the Chairman of the Town Council's Staffing Committee and will not rehear the entire case. The appeal should be made by the employee in writing to the Town Clerk within ten working days of receiving the letter confirming dismissal.

MAINTAINING CONTACT WITH EMPLOYEES

It is important and good practice for line managers to maintain contact in a sensitive way with employees during periods of sickness absence. A supportive role will be taken, which promotes the key objective of attendance at work.

Under the Town Council's guidelines for the notification of sickness absence, it is the employee who initiates contact during any period of absence. Line managers will themselves sustain this contact

with telephone calls and, as a situation develops, consider when to activate other measures, which would be appropriate for longer-term absence.

The Council encourages use of the facility to carry out home visits and it is recognised that there are numerous benefits both to the Town Council and its employees in such visits. Unless there are exceptional circumstances, the visits will be pre-arranged with the employee concerned during normal working hours. They can take place at other times by mutual agreement. An appropriate record must be kept of the outcome and the employee will be provided with a copy.

The purpose of maintaining contact both in the form of home visits during sickness absence, and through discussions following a return to work is to ensure that employees know that their absences are noted and are taken seriously. They provide the opportunity to identify any underlying problems that may then be referred to the Town Council's Medical Officer, or specialist external agencies.

MEDICAL REFERRAL

Referrals can happen at any time, whether the employee is on long term sick or whether they are at work and we can insist as a Town Council that employees attend.

Should an employee fall ill, and his/her period of continuous absence extend to four weeks or more, details of the absence may be referred to the Council's Medical Officer to determine the extent of the medical problem, when he/she may reasonably be fit to return to work, and his/her suitability for continued employment with the Council. The four-week qualifying period may be extended or reduced, depending upon the circumstances of each case.

The results of medical referrals may not be known for several weeks. It is important, therefore, that line managers maintain regular contact with the employee, particularly if there is a possibility of a return to work or a wish to take "holiday". Contact will always be established if there is a prospect of the employee moving from either full pay to half pay or from half pay to no pay, in the period whilst the outcome of a medical referral is awaited.

The Medical Officer may either indicate that the employee is fit to return to carry out his/her full contractual duties or may propose some modifications to existing work arrangements. It is likely that there will be follow-up visits to the Medical Officer.

On receipt of the medical report, an interview will also be held with the employee so that the appropriate line manager can follow through any recommendations from the Medical Officer.

DISABILITY

The employee's illness may be defined as a disability under the Disability Discrimination Act 1995 if they:

- Have a physical or mental impairment which has a substantial and 'long term' adverse effect on their ability to carry out normal day to day activities.

The definition states that for an effect to be substantial and long term, it must be more than minor and have lasted at least 12 months or are likely to last at least 12 months or are likely to last for the rest of the life of the person affected. Normal day-to-day activities are those carried out by most

people on a regular and frequent basis. This would not include activities, which are normal for only a particular group of people such as playing a sport to a professional standard.

The Act covers mental as well as physical disabilities and therefore many people with mental health problems will be covered by the legislation. In reviewing if the employee does meet the definition of a disability, the manager should consult the Medical Officer and Scarborough Borough Council's Human Resources Service. The Act places a duty on employers to make 'reasonable adjustments' for disabled employees. These are not only physical adjustments but also adjustments to working practices. Examples of reasonable adjustments include redeployment of the disabled person, altering their working hours, allowing absences for treatment/rehabilitation, providing additional training, assigning them to another place of work, adjustment to premises, acquiring or modifying equipment.

The basis of Disability Discrimination law is that in order to achieve equality of outcome, it may often be necessary to treat disabled people more favourably. By adhering strictly to trigger points in absence procedures that apply equally to all workers, employers risk treating their disabled workers unfairly and possibly illegally if they have failed to take account of their obligation to consider reasonable adjustments.

RECORDS

All correspondence and associated documentary evidence will be held on the employee's personnel file and be available for inspection by the employee on request.

9. Council Remuneration Policy

Rules for remuneration and terms and conditions for employees follow the principles laid down by the National Agreement on Pay and Conditions of Service of the National Joint Council (NJC) for Local Government Services (The Green Book). The Council's TLCA adviser should be consulted for a definitive view on any query on these terms and conditions.

Pay

All staff are appointed to a grade within the range for the position set out in the 2004 National Agreement on Salaries and conditions of Service.

NJC salaries are reviewed annually, and the Council will award any increase agreed at the national negotiations. These awards normally take effect from 1st April.

Individual performance of staff is reviewed at least annually to ensure that staff salaries are commensurate with responsibilities, experience, and any new relevant qualifications.

Subject to satisfactory performance the employee can expect to progress automatically through the range for the position by annual increments until they reach the maximum salary in the range. The Council may withhold the annual increment if they consider that performance is below the level expected.

In the case of an exceptional performance where further progression through the grade is not appropriate or is not possible the Council may award a non-pensionable bonus.

The attainment of certain specified qualifications will attract an automatic advancement through the scale.

All variances to salaries are required to be approved by the Staffing committee.

Salaries are paid monthly in arrears by bank transfer on the 15th of each month. The payroll process is contracted out to North Yorkshire Independent Living (NYCIL) with the Council only being directly responsible for the payment of pensions to North Yorkshire County Council Pension Scheme (this being calculated using software provided by the Pension Scheme provider). Any additional hours or any other variance not standard terms and conditions to be informed to NYCIL 3 working days prior to payment i.e., additional hours worked.

Holidays

Leave entitlement is 25 days plus bank holidays plus 3 extra statutory days. (This exceeds the statutory entitlement of 28 days including bank holidays). The leave entitlement is pro-rata for part time employees.

Up to 5 days leave can be carried forward into the next leave year with the Line Manager's agreement.

Sick Pay

Sickness pay is calculated as follows:

- During 1st 4 months service up to 1 month's absence at full pay

- During remaining 1st year up to 1 month's absence at full pay and 2 months at half pay
- During 2nd year of service up to 2 months absence at full pay and 2 months at half pay
- During 3rd year of service up to 4 months absence at full pay and 4 months at half pay
- During 4th and 5th year up to 5 months absence at full pay and 5 months at half pay
- After 5 years' service up to 6 months at full pay and 6 months at half pay

Pensions

All staff are entitled to join the Council's contributory pension scheme. The Council is a member of the Local Government Pension scheme and will deduct a monthly contribution from the employee's salary which will be paid to the scheme together with the Council's contribution.

Notice to be given by employee.

The conditions are set out in the written statement of employment (contract).

Maternity/Paternity Pay

Parental rights are a changing and complex area of law and the current agreed contractual rights for employees will be as laid down in the Green book. These rights should be confirmed by seeking advice from YLCA when necessary.

However, employees on maternity and paternity leave will receive at least the normal statutory rights. (*see adviceguide.org.uk or gov.uk for current statutory rules*)

Overtime Pay

The Clerk and Deputy Clerk are not normally paid overtime but time off in lieu is given as the work allows. Other staff are paid for any approved additional time worked.

Expenses

Approved mileage expenses are paid at the current Council rate. Other expenses incurred in performance of Council business are paid provided they have been approved and receipted.

10. Expenses Policy - Employees

GENERAL PRINCIPLES

It is Council's policy to reimburse employees and members for expenses incurred in performing the duties required by the Council, such as travelling on council or civic business and to attend training or meetings on behalf of the Council, provided the expenditure has been authorised, receipted, and certified in accordance with this policy.

All expense claims must be submitted using the Expenses Claim Form and accompanied by receipts.

WHO DOES THE POLICY APPLY TO?

The policy applies to all employees, whether part-time or full-time, temporary, or permanent.

It also applies to councillors travelling on civic duties, those attending meetings on council business and training approved by the Council or a Committee.

AUTHORISED DUTIES

Expenses claims will be considered for the following activities:

- Travelling and associated travel expenses on journeys on council business
- Travel to and from training sessions held by NALC or other approved organisations.

Usually, approval for both must be sought in advance. Staff should seek approval from the Town Clerk. Councillors should seek approval from the appropriate committee or its Chairman and inform the Town Clerk.

METHOD OF TRAVEL

Employees and members should travel by the most cost-effective mode of transport taking into account journey time and the nature of the journey as well as monetary cost.

Travel by car will be reimbursed at current rate and reasonable parking will be paid.

Our environment will be considered when making allowance decisions. Public transport will be preferred where practical and cost effective.

All rail travel shall be by the cheapest standard class fare available.

Taxis shall only be used when essential and approval must be sought in advance.

Where an employee or councillor uses their own vehicle, they should ensure that the vehicle is in good working order, fully insured, taxed and an MOT.

SUBSISTENCE

An employee or councillor may claim for the costs of meals and beverages reasonably purchased when travelling on business. This is intended to reimburse the employee or councillor for additional expense as a result of having to travel on Council business.

Personal incidental expenses cannot be claimed.

PROFESSIONAL SUBSCRIPTIONS (Employees Only)

If agreed by the Council in advance employees may claim back the cost of the annual subscription for professional bodies whose activities are directly relevant to the employee's duties.

EYE TESTS AND SPECTACLES (Employees Only)

The Council recognises its obligations under the Display Screen Equipment (DSE) Regulations 1992 (Amended 2002).

Subject to the clauses below the Council will contribute to the cost of an eye test for any employees that use display screen (computer monitor) equipment for a significant part of their working day on LPC business.

Subject to the clause below the Council will contribute £25 towards the costs of an eye test conducted by a suitably qualified optician.

The Council will only contribute towards the costs of an eye test once in any twelve-month period.

If an eye test reveals that spectacles are required exclusively for VDU work, the Council will contribute £75 towards the cost of basic spectacles. This policy does not apply to contact lenses. The Council will not contribute towards the cost of spectacles with any element of everyday use, in other words the spectacles must be exclusively for VDU use.

PROCEDURE

All expenses claims must be made on the claim form with receipts attached as appropriate. Claim forms are available from the office.

All receipts should be originals.

It is important that employees keep full records of expenses claimed and the reasons the expenses were incurred so that they can provide appropriate evidence, if requested, to HMRC. In respect of car travel, employees should keep a log showing where journeys commenced and ceased, and the number of miles travelled.

The completed and signed form, with receipts attached, should be given to the Clerk for processing. The Clerk (or other designated officer) will scrutinise all claims submitted. If satisfied that the claims are allowable, they will be approved and paid.

If the employee or councillor fails to submit a claim for a particular item at the time and instead claims it later the Town Clerk may refuse to reimburse the expenditure.

REIMBURSEMENT

Expense claims are normally paid for within a month. Payment can be made either through cheque or via BACs.

MISCELLANEOUS EXPENSES

There may be other incidental expenses incurred by employees that are not covered by these rules such as stationery, phone calls etc which would then prompt a discussion with the Town Clerk. All cases of doubt should be referred promptly to the Clerk prior to incurring the expense.

ABUSE OF THIS POLICY

Any abuse in the application of this policy by employees will be dealt with in accordance with Council's disciplinary policy and may possibly result in disciplinary action being taken, up to and including dismissal.

Deliberate falsification of a claim or the evidence needed to make a claim by employees will constitute misconduct.

"Falsification" includes the failure to pass on any discount obtained in the course of incurring an expense.

11. Whistle Blowing Policy

Responsibilities of Members of Staff on Discovery of Fraud, Misconduct, or Wrongful Doing by Others:

As part of an effective system of internal control, the Council is required to have procedures in place for members of staff to be able to report, in total confidence, any evidence or suspicions of wrongdoing by others within their workplace.

Hopefully, you will never have the need to use these instructions. However, if a situation does arise which causes you worry or concern, the procedures outlined below are designed to enable you to report to the right person who will know what to do next.

What to do and what not to do:

First, **do not** worry.

Instead, you should act in accordance with the instructions set out in this memorandum, which are designed to ensure that further impartial checks are carried out before any appropriate action is taken. These procedures should also give you the reassurance that all reported incidents will be properly and fully investigated. Whether this proves to be groundless or not, if you have acted in good faith and in the best interests of the Council when reporting your suspicions, there will be no adverse consequences for you.

Please note that you are **not** expected to know the precise nature of any wrongdoing, nor its extent.

You are **not** authorised to carry out any investigation work on your own account to obtain evidence or confirm your suspicions.

In no circumstances should you confront any member of staff whom you suspect of any wrongdoing.

These arrangements are an important and integral part of the Council's control systems. All members of staff are given a copy of this memorandum and are expected to understand and comply with it.

Who you should contact.

All staff should address their suspicions to the Clerk, who has responsibility for internal control. Contact may be made either by telephone or in writing to the Council offices with the envelope marked "Private and Confidential - to be opened by addressee only".

In the Clerk's absence, usually annual leave, the Assistant Clerk will handle the matter.

In exceptional circumstances (or if your suspicions involve the Clerk) you should contact the Chairman of the Finance Committee or the Chairman of the Council. Depending on the nature of the

suspicion, s/he will either take up the matter with the Clerk or contact the Council's Internal Auditor.

What happens next?

Once you have reported your suspicions, you should await acknowledgement. You should **not** discuss your suspicions with anyone in the meantime. You will always receive a written acknowledgment within 2 weeks.

You may be requested to attend an interview, and this will be arranged in absolute privacy. Keep a copy of any report or item submitted. If you have not had any response from the Clerk within two weeks you should contact the Chairman of the Finance Committee or the Chairman of the Council.

You should also contact the Chairman of the Finance Committee or the Chairman of the Council if you are not satisfied in any way with the initial response you have been given, for example if you are asked to do anything in connection with your suspicions, which you consider improper, or beyond the scope of your normal duties.

Remember: you are **not** expected to form any judgment about your findings. The responsibility of every employee is primarily to notify one (or more if you wish) of the contacts named above, who will know what further procedures will need to be taken.

The Legal Position

The Public Interest Disclosure Act 1998 gives statutory protection to any employee who, with "reasonable belief", discloses information suggesting that a criminal offence has been committed or that there has been a failure to comply with any legal obligation, or that such facts are being deliberately concealed. The disclosure must be made to the employer's representatives, as directed in this memorandum unless there are exceptional circumstances for not doing so. Further guidance may be obtained in confidence from Public Sector Audit Appointments Ltd's hotline on 0207 0727445 until 31st March 2017 & after that from Smaller Authorities Audit Appointments.

12. Staff Appraisals

Introduction

This procedure reflects the aims of the Council to provide a framework through which the appraising manager (appraiser), and the employee (appraisee), to maximise their achievements, output, quality of work and effectiveness.

Appraisals take place on an annual basis, with line managers and employees being encouraged to hold regular 1-2-1 meetings throughout the year to review progress.

The procedure gives guidance on the implementation and recording of appraisals and should be followed for the appraisal of all permanent full and part time employees.

Temporary and casual employees and volunteers may undergo an appraisal, as considered appropriate.

Procedure

The Chairman of the Council's Staffing Committee will appraise the Town Clerk. All other staff will be appraised by the Town Clerk (i.e., Deputy Clerk, Administrative Clerk, and the Caretaker).

The procedure for appraisals of salaried staff will be as follows:

- i. The appraiser and appraisee set a date for an appraisal meeting.
- ii. The appraiser will send over a self-appraisal form and this policy.
- iii. The appraisee will complete the self-appraisal form which will be the basis of the appraisal.
- iv. The appraisal meeting will take place on agreed date and time at which the following will be discussed:
 - Review past 12 months performance and previous appraisal goals and objectives.
 - Discuss the information gathered in the self-appraisal form.
 - Agree and set future goals and objectives.
- v. The appraiser completes and signs a joint review form which is to be given to the appraisee within 14 working days of the meeting.
- vi. The appraisee reviews and signs the joint review form, they retain one copy the other is attached to the employees personal file.
- vii. The appraiser provides a brief report to the Staffing Committee outlining any areas that require review or further consideration.

General Principles

Information collection for the purpose of the appraisal of a member of staff should be designed to assist discussion in an appraisal interview.

Where it has been agreed that the appraisal should concentrate on specific aspects of the appraisee's job, information collection should likewise concentrate on those aspects.

Appraisers should act with sensitivity to all concerned and should not exhibit any bias in collecting information.

Those giving information should not be put under any pressure except that of relevance and accuracy.

General comments should be supported by specific examples.

Interviews for the purpose of information collection should be held on a one-to-one basis.

Any information received anonymously should not be used.

Information which does not relate to the professional performance of a member of staff should not be sought or accepted.

Appraisees should not adopt an obstructive attitude to reasonable proposals for the collection of appropriate information.

Neither appraisers nor appraisees should act in any way that is likely to threaten the trust and confidence on both sides upon which successful appraisal depends.

Other guidance to the appraiser

11. The appraiser should agree with the appraisee at the initial meeting what information it would be appropriate to collect for the purpose of the appraisal, from what sources and by what methods.

12. When interviewing people providing information as part of an appraisal, the appraiser should explain the purpose of the interview and the way in which information will be treated.

13. Those giving information should be encouraged to make fair and considered comments which they are prepared to acknowledge and to substantiate if required.

14. Any written submissions should remain confidential to the author, the appraiser and the appraisee and will be held on the individual's personal file.

15. The substance of grievance or disciplinary proceedings should never be used in the appraisal process. In the circumstances that information givers make significantly critical comments, these should not be used as part of the appraisal process.