



# STAFF HANDBOOK

HORLEY TOWN COUNCIL

FEBRUARY 2019

*Adopted by Full Council: 12 February 2019*

*Next Review Date: February 2022*

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## Introduction

The success of Horley Town Council is directly related to the skills and commitment of our employees and our work environment. With that in mind, we have developed a Staff Handbook which sets out our policies, procedures and rules.

Please thoroughly read and familiarise yourself with this Handbook and if you have any questions about the contents, please address them to the Clerk. Please note that your manager is the Clerk unless this has been confirmed otherwise. If you are the Clerk, your manager for line management purposes is the Staff Committee since it has delegated authority from the Council.

I hope this Handbook covers most events during your employment, but no Handbook can fully anticipate all eventualities. There will therefore be times when the Council may need to alter or add to the policies and rules in this Handbook, as and when appropriate. For contractual matters, we will consult with you before making these changes, for non-contractual policies we will let you know of changes.

I welcome any comments you may have about the Handbook and encourage you to let me know if you are unclear about any part or would like any changes to be considered.



**Signed:** .....  
**Chairman of the Council**

**12 February 2019**

## Annual Leave Policy

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Annual Leave Entitlement**

Your paid leave entitlement is set out in your individual contract of employment. The basic leave entitlement is equivalent to 25 days per annum (excluding Statutory / Public Holidays), increasing by a day per year on completion of the second full year of service, to a maximum of 29 days after 5 years' service. Part time employees will receive an entitlement that is pro-rated according to their hours of work.

### **Statutory / Public Holidays**

You are entitled to paid leave on normal bank and public holidays. In addition, you will be entitled to two extra statutory days (the timing of these extra-statutory holidays will be by mutual arrangement and must be taken at times convenient to the Council). Part time employees will receive an entitlement that is pro-rated according to their hours of work.

### **Working Part Time**

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

### **Leave Year**

The leave year runs from 1<sup>st</sup> April to 31<sup>st</sup> March. It is your responsibility to manage your leave in such a way that you are able to take it all during the leave year.

### **Requesting Leave**

Requests for holiday will be considered on a first come first served basis. You should request leave from your manager, with as much notice as possible. This will allow your manager to plan. Before granting leave your manager will consider the team's workload, and the need for office or team cover.

Your manager will be expected to balance your needs against the needs of the team before agreeing to leave. If you take holiday without such permission it will be treated as unauthorised absence and dealt with under the Disciplinary Procedure.

### **Sickness during Leave**

If you become ill during a requested period of paid leave, you must comply with the requirements of the sickness reporting and certification procedure, if you wish to have this sickness period discounted from the period of paid leave taken.

### **Payment of Annual Leave**

Holiday pay is calculated on the basis of your current rate of pay.

**Payment in Lieu**

If you leave during the course of a leave year, the Council may require you to take any accrued but unused holiday entitlement during your notice period.

If you cannot take any outstanding accrued holiday before leaving, you will receive a payment in lieu of any outstanding accrued holiday. In such a case, a calculation will be made of the amount of paid leave due to you, on a pro rata basis, for that part of the leave year up to the date of termination of the contract.

If, however, you have taken more paid leave than is due by this calculation, then a deduction will be made from your salary payments for an amount at your basic daily rate for the days in question. Such a deduction will be deemed to be a contractually authorised deduction.

Linked policies and procedures:

- Requesting Flexible Working
- Ordinary Parental Leave

*These are non-contractual arrangements which will be reviewed from time to time.*

## **Sickness Absence Policy**

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Purpose and Scope**

The Council is committed to the health, safety and welfare of its employees. It recognises that absence due to sickness is inevitable in any workplace. However, this policy is aimed at minimising such absences and formalising the procedures involved.

The Council values the contribution its employees make in running it successfully. This policy aims to provide a fair and consistent framework for handling absence and ensuring that any employee absent from work due to ill health, receives all the necessary support that the Council can provide.

It is important that this policy is understood by all employees and accepted as being in the mutual interest of both employees and the Council. It will be applied as an integral part of the day-to-day management of the Council.

The policy applies to all employees.

### **Procedure for notifying the Council of sickness absence**

Each employee must inform the Clerk that they are absent from work; the reason, and how long they believe they are likely to be off, by telephoning before 9.00am on the first day of absence. If the Clerk is not in the office, the employee should telephone the Clerk's mobile. If the Clerk is not contactable, the employee should contact the Deputy Clerk or escalate to the Chairman of the Staff Committee. Should the employee fail to inform the Council in this manner, there is a likelihood that their sickness absence will not be paid. A text message, email or voice message is not an appropriate form of communication.

Any employee working non-standard hours should try to contact the Clerk by telephone before the start of their working day, or by 9.00am as above.

Every effort should be made by the employee to report their absence personally. If, however the employee is incapacitated, a relative or friend must be asked to contact the Council on their behalf, by telephone.

If the absence is for a period of less than seven days, employees should complete a self-certification form (available from the Council office) on their return to work. For an absence of more than seven days employees must obtain fit notes issued by a doctor or any other medical professional covering the entire period of absence. This must be sent or hand delivered to the Clerk immediately. The Clerk should send documentation for their own absence to the Chairman of the Staff Committee.

### **Return to work**

Employees should expect a “return to work” meeting with the Clerk on their first day in the office after any period of absence, to ensure that the employee is fit to work, that all the support the employee needs is in place and to update the employee on developments and their workload.

At the return to work interview, the Clerk will:

- Welcome the employee back
- Highlight that their contribution to the team has been missed
- Ensure that the employee is fully recovered and decide whether any further support is required from the Council and;
  - review their sickness absence record for the past twelve months
  - agree that no further action is needed or
  - set a time for a further, more in-depth, review meeting

If the employee is experiencing frequent periods of absence the Clerk will explore with the employee whether there is any underlying reason for the frequency of the absences and whether further support is necessary. Where no underlying reason is identified the Clerk will initially set up an informal meeting with the employee to discuss the problem.

In the case of the Clerk being off sick, the same procedures will be followed by the Staff Committee.

**Sick pay**

During periods of absence resulting from ill health, employees may be entitled to Statutory Sick Pay, which is subject to the usual deduction for PAYE, National Insurance etc. The Qualifying Days for SSP purposes will be those days on which you are normally required to work as per your contract. Staff earning below the lower earnings limit will not qualify for SSP.

Subject to complying with the sickness absence reporting procedure, you will (subject to a limited number of exceptions) be entitled to receive the following sick pay allowance (inclusive of SSP) as per your contract of employment and the provision of ongoing medical evidence:

<b>Service</b>	<b>Entitlement to Sick Pay Allowance (incl of SSP)</b>
Less than four months service	Nil
During 1st year of service	1 month’s full pay and (after completing 4 months service) 2 months half pay.
During 2nd year of service	2 months full pay and 2 months half pay.
During 3rd year of service	4 months full pay and 4 months half pay.
During 4th & 5th years of service	5 months full pay and 5 months half pay.
After 5 years’ service	6 months full pay and 6 months half pay.

N.B. For the purposes of calculating “half” pay, the rate of pay for the agreed salary month will be used.

**Medical Examination**

The Council reserves the right to request you to undergo a medical examination. The Council will pay the cost of any such examination and all information given in connection with it and any report upon it shall be fully disclosed to the Council. Employees will have the right of access to the report in accordance with the Access to Medical Reports Act 1988.

### **Persistent Short-Term Absence**

This refers to cases where an employee is frequently absent from work for relatively short periods due to sickness. It is recognised that most employees will have some short-term sickness absence from time to time. However, if an employee is frequently and persistently absent from work, this can damage efficiency and productivity, and place an additional burden of work on colleagues. Therefore, it is essential that frequent absence is dealt with promptly and consistently and in some circumstances, the Council may initiate the or Disciplinary Procedure as part of the absence management process.

In the case where an employee has frequent absence due to an underlying long-term health condition then the Council will also request, with consent, a medical report either from an Occupational Health Physician or the G.P. or consultant to establish whether attendance is likely to improve and any advice or guidance they can give prior to making any decisions. The Council will, in these circumstances, consider any alternative employment options before making any decision about ending employment. An employee will have the right to be accompanied by a work colleague or trade union representative at formal meetings and a right of appeal against a formal warning or dismissal sanction.

The monitoring of absence operates on a rolling 52 week period.

### **Long Term Absence**

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

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

Following the probationary period, the Council will not normally consider terminating an employee's employment if they are absent from work due to genuine sickness or injury during the first six months of absence. Thereafter, the position will be reviewed periodically and ultimately it may become necessary from a business perspective to consider termination of employment. In these circumstances, the Council will:

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

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

Where an employee experiences sickness absence as a result of a disability it will be treated in line with the provisions contained within the Equality Act 2010. This will include considering whether any reasonable adjustments can be made.

### **Data Protection**

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

### Linked policies and procedures:

- Disciplinary Procedure
- Performance Improvement Procedure

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

## Maternity Leave & Pay Policy

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Purpose and Scope**

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

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

This document provides basic guidance on the health and safety aspects of working whilst pregnant, although further specific information can be obtained from the Health and Safety Adviser, who can be contacted through the Clerk.

### **Policy**

Our policy is to comply with both the spirit and the letter of the law on maternity rights. To this end our aim is to inform all female employees of their maternity rights and to ensure those rights are understood.

### **Procedure**

#### Telling your manager that you are pregnant

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

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

#### *Note on the MAT B1 certificate:*

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

## **Entitlements**

### Ante-Natal Care

During your pregnancy, your doctor or midwife will make regular appointments with you for ante-natal checks, scans, tests etc. You are entitled to take reasonable time off work to attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid and you will not be expected to make up the time.

You should give your manager as much notice as possible of your appointments and, after the first one, should show them the appointment card from the hospital or clinic.

### Maternity Leave

You are entitled to take up to 52 weeks' maternity leave. This is made up of 26 weeks of ordinary maternity leave (OML) plus 26 weeks' additional maternity leave (AML). You also have the right to return to work after the end of your OML or AML. This right applies to all female employees regardless of length of service or the number of hours worked per week.

You can choose when to start your maternity leave. This can be any date from the beginning of the 11<sup>th</sup> week before the week the baby is due. The law requires that an employee take a minimum of two weeks maternity leave immediately following the birth.

### Sick Leave during your Pregnancy or Maternity Leave

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

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

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

### Early Births

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

## **Maternity Pay**

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

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

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

#### If you do not qualify for SMP

If you do not qualify for SMP you may be eligible to receive Maternity Allowance. You should contact your local Job Centre for details of this benefit.

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

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

#### **The Effect of Maternity Leave on Contractual Benefits**

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

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

#### Annual Leave

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

#### Pension Scheme

Occupational pension contributions continue during OML and during any period of paid maternity absence. For further information, contact the Clerk.

#### Maintaining Contact during Maternity Leave

Some people choose to have little if any contact with work during their maternity leave while others want to maintain a high level of contact. Before you start your maternity leave, your manager will meet with you to discuss reasonable contact arrangements during your maternity leave.

Below is a list of the sorts of information you may want to be kept informed about:

- Notes of team and other important meetings,
- Details of internal vacancies which arise,
- Details of important announcements given in the team meeting,
- Details of significant developments to working practices,
- Details of changes to the team structure, and,
- Details of any training courses which are offered to the team.

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

#### Keep in Touch (KIT) Days

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

#### **Returning to Work**

The Council will assume that you will take your full maternity leave entitlement and intend to return to work doing the same job (see paragraph below regarding entitlement to return to the same job after maternity leave), with the same hours, unless you notify the Council, in writing, or request otherwise. In other words you do not have to notify us if you intend to return to work at the end of your additional maternity leave (AML).

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

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

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

#### **Requesting a Change to your Pattern of Work**

You have the right to request that the Council considers changing your pattern of work (subject to eligibility criteria). If you would like further information about this right and how to request a change of hours or pattern of work, please refer to the Requesting Flexible Working Policy in this Handbook.

## **Your Health and Safety**

### Risk Assessment

Whilst most women are able to work normally during pregnancy there are some duties which are best avoided or minimised. The main risks and whom they might affect are listed in [Appendix 2](#). Your manager may be able to reorganise your work to avoid/minimise such duties or may arrange different work for you within your capability, for health and safety reasons. Only in exceptional cases would other action be required e.g. suspension on medical grounds or other appropriate action.

Once you tell your manager of your pregnancy, your manager will hold a meeting with you to discuss health and safety issues. In consultation with you, your manager will complete a "Risk Assessment for New and Expectant Mothers" ([Appendix 2](#)), agreeing with you any measures to be taken. Your manager will hold regular meetings with you throughout your pregnancy in order to review the initial assessment. If you have any concerns, please raise these directly with your manager.

#### *Note on risk assessments*

It is important that the content of the generic risk assessment is understood by both you and your manager. If you do have any queries about the risk assessment, you should not hesitate to contact the Clerk who will in turn seek the advice of the Health & Safety Adviser.

#### *NB on rest facilities*

There should be somewhere at each work place where a pregnant or nursing mother can rest. This may be a staff room, first aid room or if space does not permit, a comfortable Chairman away from the main work area may have to suffice.

## **Data protection**

When managing your maternity leave and pay, the Council processes personal data collected in accordance with our data protection policy. Data collected from the point at which you inform us that you are pregnant is held securely and accessed by, and disclosed to, individuals/third parties only for the purposes of managing your maternity. Inappropriate access or disclosure of your data constitutes a data breach and should be reported in accordance with our data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Council disciplinary procedure.

### Linked policies and procedures:

- Paternity Leave
- Requesting Flexible Working
- Ordinary Parental Leave
- Shared Parental Leave
- Emergency Leave

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

## **Paternity (Maternity Support) Leave & Pay Policy**

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Purpose and Scope**

The Council is committed to encouraging family friendly policies where practicable. Detailed below is an outline of entitlement to paternity leave. As soon as you discover your spouse/partner is pregnant, you should contact your Manager so that you can be briefed on your entitlements. Paternity leave and paternity pay is also available to employees following the placement of a child for adoption.

To qualify for paternity leave and pay, you will need to have at least 26 weeks service by the end of the 15<sup>th</sup> week before the expected week of birth or ending with the week in which he or she was notified of having been matched with the child.

### **Ante-natal Appointments**

An expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. The time off is capped at six and a half hours for each appointment. "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions, and intend to apply, for a Parental Order for the child born through that arrangement.

We may ask you for a declaration stating the date and time of the appointment and that you qualify for the unpaid time off through your relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

### **Paternity Leave (PL)**

Fathers and eligible partners can start their PL from the date of the child's birth, or child's placement with the adopter, or within 56 days of the birth or date of placement. If the child is born early, the paternity leave may be taken between the date of birth and up to the 56th day after the expected week of birth.

Only one period of leave is available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

You can either take one week or two consecutive weeks PL. You are not entitled to take two separate one-week periods of leave or a period of leave which is less than one week in duration.

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

### Notification of Paternity Leave

You must inform your manager of your intention to take PL by the end of the qualifying week, unless this is not reasonably practicable. You must tell your manager:

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

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

### **Statutory Paternity Pay (SPP)**

You will qualify for SPP if your weekly earnings in the 8 weeks up to and including the Qualifying Week (QW) are not less than the lower earnings limit for the payment of National Insurance contributions.

The QW is 15 weeks before the baby is due or the week during which you are notified of being matched with a child for adoption.

Ordinary paternity leave, which is otherwise known as Maternity Support Leave, will be paid at the prevailing rate of SPP or 90% of average weekly earnings if this figure is less than SPP.

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

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

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

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

### **Returning to Work**

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

### **Requesting a Change to your Pattern of Work**

You have the right to request that the Council considers changing your pattern of work (subject to eligibility criteria). If you would like further information about this right and how to request a change of hours or pattern of work, please refer to the Flexible Working Policy in this Handbook and speak to your manager.

### **Data protection**

When managing your paternity leave and pay, the Council processes personal data collected in accordance with our data protection policy. Data collected from the point at which you request paternity leave is held securely and accessed by, and disclosed to, individuals/third parties only for the purposes of managing your paternity leave and pay. Inappropriate access or disclosure of your data constitutes a data breach and should be reported in accordance with our data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Council disciplinary procedure.

#### Linked policies and procedures:

- Maternity Leave and pay
- Adoption Leave and pay
- Shared Parental Leave
- Ordinary Parental Leave
- Requesting Flexible Working
- Emergency Leave

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

## Adoption Leave & Pay Policy

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Purpose and Scope**

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

The purpose of this policy and procedure is to provide managers and staff with clear information about the Council's adoption provisions. This document sets out the Council's policy on adoption leave, pay, and arrangements surrounding returning to work after adoption leave. It also sets out the procedures which the Council and employees need to follow at various stages, before, during and after adoption leave.

### **Policy**

The Council's policy is to comply with both the spirit and the letter of the law on adoption leave and pay rights. To this end its aim is to inform all employees of their adoption rights and to ensure those rights are understood.

### **Qualifying Criteria**

To qualify for adoption leave, you must be newly matched with a child for adoption by an adoption agency. There is no length of service requirement for adoption leave.

Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children.

### **Procedure**

#### Telling your Manager that you are Adopting a Child

You must inform your manager of your intention to take adoption leave within 7 days of being notified by your adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable. You need to tell your manager when the child is expected to be placed with you and when you want your adoption leave to start.

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

#### Matching Certificate

You must give your manager documentary evidence from your adoption agency as evidence of your entitlement to Statutory Adoption Pay. Employers can also ask for this as evidence of entitlement for adoption leave. You should ask your adoption agency for this documentary evidence, which may be provided in the form of a matching certificate which includes basic information on matching and expected placement dates.

### **Adoption Appointments**

The primary adopter is entitled to take paid time off to attend up to 5 pre-adoption appointments. The co-adopter will be entitled to take unpaid time off to attend up to 2 pre-adoption appointments. The time off is capped at six and a half hours' time off work on each occasion. You should give your manager as much notice as possible of your appointments and, after the first one, should show them the appointment letter/card.

### **Entitlements**

Your entitlements to the following all mirror the rights and entitlements set out in the maternity policy which includes:

- Adoption pay and contractual adoption pay,
- The length of time that you can take as adoption leave,
- The entitlement to pay awards,
- The arrangements regarding keeping in touch with the office during your adoption leave,
- The right to transfer some of your adoption leave, under the Shared Parental leave provisions,
- The effect of adoption leave on contractual benefits, and,
- Your entitlement to annual leave.

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

You may be entitled to curtail your adoption leave and pay and instead take SPL and pay in conjunction with the co-adopter, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of placement. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. See the Shared Parental Leave Policy for more information.

### **Pension Scheme**

Occupational pension contributions continue during OAL and during any period of paid adoption absence. For further information, contact your Pension Scheme Administrator.

### **Returning to Work**

The Council will assume that you will take your full adoption leave entitlement and intend to return to work doing the same job, with the same hours, unless you notify the Council, in writing, or request otherwise.

If you want to return to work before the end of your adoption leave, you will need to notify your manager in writing giving at least eight weeks' notice of your intended return date. If you do not give at least eight weeks' notice, your manager may delay your return to work by up to a further eight weeks where s/he has good reason.

### **Requesting a Change to your Pattern of Work**

You have the right to request that the Council considers changing your pattern of work (subject to eligibility criteria). If you would like further information about this right and how to request a change of hours or pattern of work, please refer to the Requesting Flexible Working Policy in this Handbook.

**Data protection**

When managing your adoption leave and pay, the Council processes personal data collected in accordance with our data protection policy. Data collected from the point at which you inform us that you plan to take adoption leave is held securely and accessed by, and disclosed to, individuals/third parties only for the purposes of managing your adoption leave and pay. Inappropriate access or disclosure of your data constitutes a data breach and should be reported in accordance with our data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the the Council disciplinary procedure.

**Linked policies and procedures:**

- Maternity Leave
- Paternity Leave
- Shared Parental Leave
- Requesting Flexible Working
- Ordinary Parental Leave
- Emergency Leave

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

## Shared Parental Leave & Pay Policy

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Purpose and Scope**

This policy and procedure applies to all current employees, whether full or part-time, temporary or fixed-term. It does not apply to agency workers or to self-employed contractors.

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

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

### **Policy**

Our policy is to comply with both the spirit and the letter of the law on SPL rights. To this end our aim is to inform you of your rights and provide clear procedures.

### **Summary of SPL**

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

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

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

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

## **Eligibility Criteria**

SPL can only be used by two people:

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

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

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

## **Evidence of entitlement**

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

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

To be entitled to SPL, you must produce this information within 14 days of our request.

## **Forms which need to be completed**

### Mothers opting to take SPL

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

1. *Leave curtailment notice (see [Appendix 3](#))*

This gives us written notice that you will end your maternity leave in favour of taking SPL.

2. *Opt-in notice (see [Appendix 4](#))*

This explains that you are entitled to take SPL and that you intend to take it.

3. *Period of leave notice (see [Appendix 5](#))*

This sets out the start and end dates of your SPL and if you intend to claim ShPP, if applicable.

NOTE: These notices can be given to us at different times, but we must receive them at least 8 WEEKS BEFORE YOU INTEND TO TAKE SPL.

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

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

1. An opt-in notice; (see [Appendix 6](#))
2. A period of leave notice (see [Appendix 5](#))

### **Booking Shared Parental Leave**

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

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

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

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

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

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

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

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

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

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

You have the right to submit up to 3 notices specifying leave periods you are intending to take. Remember that if you want to change your mind over a period of SPL and submit a variation notice, this will count as another of the 3 notices. If you withdraw a notice for discontinuous leave within 15 days of submitting it, it won't count as one of the 3 notices.

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

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

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

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

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

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

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

- The leave proposed
- What will happen while you are away from work
- How the leave proposal could be agreed
- Whether a modified arrangement would be agreeable, and
- What the outcome may be if no agreement is reached

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

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

### **Variations to arranged SPL**

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

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

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

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

### **The Effect of SPL on Contractual Benefits**

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

#### Annual Leave

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

#### Pension Scheme

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

### **Maintaining Contact during SPL**

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

- Notes of team and other important meetings
- Details of internal vacancies which arise
- Details of important announcements given in the team meeting
- Details of significant developments to working practices
- Details of changes to the team structure, and
- Details of any training courses which are offered to the team

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

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

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

You will be paid at your normal basic rate of pay for time spent working on a SPLIT day and this will be inclusive of any ShPP entitlement.

### **Returning to work**

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

If you want to extend your SPL you must submit a new Period of Leave Notice at least 8 weeks before the date you were due to return to work, assuming you still have SPL entitlement remaining and have not already submitted 3 periods of leave notices. If you are unable to request more SPL you may be able to request annual leave or ordinary parental leave, which will be subject to business need.

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

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

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

### **Fraudulent claims**

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

### **Data protection**

When managing your shared parental leave and pay, the Council processes personal data collected in accordance with our data protection policy. Data collected from the point at which you inform us that you plan to take shared parental leave is held securely and accessed by, and disclosed to, individuals/third parties only for the purposes of managing your shared parental leave and pay. Inappropriate access or disclosure of your data constitutes a data breach and should be reported in accordance with our data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Council disciplinary procedure.

Linked policies and procedures:

- Maternity Leave
- Paternity Leave
- Adoption Leave
- Requesting Flexible Working
- Ordinary Parental Leave
- Emergency Leave

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

## Ordinary Parental Leave Policy

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*Adopted by Full Council: 12 February 2019*

*Next Review Date: February 2022*

### **Purpose and Scope**

The purpose of this policy and procedure is to provide managers and staff with clear and comprehensive information on the Council's ordinary parental leave provisions.

Ordinary Parental Leave is distinct from Shared Parental Leave

### **Policy**

The Council's policy is to comply with both the spirit and the letter of the law on Parental leave rights. To this end its aim is to inform all employees of their ordinary parental leave rights and to ensure those rights are understood.

### **Qualifying Criteria**

To qualify for ordinary parental leave, you must;

- Have parental responsibility for the child
- Have at least one year's continuous service with the Council by the time you want to take the leave
- Use the ordinary parental leave to look after the child
- The child must be under the age of 18

### **Amount of Ordinary Parental Leave**

If you are eligible for ordinary parental leave you will be entitled to receive up to 18 weeks' unpaid leave for each child. If you have twins, you will be entitled to receive two lots of 18 week's unpaid leave.

The amount of ordinary parental leave you are entitled to is taken with you if you move jobs. For example, if you are eligible for a total of 18 weeks ordinary parental leave and have already taken 5 weeks ordinary parental leave with a previous employer, you will need to work for the Council for a year before qualifying for the remaining 13 weeks.

You will be able to take leave in blocks of one week, subject to a maximum of four weeks at any one time and in any one year. If your child is disabled, you will be able to take odd days.

If you work part-time you will be able to take leave in proportion to the time worked, e.g. if you work two days a week as opposed to the usual five, you will have the right to 36 days' parental leave in all (5 days × 18 weeks × 2/5 of normal working time).

### **Requesting Ordinary Parental Leave**

If you would like to take a period of ordinary parental leave, you will need to advise your manager in writing at least 21 days before you wish to take the leave.

### **Postponing Leave**

In some circumstances, your manager will not be able to grant your request for leave, for example where your absence would substantially affect service delivery. If this is the case, your manager will write to you within 7 days of your request, explaining why, and postponing your leave for not more than six months, starting from the date on which you originally wished your leave to begin.

Your leave will not be postponed if you are taking ordinary parental leave immediately after the birth or adoption of a child.

### **Ordinary Parental Leave and Maternity, Adoption, Paternity and Shared Parental Leave**

You can request to take ordinary parental leave at the end of a period of maternity, adoption, paternity or shared parental leave.

### **If you do not qualify for Ordinary Parental Leave**

If you do not qualify for ordinary parental leave but need to take time off to care for your child or children, please speak to your manager. Your manager will explore whether other options are available.

### **Data protection**

When managing your ordinary parental leave, the Council processes personal data collected in accordance with our data protection policy. Data collected from the point at which you inform us that you plan to take ordinary parental leave is held securely and accessed by, and disclosed to, individuals/third parties only for the purposes of managing your ordinary parental leave. Inappropriate access or disclosure of your data constitutes a data breach and should be reported in accordance with our data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Council disciplinary procedure.

### Linked policies and procedures:

- Requesting Flexible Working
- Maternity Leave
- Paternity Leave
- Adoption Leave
- Shared Parental Leave
- Emergency Leave

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

## Emergency Leave Policy

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Purpose and Scope**

All employees with dependants (including elderly relatives and others) can take reasonable unpaid time off to deal with unforeseen emergencies. This is unlikely to amount to more than a day or two a year.

### **Policy**

The Emergency Leave Policy covers all instances where you may need to take unplanned absence to attend to urgent or serious situations affecting your dependants and where no alternative provision is available. Emergency leave is designed to provide carers with the opportunity to make alternative arrangements for the care of dependants. The Emergency leave policy is not normally granted to allow carers to look after dependants.

Dependants include parents, husband, wife, partner, children or an individual who depend on an employee for care, e.g. an elderly neighbour.

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

- Sudden sickness, illness or accident affecting dependants
- Situations where the normal care arrangements for dependants unexpectedly break down, and
- Unexpected events affecting dependants that demand urgent attention, e.g. accidents or illness involving dependent children at school

As soon as is reasonably practicable in the circumstances, contact your manager by telephone to explain the circumstances, and if possible, an indication of the length of time-off you are likely to need in order to make alternative arrangements.

When you make a request to your manager for emergency leave, your manager should process any personal data collected in accordance with the Council's data protection policy. Managers should record only the personal information required to deal with your request for emergency leave.

### Linked policies and procedures:

- Requesting Flexible Working
- Annual Leave

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

## Requesting Flexible Working Policy

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Purpose and Scope**

In recent years there has been a growing demand for flexible working, both from individuals who want to achieve a better balance between their work and home life and from employers wanting to align their business needs with the way their employees work and customers/clients' needs.

This policy has been written to explain the process which the Council will use to respond to requests by staff to vary their hours, pattern or place of work. It applies to all eligible staff, regardless of whether they work full or part-time or have a temporary contract of employment. It does not apply to agency staff and office holders.

You have a statutory right to request a change to your contractual terms and conditions of employment to work flexibly provided you have been employed with the Council for at least 26 weeks at the date the application is made.

### **Policy**

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

### **Making the Request**

To apply for flexible working, please complete a flexible working application form ([Appendix 7](#)) and submit this to your manager.

You can only make one statutory request in any 12-month period.

### **Responding to your Request**

Once we receive your written request, we will arrange a discussion with you as soon as possible, unless we agree immediately to your request. It may be that we need to ask you to supply further details before the meeting. If there is likely to be a delay in discussing your request we will inform you.

You may be accompanied at the meeting by a work colleague.

Your request will be fully discussed at the meeting. The Council will carefully consider your request looking at the benefits of the requested changes on working conditions for you as an employee and the organisation and weighing these against any adverse business impact of implementing the changes.

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

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

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

- The burden of additional costs is unacceptable to the Council,
- Detrimental effect on ability to meet customer demand,
- Inability to re-organise work among existing staff,
- Inability to recruit additional staff,
- Detrimental impact on quality,
- Detrimental impact on performance,
- Insufficiency of work during the periods the employee proposes to work, and/or
- Planned structural changes to the organisation.

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

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

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

The Council will deal with requests in a timely manner although the law requires the consideration process to be complete within three months of first receiving a request, including any appeal. If the request cannot be dealt with within three months, the Council may ask to extend the consideration process, provided you agree to the extension.

### **Handling Requests in a Fair Way**

We may receive more than one request to work flexibly closely together from different employees and it may or may not be possible to accept all requests. Each case will be considered on its merits looking at the business case in the order they have been received. We may ask you if there is any room for adjustment or compromise before coming to a decision.

### **Appealing Against the Decision**

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

There may be circumstances when the Clerk and Staff Committee panel are unable to meet within the required timeframes, in which case a meeting will be held as soon as is practically possible.

### **The Effect on your Contract of Employment**

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

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

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

### **Data protection**

When managing your flexible working request, the Council processes personal data collected in accordance with our data protection policy. Data collected from the point at which the Council receives a flexible working request is held securely and accessed by, and disclosed to, individuals/third parties only for the purposes of managing your request for flexible working. Inappropriate access or disclosure of your data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

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

## Retirement Policy & Procedure

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Purpose and Scope**

The purpose of this policy is to set out the Council's approach to the retirement of employees.

### **Policy**

The Council does not operate a compulsory retirement age for its employees. The Council is committed to equal opportunities for all its employees and recognises the contributions of a diverse workforce, including the skills and experience of older employees. It believes that employees should, wherever possible, be permitted to continue working for as long as they wish to do so. The Council operates a flexible retirement policy and employees may voluntarily retire at a time of their choosing.

### **Retirement Procedure**

If you have decided that you wish to retire, you should inform your manager in writing as far in advance as possible and, in any event, in accordance with your notice period as set out in your contract of employment. This will assist the Council with its succession planning.

The Council will write to you acknowledging your notice to retire. Your manager will arrange a meeting with you to discuss arrangements for retirement, including the intended retirement date, succession and handover plans, pension details and phased retirement, if applicable.

You are advised to consider your pension provision and take independent financial advice before making any decision in relation to retirement.

### Workplace Discussions

The Council will invite all employees to regular workplace discussions with their managers. These will take place once the year, when performance appraisals are carried out and at other formal review meetings. During those discussions, your manager will discuss your performance, developmental or training needs and the Council's and your future plans and expectations in the short-, medium- and long-term. During those meetings, you may discuss your future plans or proposals for retirement.

A record of each workplace discussion will be kept as part of the appraisal and supervision paperwork and a copy will be given to you.

A discussion about possible retirement will not result in any assumptions about your commitment to the Council. The Council seeks to retain the best talent, including older employees. Workplace discussions are an opportunity for both you and the Council to plan jointly for the future.

### Succession Planning

An employee who is shortly to retire will often have considerable knowledge in relation to their role and responsibilities. The Council may require your assistance and cooperation for succession planning.

Prior to retirement, you should cooperate with the Council, if requested to do so, by:

- Providing full written details of the status of work projects and future steps
- Developing a job description, including key competencies and skills required for the role
- Ensuring a smooth handover of work
- Assisting in training any successor

### Pension and Insurance Benefits

Employees who are aged 65 or over who are members of the Council occupational pension scheme will remain entitled to the benefits of the scheme, in accordance with the Surrey Pension Fund. Further details are available from the Clerk.

### Phased Retirement

If you have notified the Council that you wish to retire, the Council will consider and if appropriate discuss the option of phased retirement with you.

Alternatively, you may decide that you do not wish to retire in the near future but would benefit from alternative working arrangements in the short- or medium- term. You may make a request to the Council for a different pattern of work.

Phased retirement allows a change of working pattern so that you can reduce your hours gradually (for example, move to part-time working) prior to retirement. It may, for example, involve changes to your responsibilities to help the Council with its succession planning, and help you adjust to, and prepare for, retirement.

The Council will fairly consider all requests by those employees for changes to their working patterns.

The Council will not make any changes to your working pattern without your written consent.

A reduction in working hours may result in a reduction in salary and pension contributions to the Council's occupational pension scheme. You should check their pension arrangements before making any decision on this.

You are under no obligation to participate in phased retirement.

### **Data protection**

The Council processes personal data collected during the retirement procedure in accordance with our data protection policy. In particular, data collected as part of the retirement procedure is held

securely and accessed by, and disclosed to, individuals/third parties only for the purposes of supporting you in your retirement.

Linked policies and procedures:

- Equality & Diversity Policy
- Flexible Working Policy

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

## Acceptable use of IT Policy

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Purpose and Scope**

The Council provides information and communication technology systems that enable us to work efficiently. We recognise that email communication plays an essential role in the conduct of our organisation and that the way in which we all communicate with people not only reflects on us as individuals but also on us as an organisation.

In addition, the Council provides to some job roles access to the vast information resources of the internet to help us do our job and be well informed. The facilities that we provide represent a considerable commitment of resources. This policy is designed to help you understand our expectations for the use of those resources and to ensure that you use those resources wisely.

This policy applies to all staff (whether full time, part time, casually employed or temporary workers), agency workers, and contractors working for or on behalf of the Council and anyone using the Council's information and communication technology equipment.

The purpose of this policy is to set clear standards of behaviour and conduct in the use of IT.

The communications and IT equipment refer to, but is not limited to, computers, internet access, remote access connections, email servers, file storage, webmail, personal digital assistants (Blackberry's, iPhones, iPads, Smart-Phones etc), telephones, mobile phones and computing and networking facilities owned and operated by the Council.

### **Policy Statement**

Information and communication technology systems provide a means for communicating both internally and externally and, a means for storing information, including personal or sensitive information. All staff and other users are therefore expected to use the systems provided in ways which:

- Comply with legislative requirements (e.g. data protection, equality legislation, health and safety etc.)
- Enhance efficiency and productivity, and,
- Enhance the reputation of the Council.

However, your use of IT and communication technology can pose risks to our confidential information, reputation and compliance with legal obligations. To minimise these risks, to avoid loss of productivity and to ensure that our IT resources and communications systems are used only for appropriate business purposes, we expect all employees to adhere to this policy.

Breach of this policy may result in disciplinary action up to and including dismissal. Disciplinary action may be taken regardless of whether the breach is committed during working hours, and regardless of whether our equipment or facilities are used for the purpose of committing the breach.

Any member of staff suspected of committing a breach of this policy will be required to co-operate with our investigation, which may involve handing over relevant passwords and login details.

### **People responsible for implementing the policy**

The Clerk has overall responsibility for the effective operation of this policy. Responsibility for monitoring and reviewing the operation of this policy and making recommendations for change to minimise risks also lies with the Clerk.

All Clerk has a specific responsibility for operating within the boundaries of this policy, ensuring that all staff understand the standards of behaviour expected of them and taking action when behaviour falls below its requirements.

All staff are responsible for the success of this policy and should ensure that they take the time to read and understand it. Any misuse of IT resources should be reported to the Clerk.

### **Compliance with related Policies and Agreements**

The Council's policies and procedures (e.g. Codes of Conduct, Disciplinary, Data Protection and Equality & Diversity Policy) apply equally to behaviour online as off line. The IT resources should never be used in a way that breaches any of our other policies.

It is your responsibility to ensure that information and data that you hold on the Council's computer systems complies fully with the principles of the General Data Protection Regulation (GDPR). In brief, the GDPR requires that anyone who inputs, stores or uses personal information must ensure that the information (e.g. names, addresses, other information kept on individuals) is:

- processed lawfully, fairly and in a transparent manner in relation to individuals
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- accurate and, where necessary, kept up to date
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed
- processed in a manner that ensures appropriate security of the personal data.

A good way of understanding these requirements and your responsibilities is to think about how you would wish your bank to store and use, and not use, your own personal details. Please refer to our Data Protection Policy.

## **Monitoring**

The contents of our IT resources and communications systems are our property.

We reserve the right to monitor, accept, intercept, record, retrieve, print and review, your activities using our IT resources and communications systems, including but not limited to e-mails, social media postings and internet activities, to ensure that our rules are being complied with and for legitimate business purposes including:

- If you are absent for any reason and communications must be checked for the smooth running of the business to continue
- To investigate or detect the unauthorised use of the systems e.g. if we suspect that you have been viewing or sending offensive or illegal material, such as material containing racist terminology or sexual content or nudity
- If we suspect that you have been using the email system to send and receive an excessive number of personal communications
- If we suspect that you are sending or receiving emails that are detrimental to the Council  
If we suspect that you have been spending an excessive amount of time viewing websites that are not work related
- To maintain a satisfactory level of security on our computer systems

We may store copies of such data or communications for a period of time after they are created and may delete such copies from time to time in line with our Data Protection policy.

Do not use our IT resources and communications systems for any matter that you wish to be kept private or confidential from the Council. While an email that is clearly private does not fall within the definition of a communication that is relevant to the Council's business, we maintain a right to monitor such a communication where there is a reasonable suspicion that the content breaches the Council's policy.

## **Data protection**

Monitoring of an employee's email and/or internet use will be conducted in accordance with an impact assessment that the organisation has carried out to ensure that monitoring is necessary and proportionate. Monitoring is in the Council's legitimate interests and is to ensure that this policy on email and internet use is being complied with.

For further details please refer to our Data Protection Policy available on the [Horley Town Council website](#)

## **Passwords**

- All systems have an authenticated User ID/password combination prior to gaining access
- Any confidential documents should be encrypted prior to sending via e-mail – the password should be notified to the receiver either verbally or by text

## **Computer Usage**

- To prevent unauthorised access to your files, please ensure that you secure your computer if you are away from your desk
- The computer systems are backed up regularly, however you must ensure your work is adequately saved in a secure location that is accessible for backup

## **Use of email**

### Contents of emails

Emails that you intend to send should be checked carefully. The use of email to send or forward messages that are defamatory, obscene or otherwise inappropriate will be treated as misconduct under the appropriate disciplinary procedure. In serious cases, this could be regarded as gross misconduct and lead to summary dismissal.

Equally, if you receive an obscene or defamatory email, whether unwittingly or otherwise and from whatever source, you should not forward it to any other address.

Statements to avoid in emails include those criticising an organisation or their staff, those stating that there are quality problems with goods or services of suppliers or clients, and those stating that anyone is incompetent.

### Corporate information to be included in emails

You should ensure that only appropriate Council information and your contact details are given on any emails and that every email states the official disclaimer clause used by the Council.

### CC'ing

You must exercise care not to copy emails automatically to all those copied in to the original message to which you are replying. Doing so may result in disclosure of confidential information to the wrong person.

### Attachments

You must not attach any files that may contain a virus to emails, as the Council could be liable to the recipient for loss suffered. The Council has virus-checking in place but, if in doubt, you should check with the Clerk.

You should exercise extreme care when receiving emails with attachments from third parties, particularly unidentified third parties, as these may contain viruses.

## **Mobile phone texting**

- Texting funders, suppliers or other external stakeholders should be avoided wherever possible. Texting can often involve an abbreviated use of language which not everyone is familiar with. If you must text another person keep any abbreviated language to a minimum, to ensure a full understanding of the message

- Text messages must be treated in the same way as emails, in the sense that they must not contain illegal, discriminatory, obscene, pornographic or otherwise abusive or threatening messages
- Content of work related text messages or text messages on company equipment should meet the requirements of our data protection policy.

### **Internet**

- You must not use the Council systems to access pornographic, offensive, illegal or other improper material or make inappropriate use of the Internet
- Producing, downloading or distributing sexually explicit or offensive material in any form, electronic or otherwise (e-mail, blogging, picture, file, printed-output, etc), which may be considered abusive or derogatory to individuals on the basis of race, ethnicity, religion, gender, sexual orientation, gender re-assignment, disability, age etc. is a violation of our Equality & Diversity policy. Any such action will be considered as gross misconduct
- The Council has installed an internet firewall to assure the safety and security of its network. We may block access from within our networks to all sites mentioned above that we know of. If you find yourself connected accidentally to a site that contains sexually explicit, offensive or illegal material, you must disconnect from that site immediately and notify the Clerk
- You must not subscribe to chat rooms, dating agencies, messaging services, internet diary (known as blogging) or other on-line subscription internet sites

### **Misuse**

Misuse of the Council computing facilities may result in disciplinary or criminal proceedings. Misuse constitutes (but is not limited to) the following points:

- Not adhering to points covered in this policy
- Use that results in a breach of our data protection policy
- Attempting to discover another person's username and password, by any means
- Attempting to monitor or tamper with another user's electronic communication or data, or reading, copying, modifying or deleting another user's data without the explicit agreement of that user, or the Clerk. (Except in the case of electronic mail messages where messages sent and received can be copied and/or monitored.)
- Attempting to circumvent by any means the computer or network security
- Using the computer systems (such as electronic mail) to act abusively towards others (including individuals, groups, companies or any other organisation) whether internally or externally
- Knowingly running and installing on any computer or network, or giving to another user, a program or macro intended to disrupt or damage in any way the computer systems and/or network operations, it's files, programs, data, or any related peripheral or device
- Violating terms and conditions of software copyrights and agreements, including making illicit copies of software
- Installing any software by whatever medium (e.g. data sticks, CD-ROM or data transfer) not provided, virus checked and approved by the Council's IT providers

- The transfer of any data files from data sticks, CD-ROM or data transfer to any the Council computer without being fully virus checked
- Installation of any software not purchased on behalf of the Council. This includes any software from previous employers or from home computers. Installation of software included with any magazines or where the origin of the software is not known is strictly prohibited
- Performing any act that will interfere with the use of the computer, network or equipment (such as printers) or will affect another user's ability to make use of that equipment, such as downloading unnecessary large documents
- Using the computer systems for any activity not related to your work for the Council for personal financial gain
- Relocating or re-allocating computer equipment without the permission and guidance of the Council's IT provider, Micromaintenance Ltd.
- Deliberately wasting computer resources such as game playing or sending "junk" or "chain" mails (either electronic or printed) using our equipment
- If you are allocated a laptop or portable computer, you are responsible for ensuring the safe keeping of this equipment whilst out of the office. Under no circumstances should this be left un-attended in a public place, or in public view. Further you must ensure that all security systems and precautions have been activated to safeguard the portable computer
- Saving confidential data to the hard drive of a portable computer is not permissible unless it is encrypted. Alternatively, each document needs to be encrypted or saved onto an encrypted memory disk
- Saving confidential and/or personal data to an unencrypted data stick is not permitted
- Downloading confidential and/or personal data from our systems to an encrypted data stick without the express authorisation of the Clerk is forbidden. Note that USB ports may be disabled.

You may be held responsible for damage to equipment, programs or data, and you will be held accountable for any licensing infringements if you do not comply with the above policy.

Linked policies and procedures:

- Disciplinary Procedure & Rules
- Equality & Diversity Policy
- Data Protection Policy

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

## Social Media Policy

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Purpose and Scope**

Social media is an on-line method to instantly communicate with others or to share data in a public forum. Examples include Twitter, Facebook and LinkedIn. Social media also includes blogs, video and image sharing websites such as You Tube and Flickr. There are many more examples of social media than these and our employees need to be aware that this is a constantly changing area.

The purpose of this policy is to set clear standards of behaviour and conduct in the use of social media and you should follow these guidelines in relation to any social media that you use. This policy also covers the use of social media in your personal life which may have an impact upon the reputation of the Council.

This policy applies to all staff (whether full time, part time, casually employed or temporary workers), agency workers, and contractors working for or on behalf of the Council and anyone using the Council's information and communication technology equipment.

This policy deals with the use of all forms of social media, including Facebook, MySpace, LinkedIn, Twitter, YouTube, Instagram, Tumblr, Snapchat, Pinterest, Wikipedia, all other social networking sites, and all other internet postings, including blogs.

It applies to the use of social media for both work and personal purposes, whether during office hours or otherwise. The policy applies regardless of whether the social media is accessed using our IT facilities and equipment or equipment belonging to members of staff.

We recognise that the internet provides unique opportunities to participate in interactive discussions and share information on particular topics using a wide variety of social media, such as Facebook, Twitter, blogs and wikis. However, your use of social media can pose risks to our confidential information, and reputation, and can jeopardise our compliance with legal obligations.

You may be required to remove internet postings which are deemed to constitute a breach of this policy. Failure to comply with such a request may in itself result in disciplinary action.

Any misuse of social media should be reported to the Clerk.

You should never provide references for other individuals on social or professional networking sites, as such references, positive and negative, can be attributed to and create legal liability for both the author of the reference and the Council.

### **Social Media**

You are not permitted to use social media for personal activities at the office or by means of our computers, networks and other IT resources and communications systems.

You must only use your own personal devices such as mobile phones during official breaks, to access social media at work.

If your duties require you to speak on behalf of the Council in a social media environment, you must still seek approval for such communication from the Clerk, who may require you to undergo training before you do so and impose certain requirements and restrictions with regard to your activities. Circulating chain letters or other spam is never permitted. Circulating or posting commercial, personal, religious or political solicitations, or promotion of outside organisations unrelated to the Council is also prohibited.

Likewise, if you are contacted for comments about the Council for publication anywhere, including in any social media outlet, direct the inquiry to the Clerk. Do not respond without clear approval.

### **The Dos and Don'ts when using Social Media**

The following sections of the policy provide staff with common-sense guidelines and recommendations for using social media responsibly and safely whether inside or outside of work.

#### Protecting our reputation

- You must not post disparaging or defamatory statements about the Council or its stakeholders
- You should avoid social media communications that might be misconstrued in a way that could damage our reputation, even indirectly
- Unless you are clearly speaking as part of your role within the Council, you should make it clear in social media postings that you are speaking on your own behalf. Write in the first person and use a personal e-mail address when communicating via social media
- Do not breach copyright for example by using someone else's images or written content without permission or failing to give acknowledgement where permission has been given to reproduce something
- You are personally responsible for what you communicate in social media. Remember that what you publish might be available to be read by the masses, including the Council itself, residents and service users, future employers and social acquaintances, for a long time. Keep this in mind before you post content
- You should ensure that your profile and any content you post are consistent with the professional image you present as an employee of the Council
- Do not post comments about sensitive business-related topics, such as our performance. Even if you make it clear that your views on such topics do not represent those of the Council, your comments could still damage our reputation
- If you are uncertain or concerned about the appropriateness of any statement or posting, refrain from making the communication until you discuss it with the Clerk
- If you see content in social media that disparages or reflects poorly on the Council, you should contact the Clerk. All staff are responsible for protecting our reputation

Respecting colleagues, stakeholders, partners and suppliers:

- Do not post anything that your colleagues or our stakeholders, partners, or suppliers would find offensive, including insults or obscenity
- You must not post anything that could be considered discriminatory, or bullying or harassment of an individual. Examples include making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion, belief or age; using social media to bully another individual such as an employee; or posting images that are discriminatory or offensive
- Do not post anything related to your colleagues or our stakeholders, business partners, or suppliers, without their written permission

**Recruitment**

Depending upon the post we may use internet searches to perform due diligence on candidates in the course of recruitment. Where we do this, we will act in accordance with our data protection and equal opportunities obligations. Candidates will be given the opportunity to comment upon any concerns.

**Disciplinary action over social media use**

Any breach of this policy may lead to disciplinary action. Serious breaches of this policy, for example incidents of bullying of colleagues or social media activity causing serious damage to the Council, may constitute gross misconduct and lead to summary dismissal.

Linked policies and procedures:

- Disciplinary Procedure & Rules
- Equality & Diversity Policy
- Data Protection Policy

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

## Disciplinary Procedure & Rules

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*Adopted by Full Council: 12 February 2019*

*Next Review Date: February 2022*

### **Purpose and Scope**

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

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

The aim is to ensure consistent and fair treatment for all staff. It does not apply to employees in their probationary period.

Inevitably, because the Town Council is a small organisation, Members of the Council may be involved in initiating, investigating or hearing disciplinary issues. Members of Council must always follow this procedure and should always seek external support and advice when taking disciplinary action. Suitable sources of advice include the Surrey Association of Local Councils (SALC) or the Town Council's external HR provider, the Chairman of the Staff Committee is authorised to seek advice and engage the services of the HR provider for disciplinary issues.

### **Principles which underpin the Disciplinary Procedure**

This policy highlights that:

- No formal disciplinary action will be taken until the necessary investigations have been completed.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants this
- 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 a fellow worker, a trade union representative (certified by their union as being competent to accompany a worker) or a trade union official at any disciplinary, or appeal meeting which could result in a formal warning or other disciplinary action being taken
- The Council will give employees reasonable notice of any meetings in this procedure. Employees must make all reasonable efforts to attend. Where an employee is unable to attend more than one meeting the Council may, in certain circumstances, hold the meeting in your absence and make a decision based on the evidence available at the time
- Employees have the right to appeal against any disciplinary action. The appeal decision is final
- 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 Procedure**

Disciplinary meetings will consider the outcome of any investigation, together with the employee's representations and any other matters or further investigation it wishes to conduct before deciding whether to issue a warning or dismissal.

The Clerk will usually conduct disciplinary meetings with staff members. However, he or she will usually seek advice from the Council's HR Advisers first, and/or discuss the matter with the Chairman of the Staff Committee.

In the case of the Clerk, if the Staff Committee decides that, following an investigation, there is a case to answer, it will appoint a panel (the panel members could, if appropriate be Members of the Council who are not members of the Staff Committee). The panel members will appoint a Chairman from one of its members. The original Investigator shall not sit on the panel. Wherever possible, no councillor with direct involvement in the matter shall be appointed to the panel. The employee will be invited, in writing, to attend a disciplinary meeting and the letter will confirm the following:

- The names of its Chairman and any panel 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 if appropriate, and/or any supporting evidence
- The time and place for the meeting. The employee will be given reasonable notice of the hearing so that he /she has sufficient time to prepare for it

#### **Stage 1: First written warning**

A first warning is issued for most first instances of misconduct. The Council will notify the employee of the following in writing:

- The reason for the warning, the improvement required (if appropriate) and the time period for improvement
- That further misconduct/failure to improve will result in more serious disciplinary action
- That they have the right to appeal
- That the warning will be placed on the employee's personnel file and will remain in force for a specified period of time, usually for twelve months.

### Stage 2: Final written warning

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

- The reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- That further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- The employee's right of appeal
- That the final written warning will be placed on the employee's personnel file and will remain in force for 18 months.

### Stage 3: Dismissal

The Council may dismiss:

- For gross misconduct (in this instance, the dismissal will be without notice)
- If there is no improvement within the specified time period in the conduct which has been the subject of a final written warning
- If another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

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

### The Appeal

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 Chairman of the Staff Committee (or another Member of the Council if the Chairman of the Staff Committee is not appropriate) within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.

The Appeal will usually be heard by a panel of members of the Staff Committee who have not previously been involved in the case. There may be insufficient members of the Staff Committee who have not previously been involved. If so, the appeal panel will be a committee of members of the Council who may include members of the Staff Committee. The appeal panel will appoint a Chairman from one of its members.

Where the Clerk has received a warning or been dismissed, the Appeal will be heard by a panel of members of the Council not previously involved in the case. Where members of Council are not available, the Staff Committee can appoint others to make up a Panel. This might be Councilors from other Councils or other appropriate individuals.

The employee will be notified, in writing, usually within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she

may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.

The appeal panel may decide to uphold the decision of the disciplinary panel, substitute a less serious sanction or decide that no disciplinary action is necessary.

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.

The appeal panel's decision is final.

Retaining records of disciplinary warnings

A record of the disciplinary warning (and associated papers) will be kept on the employee's personal file but disregarded for the purposes of supplying a reference after the specified period of time. However disciplinary warnings may be taken into account at any time in the future where relevant disciplinary matters arise.

**Table setting out responsibilities**

<b>Disciplinary action against...</b>	<b>Disciplinary action will normally be taken by...</b>	<b>Appeal will be made to</b>
Employee who is not the Clerk	The Clerk	The Staff Committee
The Clerk	The Staff Committee	The Chairman of the Council

**Examples of misconduct**

Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct. This list is not to be regarded as exclusive or exhaustive:

- Unsatisfactory timekeeping including repeated lateness, an unacceptable level of attendance or failure to follow absence reporting procedures
- Absence without proper authorisation or reasonable cause
- Unsatisfactory work performance (either repeated instances or poor work or one piece of very poor work)
- Failure to use safe working practices and / or observe the requirements of the Health and Safety Policy and associated procedures
- Failure to carry out reasonable instructions
- Unwillingness to work co-operatively and positively as a member of a team
- Failure to preserve the dignity, respect and privacy of others or behaviour that would breach the harmony in the workplace
- Data protection breaches and misuse of the organisation's information

- Breach of confidentiality - to an extent short of that specified under the relevant example given for Gross Misconduct
- Placing inappropriate, derogatory or offensive comments on social networking sites, e.g. Facebook which affect the Council, its staff, members or suppliers
- Dishonesty; to an extent short of that specified under the relevant example given for Gross Misconduct
- Behaviour liable to bring the Council into disrepute; to an extent just short of Gross Misconduct
- Incapability at work brought on by the use of alcohol or drugs
- Negligence resulting in minor loss, damage or injury to the Council, a fellow employee or client
- Impropriety or disorderly conduct whether within or outside working hours which the Council reasonably considers to be detrimental to or conflicting with the interest of the Council or its clients
- Failure to disclose a personal interest which conflicts with the Council or its clients
- Unsatisfactory manner or / and appearance
- Any act or omission which, after investigation and due consideration to the individual circumstances is believed to amount to misconduct

### **Examples of gross misconduct**

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. This list is not to be regarded as exclusive or exhaustive.

- Falsification of records, or intentionally making false statements when incidents or accidents are being investigated, or when applying for employment or in connection with medical examination
- Negligence which potentially or actually results in serious loss, damage or injury
- Physical violence or bullying
- Theft or fraud of Council resources whether attempted or actual
- Unauthorised possession of property belonging to the Council, a client or another team member
- Behaviour inside or outside working time which is liable to bring the Council into disrepute
- Wilful disregard of duties or of instructions relating to employment
- Abandoning duty without permission
- Serious breach of trust or confidence relating to the Council or its clients' affairs
- Possession, custody or control of illegal drugs on the organisation's premises
- Serious incapability at work brought on by the use of alcohol or drugs
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Action leading to the cautioning or conviction of an employee for an act relevant to the employment if it is decided that this makes an employee unsuitable for the type of work or unacceptable to the Council
- Serious infringement of any of the Council's policies and procedures including the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology

- Any act or omission which, after investigation and due consideration to the individual circumstances is believed to amount to gross misconduct

### **Data protection**

The Council processes personal data collected during the investigation stage and any subsequent stages of disciplinary action in accordance with its Data Protection Policy. In particular, data collected as part of the investigation stage and any subsequent stages of disciplinary action is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under this disciplinary procedure.

### Linked policies and procedures:

- Equality & Diversity Policy
- Safeguarding Policy
- Use of IT & Social Media
- Dignity at Work Policy
- Performance Improvement Procedure

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

## Grievance Procedure

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Purpose and Scope**

The purpose of this procedure is to set out a framework for helping to resolve grievances quickly and effectively.

Inevitably, because the Town Council is a small organisation, Members of the Council may be involved in investigating or hearing grievances. Members of the Council must always follow this procedure and should always seek external support and advice when undertaking investigations and hearing grievances. Suitable sources of advice include the Surrey Association of Local Councils (SALC) or the Town Council's external HR provider, the Chairman of the Staffing Sub-Committee is authorised to seek advice and engage the services of the HR provider for grievance issues.

### **Dealing with Grievances Informally**

If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with your manager. You may be able to agree a solution informally between you.

Guidance on raising a problem or complaint:

- Clearly define the issue (with examples where appropriate)
- Describe the impact that it is having on you and/or the role (again with examples) and
- Think about how the problem could be resolved / the resolution you seek

### **Grievance and the disciplinary process**

Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.

Grievances raised while you are subject to disciplinary proceedings will usually be heard only when the disciplinary process has been completed. Insofar as a grievance has any bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of those proceedings.

### **Mediation**

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

### **Formal Grievance**

If the matter is serious and/or you wish to raise the matter formally you should set out the grievance in writing to the Clerk, headed 'Formal Grievance' detailing clearly the nature of your complaint together with the resolution you seek.

The Clerk will usually conduct grievance meetings with staff members. However, he/she will usually seek advice from the Council's HR Advisers first, and/or discuss the matter with the Chairman of the Staff Committee.

In the case of the Clerk raising a grievance, the Staff Committee will appoint a panel to hear the grievance (from Staff Committee members or, if appropriate, Councillors who are not members of the Staff Committee. The panel will appoint a Chairman from one of its members. Wherever possible, no councillor with direct involvement in the matter shall be appointed to the panel.

Where your grievance is about the Clerk and you feel unable to approach him or her you should raise it with the Chairman of the Staff Committee.

### **Investigations**

Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by you, although the confidentiality of the grievance process will be respected, wherever possible. If any evidence is gathered in the course of these investigations, you will be given a copy in advance of the hearing for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you.

### **Grievance Hearing**

The hearing will be held as soon as is reasonably practicable and, subject to any need to carry out prior investigations, usually within five working days of the receipt of your written complaint. It will be conducted by the Clerk and may be attended by a note taker/HR representative. At the meeting, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform the Clerk as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are directly relevant to your complaint. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of your complaint. The Clerk conducting the hearing will intervene if he/she thinks that the discussion is straying too far from the key issue. The Clerk may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of your complaint.

Following the meeting, you will usually be informed in writing of the outcome within seven working days.

## **Appeals**

If you wish to appeal against the outcome you must do so in writing to the Chairman of the Staff Committee (or the Chairman of the Council if the Chairman of the Staff Committee is not appropriate) within five working days. You should clearly state the grounds of your appeal, i.e. the basis on which you say that the result of the grievance was wrong or that the action taken as a result was inappropriate.

The Chairman of the Staff Committee will appoint a panel (from Staff Committee members or, if appropriate, Members of Council who are not members of the Staff Committee) to hear the appeal. The appeal will be heard by a panel who is unconnected with the original grievance outcome. The panel will appoint a Chairman from one of its members. No councilor with direct involvement in the matter shall be appointed to the panel. The panel hearing the appeal will arrange to meet with you before making a decision. You will have the right to be accompanied at that meeting either by a trade union representative or a work colleague.

The outcome of the appeal will be confirmed to you in writing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

## **Data protection**

The Council processes personal data collected during informal complaints and the formal grievance procedure in accordance with its data protection policy. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals/third parties only for the purposes of responding to the complaints or conducting the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

### Linked policies and procedures:

- Dignity at Work

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

## Performance Improvement Procedure

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Purpose and Scope**

This procedure is designed to help and encourage all employees to achieve and maintain standards of job performance which are acceptable to the Council. The aim is to ensure consistent and fair treatment for all in the organisation.

Before this procedure is engaged, you will receive feedback from your manager setting out the concerns about your performance and how it must improve. This procedure is designed to be used when such informal discussions do not lead to an improvement in your performance to an acceptable level.

Where poor performance is believed to be the result of deliberate negligence, or where serious errors have been made to the detriment of the organisation, we may decide to use our disciplinary procedure instead.

Members of the Council may be involved in initiating, investigating or hearing performance issues. Members of the Council must always follow this procedure and should always seek external support and advice when taking formal action. Suitable sources of advice include the Surrey Association of Local Councils (SALC) or the Town Council's external HR provider, the Chairman of the Staffing Sub-Committee is authorised to seek advice and engage the services of the HR provider for performance issues.

### **Principles**

- Informal coaching and supervision will be considered, where appropriate, to improve performance
- No formal warnings will be given until the causes of the poor performance have been considered
- For formal action (warnings) you will be advised of the nature of the poor performance and will be given the opportunity to state your case, at a formal performance improvement meeting, before any decision is made
- You will be provided, where appropriate, with copies of examples of poor performance in advance of a formal performance improvement meeting
- At all formal stages of the procedure you will have the right to be accompanied by a trade union representative, or work colleague
- You will have the right to appeal against any formal warnings issued

### **The Procedure**

#### First stage of formal procedure - First written warning

If your manager is unhappy with your performance, you will be invited to a formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of

what your manager considers to be poor performance; and advise you of your right to be accompanied at the meeting.

At the meeting, you will be given the opportunity to respond; the causes of the poor performance will be considered; and where training and development is appropriate this will be considered.

If your performance does not meet acceptable standards you will be issued with a first written warning for unsatisfactory performance. This will set out;

- The performance problem
- The improvement that is required
- The timescales
- Any help that may be given
- The right of appeal
- You will be advised that it constitutes the first stage of the formal procedure

A record of the warning will be kept on your file. Providing that satisfactory improvement has been made and is being sustained, the warning will be disregarded after 12 months for the purposes of providing an employment reference. However, the warning will be considered again in cases where the poor performance re-starts.

#### Second stage of formal procedure - Final written warning

You will be invited to a formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of what your manager considers to be poor performance; and advise you of your right to be accompanied at the meeting.

At the meeting, the progress made following the first meeting will be discussed, you will be given the opportunity to respond; and where training and development is appropriate this will be considered.

If there is a failure to improve performance to a level which the Council deems to be satisfactory, a final written warning will be given to you. This will set out:

- The performance problem
- The improvement that is required
- The timescale
- Any help that may be given
- The right of appeal
- Advise you that it constitutes the final written warning and will also warn that failure to improve may lead to dismissal

A record of the warning will be kept on your file. Providing that satisfactory improvement has been made and is being sustained, the warning will be disregarded after 12 months for the purposes of providing an employment reference. However, the warning will be considered again in situations where the poor performance re-starts.

### Final stage of formal procedure - Dismissal

You will be invited to a formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of what your manager considers to be poor performance; and advise you of your right to be accompanied at the meeting. The letter will also advise you that dismissal may be considered.

At the meeting, the progress made following the second meeting will be discussed, and you will be given the opportunity to respond.

If there is still a failure to improve performance to a level which is acceptable dismissal will be considered, or where appropriate redeployment to an alternative role.

Any offer to redeploy you will be entirely at the Council's discretion. Such an offer will be made only where we are confident that you will be able to perform well in the redeployed role. It will normally be offered only as an alternative to dismissal in circumstances in which we are satisfied that you should no longer be allowed to continue to work in his/her current role. While you will be free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

If the Council believes that there is no alternative role available and suitable for you, but that you have not met an acceptable standard of performance, we may decide to dismiss. Any dismissal will be with full notice or payment in lieu of notice.

If the decision to dismiss is taken, you will be provided in writing with;

- Reasons for dismissal
- The date on which the employment will terminate
- The right of appeal

### **Appeals**

If you wish to appeal against a formal warning or dismissal you must do so by writing to Chairman of the Staff Committee (or the Chairman of the Council if the Chairman of the Staff Committee is not appropriate) within five working days.

You will be notified, in writing, usually within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. You will be advised that you may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.

The Appeal will usually be heard by a panel of members of the Staff Committee who have not previously been involved in the case. There may be insufficient members of the Staff Committee who have not previously been involved. If so, the appeal panel will be a committee of members of the Council who may include members of the Staff Committee. The appeal panel will appoint a Chairman from one of its members.

Where the Clerk has received a warning or been dismissed, the Appeal will be heard by a panel of Members of the Council not previously involved in the case. Where members of Council are not

available, the Staff Committee can appoint others to make up a Panel. This might be Councillors from other Councils or other appropriate individuals.

During the appeal process, the decision in relation to the warning or dismissal will be reviewed. The appeal panel may decide to uphold the original decision of the panel, substitute a less serious sanction or decide that no formal action is necessary. 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.

The outcome of the appeal will be confirmed to you in writing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

### **Data protection**

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by the organisation to take notes.

The organisation processes any personal data collected during the performance improvement procedure in accordance with its data protection policy and privacy notice as issued to our employees. Any data collected is held securely and accessed by, and disclosed to, individuals/third parties only for the purposes of completing the performance improvement procedure.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

### Linked policies and procedures:

- Disciplinary Procedure
- Staff Appraisal Scheme

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

## Equality & Diversity Policy

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Our Commitment**

The Council is committed to providing equal opportunities in employment and to avoiding unlawful discrimination.

This policy is intended to assist the Council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The Council has a separate dignity at work policy, which deals with these issues.

### **The Law**

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste 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.

You should not discriminate against or harass a member of the public or service user 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.

### **Types of Unlawful Discrimination**

**Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

**Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the

detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and (according to guidance from the Government and ACAS) pregnancy and maternity).

**Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

**Third-party harassment** occurs where an employee is harassed, and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as service users.

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

**Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

### **Equal Opportunities in Employment**

The Council will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

#### Recruitment

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

### Working practices

The Council will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the Council considers it has good reasons, unrelated to any protected characteristic, for doing so. The Council will comply with its obligations in relation to statutory requests for contract variations. The Council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

### Equal Opportunities Monitoring

The Council will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The Council treats personal data collected for reviewing equality and diversity in accordance with the data protection policy. Information about how data is used and the basis for processing is provided in the Council's privacy notices.

### **Dignity at Work**

The Council has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

### **Service users, suppliers and other people not employed by the Council**

The Council will not discriminate unlawfully against service users using or seeking to use the services provided by the Council.

You should report any bullying or harassment by service users, suppliers, visitors or others to your manager who will take appropriate action.

### **Training**

The Council will provide training in/raise awareness of equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The Council will provide training to/raise awareness of all existing and new employees and others engaged to work at the Council to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment. The Council will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

### **Your responsibilities**

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 Council's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

### **Grievances**

If you consider that you may have been unlawfully discriminated against, you should use the Council's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

The Council will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

### **Monitoring and review**

This policy will be monitored periodically by the Council to judge its effectiveness and will be updated in accordance with changes in the law. In particular, the Council will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the Council will implement them.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with relevant data protection legislation.

### Linked policies and procedures:

- Dignity at Work

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

## Dignity at Work Policy

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Policy**

The Council is committed to having a workplace which is free from harassment and bullying and to ensure that all employees, contractors and, others who come into contact with us in the course of our work, are treated with dignity and respect.

This policy and procedure is intended to assist the Council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is also an important aspect of ensuring equal opportunities in employment.

### **The Position on Bullying and Harassment**

We will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that if a court or tribunal finds that you have bullied or harassed someone, in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We will take appropriate action if any of our employees or contractors are bullied or harassed by our stakeholders or suppliers.

If, after an investigation, we decide that an employee has harassed or bullied another employee or contractor, then the employee may be subject to disciplinary action, up to and including dismissal. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. False allegations made in bad faith will be dealt with under our disciplinary procedure.

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

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

Examples of bullying and harassment include:

- Verbal abuse or offensive comments, jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Lewd or suggestive comments
- Deliberate exclusion from conversations or work activities
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Subjecting a person to humiliation or ridicule, belittling their efforts, often in front of others
- Abusing a position of power

Bullying does not include appropriate criticism of an employee's behaviour or proper performance management.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All employees must, therefore, treat their colleagues with respect and appropriate sensitivity.

**What you should do if you feel you are being Bullied or Harassed by a Stakeholder or Supplier (as opposed to a colleague)**

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with the Clerk in the first instance. We will then decide how best to deal with the situation, in consultation with you.

**What you should do if you are being Bullied or Harassed by a Colleague**

If you are being bullied or harassed by another employee or contractor, there are two possible avenues for you, informal or formal.

Informal Resolution

If you are being bullied or harassed by another employee or contractor, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to our policy and must stop. Alternatively, you may wish to ask the Clerk or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

In either case, you can approach the Clerk for advice and support. Your request for help will be treated confidentially. If you are being bullied by the Clerk, you should raise the issue with the Chairman of the Staff Committee.

The Clerk (or Chairman of the Staff Committee) will discuss with you the option of trying to resolve the situation informally by:

- Telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a fellow employee

- That such behaviour is contrary to our policy
- That the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for the Clerk (or Chairman of the Staff Committee) to have this conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential.

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

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

#### Raising a Formal Complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint through the Grievance Procedure.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible.

When carrying out any reviews or monitoring, the Council will ensure that individuals' personal data is handled in accordance with the data protection policy.

#### **The Use of the Disciplinary Procedure**

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

#### Linked policies and procedures:

- Dignity at Work
- Equality & Diversity Policy
- Grievance Procedure
- Disciplinary Procedure

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

## Data Protection Policy

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

**NOTE:** *The wording in this policy reflects the requirements of the General Data Protection Regulation (GDPR), effective from 25 May 2018.*

### Introduction

#### Purpose

The Council is committed to being transparent about how we collect and use the personal data of our workforce, and to meeting our data protection obligations. This policy sets out The Council's commitment to data protection, and your rights and obligations in relation to personal data in line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

This policy applies to the personal data of current and former job applicants, employees, workers including agency staff, contractors, volunteers, interns, apprentices and former employees, referred to as HR-related personal data. This policy does not apply to the personal data of our service user or other personal data processed for business purposes.

The Council has appointed a Data Protection Officer (DPO) as the person with responsibility for data protection compliance within The Council and may be contacted at [town.clerk@horleytown.com](mailto:town.clerk@horleytown.com). Questions about this policy, or requests for further information, should be directed to the DPO.

### Definitions

**"Personal data"** is any information that relates to a living person who can be identified from that data (a 'data subject') on its own, or when taken together with other information. It includes both automated personal data and manual filing systems where personal data are accessible according to specific criteria. It does not include anonymised data.

**"Processing"** is any use that is made of data, including collecting, recording, organising, consulting, storing, amending, disclosing or destroying it.

**"Special categories of personal data"** means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic or biometric data as well as criminal convictions and offences.

**"Criminal records data"** means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

### Data protection principles

The Council processes HR-related personal data in accordance with the following data protection principles:

- The Council processes personal data lawfully, fairly and in a transparent manner.
- The Council collects personal data only for specified, explicit and legitimate purposes.
- The Council processes personal data only where it is adequate, relevant and limited to what is necessary for the purposes of processing.
- The Council keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay.
- The Council keeps personal data only for the period necessary for processing.
- The Council adopts appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

The Council will tell you of the personal data it processes, the reasons for processing your personal data, how we use such data, how long we retain the data, and the legal basis for processing in our privacy notices. The Council's privacy notices can be found on the [Horley Town Council website](#).

The Council will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

The Council will not process your personal data if it does not have a legal basis for processing.

The Council keeps a record of our processing activities in respect of HR-related personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

## **Processing**

### Personal data

The Council will process your personal data (that is not classed as special categories of personal data) for one or more of the following reasons:

- it is necessary for the performance of a contract, e.g., your contract of employment (or services); and/or
- it is necessary to comply with any legal obligation; and/or
- it is necessary for The Council's legitimate interests (or for the legitimate interests of a third party), unless there is a good reason to protect your personal data which overrides those legitimate interests; and/or
- it is necessary to protect the vital interests of a data subject or another person; and/or
- it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

If the Council processes your personal data (excluding special categories of personal data) in line with one of the above basis, it does not require your consent. Otherwise, The Council is required to gain your consent to process your personal data. If the Council asks for your consent to process personal data, then we will explain the reason for the request. You do not need to consent or can withdraw consent later.

The Council will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

Personal data gathered during the employment is held in your personnel file (in hard copy and electronic format) and is confidentially stored on IT systems and servers. The periods for which The Council holds your HR-related personal data are contained in our privacy notices to individuals.

Sometimes the Council will share your personal data with contractors and agents to carry out our obligations under a contract with the individual or for our legitimate interests. We require those individuals or companies to keep your personal data confidential and secure and to protect it in accordance with Data Protection law and our policies. They are only permitted to process that data for the lawful purpose for which it has been shared and in accordance with our instructions.

The Council will update HR-related personal data promptly if you advise that your information has changed or is inaccurate. You may be required to provide documentary evidence in some circumstances.

The Council keeps a record of our processing activities in respect of HR-related personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

#### *Special categories of data*

The Council will only process special categories of your personal data (see above) on the following basis in accordance with legislation:

- where it is necessary for carrying out rights and obligations under employment law or a collective agreement;
- where it is necessary to protect your vital interests or those of another person where you are physically or legally incapable of giving consent;
- where you have made the data public;
- where it is necessary for the establishment, exercise or defence of legal claims;
- where it is necessary for reasons of substantial public interest on the basis of law which is proportionate to the aim pursued and which contains appropriate safeguards;
- where it is necessary for reasons of public interest in the area of public health; and
- where it is necessary for archiving purposes in the public interest or scientific and historical research purposes.

If the Council processes special categories of your personal data in line with one of the above basis, it does not require your consent. In other cases, The Council is required to gain your consent to process your special categories of personal data. If The Council asks for your consent to process a special category of personal data, then we will explain the reason for the request. You do not have to consent or can withdraw consent later.

#### **Individual rights**

As a data subject, you have a number of rights in relation to your personal data.

### Subject access requests

You have the right to make a subject access request. If you make a subject access request, The Council will tell you:

- whether or not your data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from yourself;
- to whom your data is or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers;
- for how long your personal data is stored (or how that period is decided);
- your rights to rectification or erasure of data, or to restrict or object to processing;
- your right to complain to the Information Commissioner if you think The Council has failed to comply with your data protection rights; and
- whether or not The Council carries out automated decision-making and the logic involved in any such decision-making.

The Council will also provide you with a copy of your personal data undergoing processing. This will normally be in electronic form if you have made a request electronically, unless you agree otherwise.

If you want additional copies, The Council may charge a fee, which will be based on the administrative cost to The Council of providing the additional copies.

To make a subject access request, you should send the request to [town.clerk@horleytown.com](mailto:town.clerk@horleytown.com). In some cases, The Council may need to ask for proof of identification before the request can be processed. The Council will inform you if we need to verify your identity and the documents we require.

The Council will normally respond to a request within a period of one month from the date it is received. In some cases, such as where The Council processes large amounts of your data, we may 40 calendar days of the date the request is received. The Council will write to you within one month of receiving the original request to tell you if this is the case.

If a subject access request is manifestly unfounded or vexatious, the Council is not obliged to comply with it. Alternatively, The Council can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which The Council has already responded. If you submit a request that is unfounded or excessive, The Council will notify you that this is the case and whether or not we will respond to it.

### Other rights

You have a number of other rights in relation to your personal data. You can require The Council to:

- rectify inaccurate data;
- stop processing or erase data that is no longer necessary for the purposes of processing;

- stop processing or erase data if your interests override The Council's legitimate grounds for processing data (where The Council relies on our legitimate interests as a reason for processing data);
- stop processing or erase data if processing is unlawful; and
- stop processing data for a period if data is inaccurate or if there is a dispute about whether or not your interests override the Council's legitimate grounds for processing data.
- complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly. Full contact details including a helpline number can be found on the Information Commissioner's Office website ([www.ico.org.uk](http://www.ico.org.uk)).

To ask The Council to take any of these steps, you should send the request to [town,clerk@horleytown.com](mailto:town,clerk@horleytown.com).

### **Data security**

The Council takes the security of HR-related personal data seriously. The Council has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties. The Council's policies in this regard are available to view on the [Horley Town Council website](#).

Where the Council engages third parties to process personal data on our behalf, such parties do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

### **Impact assessments**

Some of the processing that the Council carries out may result in risks to privacy. Where processing would result in a high risk to your rights and freedoms, The Council will carry out a data protection impact assessment (DPIA) to determine the necessity and proportionality of processing. This will include considering the purposes for which the activity is carried out, the risks for yourself and the measures that can be put in place to mitigate those risks.

### **Data breaches**

The Council has robust measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur. The Council must take notes and keep evidence of that breach.

If you are aware of a data breach you must contact the Clerk (for escalation to the DPO) immediately and keep any evidence, you have in relation to the breach.

If the Council discovers that there has been a breach of HR-related personal data that poses a risk to the rights and freedoms of yourself, we will report it to the Information Commissioner within 72 hours of discovery. The Council will record all data breaches regardless of their effect. If the breach is likely to result in a high risk to the rights and freedoms of individuals, we will tell you that there has been a breach and provide you with information about its likely consequences and the mitigation measures we have taken.

**Individual responsibilities**

You are responsible for helping The Council keep your personal data up to date. You should let The Council know if data provided to The Council changes, for example if you move to a new house or change your bank details.

Everyone who works for, or on behalf of, The Council has some responsibility for ensuring data is collected, stored and handled appropriately, in line with this policy and the Council's [Data Security and Data Retention] policies.

You may have access to the personal data of other individuals, members of this Council, other public authority representatives, residents and service users in the course of your employment. Where this is the case, the Council relies on you to help meet our data protection obligations to staff and the aforementioned.

Individuals who have access to personal data are required:

- to access only data that you have authority to access and only for authorised purposes;
- not to disclose data except to individuals (whether inside or outside The Council) who have appropriate authorisation;
- to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, locking computer screens when away from desk, and secure file storage and destruction including locking drawers and cabinets, not leaving documents on desk whilst unattended);
- not to remove personal data, or devices containing or that can be used to access personal data, from The Council's premises without prior authorisation and without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device; and
- not to store personal data on local drives or on personal devices that are used for work purposes.
- to never transfer personal data outside the European Economic Area except in compliance with the law and with express authorisation from the Clerk
- to ask for help from the Clerk if unsure about data protection or if you notice a potential breach or any areas of data protection or security that can be improved upon.

Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with under the Council's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing employee or customer data without authorisation or a legitimate reason to do so or concealing or destroying personal data as part of a subject access request, may constitute gross misconduct and could lead to dismissal without notice.

### **Training**

The Council provides training to all individuals about their data protection responsibilities as part of our induction process and at regular intervals thereafter.

If your roles require you to have regular access to personal data, or you are responsible for implementing this policy or responding to subject access requests under this policy, you will receive additional training to help you understand your duties and how to comply with them.

### Linked policies and procedures:

- Acceptable Use of IT Policy
- Social Media policy

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

## Whistleblowing Policy & Procedure

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*Adopted by Full Council: 12 February 2019  
Next Review Date: February 2022*

### **Policy**

It is important to the Council that any fraud, misconduct or wrongdoing by staff or others working on behalf of the Council is reported and properly dealt with. The Council therefore requires all individuals to raise any concerns that they may have about the conduct of others in the organisation or the way in which the organisation is run.

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

### **Background**

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

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

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

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

The Council encourages workers to raise their concerns under this procedure in the first instance. If you are not sure whether or not to raise a concern, you should discuss the issue with the Clerk. If you wish to raise a qualifying disclosure relating to the acts or omissions of the Clerk, you should raise the matter with the Chairman of the Staff Committee.

### **Principles**

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

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

### **Procedure**

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If you are concerned that your own contract has been, or is likely to be, broken, you should use the Council's Grievance Procedure.

#### Stage 1

In the first instance, any concerns should be raised with your manager. If you believe your manager to be involved, or for any reason do not wish to approach your manager, then you should proceed straight to stage 3.

#### Stage 2

Your manager will arrange an investigation of the matter (either by investigating the matter themselves or immediately passing the issue to someone in a more senior position). The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained. Your manager (or the person who carried out the investigation) will then report to the Clerk who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, your manager (or the person who carried out the investigation) will report the matter to the HR Advisers – for advice - and start the disciplinary procedure. On conclusion of any investigation, you will be told the outcome of the investigation and what the organisation has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

#### Stage 3

If you are concerned that your manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the appropriate person as set out in the Escalation Table at the end of this document. This person will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the next person in the Escalation Table. Any approach to the more senior person will be treated with the strictest confidence and your identity will not be disclosed without your prior consent.

#### Stage 4

If on conclusion of stages 1, 2 and 3 you reasonably believe that the appropriate action has not been taken, you should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Conduct Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Serious Fraud Office;
- the Charity Commission
- the Care Quality Commission;
- the Children's Commissioner;
- the National Society for the Prevention of Cruelty to Children;
- the Health and Care Professions Council;
- the Chief Inspector of Education, Children's Services and Skills;
- the Homes and Communities Agency;
- the Pensions Regulator;
- the Information Commissioner.

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

#### Escalation Table

Clerk → Chairman of Staff Committee → Chairman of the Council

#### **Data protection**

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

#### Linked policies and procedures:

- Dignity at Work
- Grievance Procedure
- Disciplinary Procedure

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



## **APPENDIX 2 – Generic Health & Safety Risk Assessment for New and Expectant Mothers**

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### **Guidance for carrying out a risk assessment**

Employers are required to carry out a risk assessment as soon as an employee tells them they are pregnant.

The risk assessment will need to be updated if circumstances change. For example, if the pregnancy becomes complicated or the work changes.

A new risk assessment is also required when the mother returns to work.

Use the 'Possible Risks' table below to help you identify and assess the sorts of risks which the employee could face.

It is important to involve the employee in the risk assessment. In particular encourage them to speak to you about any concerns they may have.

If you are unsure about any aspect of the risk assessment you should seek advice from HR

Once the Risk assessment document is complete and signed, give a copy to the employee and file the complete document in the employee's Personnel File.

This document outlines typical risks that may affect:

- a) Expectant mothers
- b) New mothers
- c) Mothers who are breast feeding

This risk assessment is generic. It may be altered as circumstances require.

## POSSIBLE RISKS

HAZARD	WHAT IS THE RISK?	WHO IS AFFECTED?	REDUCING/AVOIDING THE RISK
Manual Handling	Greater susceptibility to injury	a), b), c)  b) c) Possibly for six to nine months after the birth	Follow guidelines Assess risk Avoid heavy or prolonged lifting tasks Avoid lifting heavy equipment
Movement & Posture	Injury by awkward movements; Dizziness, fainting, backache and fatigue by prolonged standing; Circulatory problems, backache Postural problems, fatigue by prolonged sitting	a), b), c) All types of work	Avoid awkward postures Avoid prolonged sitting Avoid prolonged standing Avoid working in confined spaces Avoid very strenuous activity Take care on slippery or wet surfaces Ensure comfortable uniform/clothing
Driving/travelling	Fatigue Circulatory problems from prolonged sitting	a), b), c) Potentially all, especially drivers	Take regular breaks to stretch Avoid long journeys especially in later pregnancy Wear seat belt as most comfortable Consult GP if you are at all concerned about fitness to drive If your work involves driving, you may be asked for a note from your GP if it is recommended you cease/restrict driving during pregnancy. If your baby is born by caesarean section it is advisable to refrain from driving for 6 weeks after the birth
Lone Working	Pregnant women may have greater need of medical attention	a)	Ensure adequate communications e.g. mobile phone
Long/unsocial hours	These factors may increase fatigue during pregnancy and on return	a), b), c) Potentially all	Discuss with the Clerk any need to change pattern of working hours.
Stress (See other topics above)		a), b), c) Potentially all	Monitor and manage stress levels and causes

## Risk Assessment for Expectant Mothers & Returners

Name \_\_\_\_\_ Job Title \_\_\_\_\_

Location \_\_\_\_\_

How is the employee's health and wellbeing during pregnancy? – Consider if work will be affected by morning sickness, antenatal visits, fatigue, stress and sleeplessness.

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Has the doctor or midwife given you specific advice about any changes you need to make to the way your work or your daily routine?

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How convenient are facilities? – Consider toilets, quiet room, lifts, first aid room.

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Is there any other information which the employee thinks is relevant?

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The following *may* present a risk to a pregnant employee. If relevant, please complete Risk and Control Measures columns

DUTIES	RISK? Yes/No	CONTROL MEASURES
Driving & travelling		
Physical activities including manual handling		
Lone working		
Long / unsocial hours		
Stress		

Other Risks?		
--------------	--	--

Dated.....Signed..... (Employee)

Dated.....Signed..... (Clerk)

Updated.....Signed..... (Employee)

Updated.....Signed..... (Clerk)

***Please remember to tell the Clerk if your pregnancy has complications or your midwife advises changes to your work situation or you think this risk assessment needs updating***

## APPENDIX 3 – Mother’s/Primary Adopter’s Curtailment Notice for SPL & ShPP

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### Notes:

- This curtailment notice must be given to the Council
- A copy of this curtailment notice must also be attached to the form that your partner/ the child’s father gives to his/her employer
- Please note you can only withdraw this curtailment notice in limited circumstances
- The date on which you end your maternity leave must be **at least**:
  - 8 weeks after the date on which you provide this notice to us;
  - 2 weeks after you give birth; and;
  - 1 week before what would have been the end of your additional maternity leave.

To qualify for Shared Parental Leave (SPL) and Shared Parental Pay (ShPP):

- You must have 26 weeks continuous employment with the Council by the end of the qualifying week and still be employed by us at the start of each period of SPL
- Your partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the expected week of childbirth (EWC)/week of matching for adoption and have had average weekly earnings of at least £30 during 13 of those weeks
- In addition to this form, you and your partner must submit both the Opt In and Period of Leave notices at least 8 weeks before you wish to take SPL

Mother/Primary Adopter’s full name:

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Job title:

Department:

---

My Full Address is:

---

Name of child (if born/placed):

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- I wish to give notice (8 weeks minimum required) of curtailment of my maternity/ adoption leave (SML/SAL) in order to take SPL.
- I also give up my right to receive Statutory Maternity/Adoption Pay (SMP/SAP) to apply for shared parental pay (ShPP).

(Please tick to confirm)

<input type="checkbox"/>	My SML/SAL will end/ended on:
<input type="checkbox"/>	(If applicable) My SMP/SAP period will end/ended on:
<input type="checkbox"/>	I attach an 'Opt In' notice, providing details of my intention to take SPL and confirming my eligibility (see appendix [4])

I confirm that all the information given above is true and accurate and I understand that providing any untrue or misleading information may lead to action under the Disciplinary Procedure. I consent to you processing the information I have provided on this form.

**Signature:**

**Date:**

## APPENDIX 4 – Mother’s/Primary Adopter’s Opt-In Notice for SPL & ShPP

If you wish to take shared parental leave (SPL), you must submit the notice and declarations found below to the Clerk at least **8 weeks** before the start of the first period of SPL desired.

Your partner/the child’s father/co-adopter is required to complete & sign the Section 3 declaration.

Please attach a copy of the mother’s/primary adopter’s curtailment notice to this form.

### **(1) Notice of Entitlement & Intention to Take SPL & ShPP** *(To be completed by employee):*

#### **Employee Information**

Name: \_\_\_\_\_ Job title: \_\_\_\_\_

Clerk: \_\_\_\_\_ Department: \_\_\_\_\_

Partner’s/child’s father’s/co-adopter’s name: \_\_\_\_\_

#### **Statutory Maternity/Adoption Leave (SML/SAL) Information**

*Provide the following information about any SML/SAL you have already taken/intend on taking.*

SML/SAL start date: \_\_\_\_\_ SML/SAL end date: \_\_\_\_\_

#### **Statutory Maternity/Adoption Pay and Maternity Allowance (SMP/SAP/MA) Information**

*Provide the following information about any SMP/SAP/MA you have already taken/intend taking.*

SMP/SAP/MA start date: \_\_\_\_\_ SMP/SAP/MA end date: \_\_\_\_\_

This section is not applicable.

#### **Childbirth Information**

Expected date of childbirth (applicable if child has not been born): \_\_\_\_\_ OR

Date of birth (applicable if the child has already been born): \_\_\_\_\_

This section is not applicable.

#### **Adoption Information**

Expected date of placement (applicable if child has not yet joined the family): \_\_\_\_\_ OR  
Actual date of placement (applicable if the child has already joined the family): \_\_\_\_\_  
 This section is not applicable.

**SPL Information**

Total amount of SPL available (in weeks): \_\_\_\_\_  
Amount of SPL you intend on using (in weeks): \_\_\_\_\_  
Amount of SPL your partner/the child's father/co-adopter intends on using (in weeks): \_\_\_\_\_

**SPL Periods**

*Provide an indication of how you intend on taking your SPL (inc start & end dates). This is non-binding & you still need to provide us with a booking notice to take SPL.*

Start date #1: \_\_\_\_\_ End date #1: \_\_\_\_\_  
Start date #2: \_\_\_\_\_ End date #2: \_\_\_\_\_  
Start date #3: \_\_\_\_\_ End date #3: \_\_\_\_\_

**ShPP Information**

Total amount of ShPP available (in weeks): \_\_\_\_\_  
Amount of ShPP you intend on using (in weeks): \_\_\_\_\_  
Amount of ShPP your partner/the child's father/co-adopter intends on using (in weeks): \_\_\_\_\_

This section is not applicable.

**ShPP Periods**

*Provide an indication of how you intend on taking your ShPP (inc start & end dates). This is non-binding & you still need to provide us with a booking notice to take any ShPP.*

This section is not applicable.

**(2) Declaration of Mother/Adopter** *(To be completed by employee):*

*Check all applicable boxes. To be eligible, you must be able to make the following declarations.*

**Continuity of Employment**

I have been/will have been employed by the Council for at least 26 weeks ending with the Qualifying Week (which is 15 weeks before the expected week of childbirth).

I intend to remain employed by the Council until I commence the period of SPL I have applied for.

**Care Responsibility**

I share the primary responsibility for the care of the child for which SPL is being sought.

I will inform The Council if my status as the primary person responsible for the child's care changes.

**Entitlement to Leave and Curtailment**

I am/have been entitled to SML/SAL in respect of this child.

I have brought my SML/SAL to an end or intend on bringing my SML/SAL to an end before commencing a period of SPL, by completing and returning the curtailment notice.

**Notice Requirement**

I have provided or will provide The Council with a Period of Leave Notice.

**Requests for Additional Information**

I have complied/will comply with the request made by The Council for additional information as permitted by law. I understand that if I fail to comply, I will not be entitled to SPL.

**Verification of Information**

The information provided in this form is accurate and I meet the qualifying conditions for SPL & ShPP. I understand that providing any untrue or misleading information may lead to action under the Disciplinary Procedure.

I have checked the information set out in my partner's/the child's father's/co-adopters declaration below and that it is accurate.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**(3) Declarations of Partner/the Child's Father/Co-adopter** *(To be completed by your partner/the child's father/co-adopter):*

*Check all applicable boxes. To be eligible, you must be able to make the following declarations.*

**Partner/the Child's Father/Co-adopter Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Employer's Name and Address: \_\_\_\_\_

**National Insurance Details**

My National Insurance number is : \_\_\_\_\_ OR

I do not have a National Insurance number

**Employment and Earnings**

I have been engaged in employment as an employed or self-employed earner in at least 26 weeks during the 66-week period leading up to the expected week of childbirth or the week in which the child was matched for adoption.

I have earned at least £30 in at least 13 of those weeks.

**Care Responsibility**

I share the primary responsibility for the care of the child for which SPL is being sought.

**Relationship to Employee**

I am the father of the child or the mother's/adopter's partner, civil partner or spouse.

**Consent to Leave and Pay**

I consent to your employee/my partner taking SPL/ShPP as detailed in this form.

**Consent to Processing**

I consent to you retaining and processing the information provided in this form.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## APPENDIX 5 – Period of Leave Notice for SPL

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### Notes

- You can request to take Shared Parental Leave (SPL) in one continuous block (in which case we are required to accept the request as long as you meet the eligibility and notification requirements), or as a number of discontinuous blocks of leave (in which case you need our agreement). A maximum of 3 requests for leave per pregnancy/ adoption can normally be made by each parent.
- The start date of the first period of SPL that you wish to take must be at least 8 weeks after you have provided this notice.
- SPL must be taken in blocks of at least 1 week.
- This notice is to confirm the SPL that you intend to take. This must be submitted with a curtailment notice unless this has already been submitted (only applicable for the mother/primary adopter, see appendix [3]) and an opt in notice (appendix [4] for the mother/primary adopter and appendix [6] for the partner/co-adopter/child's father) before using this form.
- It is recommended that you and your partner think carefully about your SPL before submitting this form, as opportunities to amend requests for SPL are limited. Apart from exceptional circumstances, you can submit a period of leave notice or a notice that you have changed your mind about SPL on a combined total of just 3 occasions.
- You and your partner must take any SPL within 52 weeks of the birth/placement of your child.

Employee's full name:

---

Job title:

Department:

---

My Full Address is:

---

Name of child (if born/placed):

---

Please complete either section A or section B (giving at least 8 weeks' notice)

**Section A** – please complete if your child has already been born or adopted or if you know the exact dates on which you would like to take SPL

- I intend to take SPL on the following dates (please include the start and end dates for each period of leave that you intend to take):**

.....  
.....  
.....

- I also intend to take ShPP for the following dates (please include the start and end dates for each period of leave that you intend to receive ShPP for):**

.....  
.....  
.....

**Section B** – please complete if your child has not been born/placed yet and you wish your SPL to start either on the day on which your child is born/placed, or a specific number of days after the day on which your child is born/placed. Please remember that birth mothers must take at least two weeks compulsory maternity leave.

- I intend my SPL to start on the day on which my child is born/placed or the following number of days after the date on which my child is born/placed**

.....

- I intend my SPL to end on the following number of days after the date on which my child is born/placed**

.....

- I also intend to take ShPP for the following dates (please include the start and end dates for each period of leave that you intend to receive ShPP for):**

.....  
.....  
.....

**Signature:**..... **Date:**.....

## APPENDIX 6 – Fathers/Co-Adopters/Partners Opt-In Notice for SPL & ShPP

If you wish to take shared parental leave (SPL), you must submit the notice and declarations found below to the Clerk at least **8 weeks** before the start of the first period of SPL desired.

Your partner is required to complete and sign the declaration in Section 3.

### **(1) Notice of Entitlement and Intention to Take SPL and ShPP** *(To be completed by employee):*

#### **Employee Information**

Name: \_\_\_\_\_ Job title: \_\_\_\_\_

Clerk: \_\_\_\_\_ Department: \_\_\_\_\_

Partner's/child's mother's/adopter's name: \_\_\_\_\_

#### **Statutory Maternity/Adoption Leave (SML/SAL) Information**

*Provide the following information about any SML/SAL the child's mother/primary adopter has already taken or intends on taking.*

SML/SAL start date: \_\_\_\_\_ SML/SAL end date: \_\_\_\_\_

#### **Statutory Maternity/Adoption Pay and Maternity Allowance (SMP/SAP/MA) Information**

*Provide the following information about any SMP/SAP/MA the child's mother/primary adopter has already taken or intends on taking.*

SMP/SAP/MA start date: \_\_\_\_\_ SMP/SAP/MA end date: \_\_\_\_\_

This section is not applicable.

#### **Childbirth Information**

Expected date of childbirth (applicable if child has not been born): \_\_\_\_\_ OR

Date of birth (applicable if the child has already been born): \_\_\_\_\_

This section is not applicable.

#### **Adoption Information**

Expected date of placement (applicable if child has not yet joined the family): \_\_\_\_\_ OR

Actual date of placement (applicable if the child has already joined the family): \_\_\_\_\_

This section is not applicable.

### **SPL Information**

Total amount of SPL available (in weeks): \_\_\_\_\_

Amount of SPL you intend on using (in weeks): \_\_\_\_\_

Amount of SPL your partner/the child's mother/primary adopter intends on using (in weeks): \_\_\_\_\_

### **SPL Periods**

*Provide an indication of how you intend on taking your SPL (inc start & end dates). This is non-binding & you still need to provide us with a booking notice to take SPL.*

Start date #1: \_\_\_\_\_ End date #1: \_\_\_\_\_

Start date #2: \_\_\_\_\_ End date #2: \_\_\_\_\_

Start date #3: \_\_\_\_\_ End date #3: \_\_\_\_\_

### **ShPP Information**

Total amount of ShPP available (in weeks): \_\_\_\_\_

Amount of ShPP you intend on using (in weeks): \_\_\_\_\_

Amount of ShPP the child's mother/primary adopter intends on using (in weeks): \_\_\_\_\_

This section is not applicable.

### **ShPP Periods**

*Provide an indication of how you intend on taking your ShPP (inc start & end dates). This is non-binding & you still need to provide us with a booking notice to take any ShPP.*

This section is not applicable.

**(2) Declaration of Father/Partner/Co-Adopter** (To be completed by employee):

*Check all applicable boxes. To be eligible, you must be able to make the following declarations.*

**Continuity of Employment**

- I have been employed by The Council for at least 26 weeks ending with the Qualifying Week (which is 15 weeks before the expected week of childbirth).
- I intend to remain employed by The Council until I commence the period of SPL I have applied for.

**Care Responsibility**

- I share the primary responsibility for the care of the child for which SPL is being sought.
- I will inform The Council if I cease maintaining primary responsibility for the care of the child for which SPL is sought.

**Notice Requirement**

- I have provided or will provide The Council with a Period of Leave Notice.

**Requests for Additional Information**

- I have complied/will comply with the request made by The Council for additional information as stated above. I understand that if I fail to comply with these requests, I will not be entitled to SPL.
- I attach a copy of the mother's/primary adopter's curtailment notice.

**Relation to Mother or Primary Adopter**

- I am the father of the child for which SPL will be taken, or I am the spouse or partner of the mother or primary adopter of the child for which SPL will be taken.

**Failure to Curtail Entitlements**

- I will inform The Council if my partner fails to curtail his/her SML/SAL or SMP/SAP/MA.

**Verification of Information**

- The information provided in this form is accurate & I meet the qualifying conditions for SPL & ShPP. I understand that providing any untrue or misleading information may lead to action under the Disciplinary Procedure.
- I have checked the information set out in the child's mother/primary adopters declaration below and that it is accurate.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**(3) Declaration of Mother/Primary Adopter** *(To be completed by the child's mother/primary adopter):*

*Check all applicable boxes. To be eligible, you must be able to make the following declarations.*

**The Child's Mother/Primary Adopter's Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Employer's Name and Address: \_\_\_\_\_

**National Insurance Details**

My National Insurance number is : \_\_\_\_\_ OR

I do not have a National Insurance number

**Employment and Earnings**

- I have been engaged in employment as an employed or self-employed earner in at least 26 weeks during the 66-week period leading up to the expected week of childbirth or the week in which the child was matched for adoption.
- I have earned at least £30 in at least 13 of those weeks.

**Care Responsibility**

- I share the primary responsibility for the care of the child for which SPL is being sought.

**Entitlement to Leave and Curtailment**

- I am entitled to SML/SAL and/or SMP/SAP/MA and have curtailed my SML/SAL and/or SMP/SAP/MA with my employer or will have done so by the time your employee takes SPL.
- I will inform your employee if I fail to curtail my SML/SAL/SMP/SAP/MA.

**Consent to Leave and Pay**

- I consent to your employee/my partner/the child's father/co-adopter taking SPL/ShPP as detailed in this form.

**Consent to Processing**

- I consent to you retaining and processing the information provided in this form.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## APPENDIX 7 – Request for Flexible Working

<b>Name of employee:</b>	
<b>Start date with the Company:</b>	
<b>Date form submitted:</b>	
<b>I wish to submit a request for flexible working as detailed below.</b>	
<b>I confirm I meet the statutory eligibility criteria as follows:</b>	
I have worked continuously as an employee of the Council for the last 26 weeks.	<input type="checkbox"/>
I have not made a request to work flexibly under this right during the past 12 months.	<input type="checkbox"/>
Date of any previous request to work flexibly under this right:	.....
<b>OR</b>	
<b>I do not meet the statutory eligibility criteria</b>	<input type="checkbox"/>
<b>Pattern of working</b>	
Please state the pattern of working you are seeking by providing information under one or more of the following three headings:	
<b>1. I would like to reduce my working hours from [current number of hours worked] hours to [the number of hours you would like to work] hours per week.</b>	

**2. I would like to alter the days I work and/or the timing of my working hours to work at the following times (please indicate the days/times of day you would like to work).**

**3. I would like to do all/some of my work from my home (please be precise about the number of hours and days/times of the week you would like to work at home).**

**I would like the above change(s) to my working pattern to take effect on:**

**Please state the effects that you think the changes you are requesting will have on the organisation and on your work area, your colleagues, etc.**

**Please state how you think any such effect might be dealt with.**

Once you have submitted a valid application for flexible working, the Council will consider your request. If your request is granted, it will mean a permanent change to the terms and conditions of your employment, unless agreed otherwise.

It will help us to deal with your application if you provide as much information as you can about your desired working pattern and the effects that you think the changes you are requesting will have on the Council and your colleagues.

**Signed:**

**Date:**

