

# Ettington Parish Council Staff Handbook

Adopted at meeting of 27 July 2016

Due for review each May unless legislative changes require an alternative interval

---

## 1. Introduction

---

The purpose of this handbook is to give clarity to both the employer and employee regarding some basic terms and conditions of employment. It should be read in conjunction with the employee's Terms and Conditions of Employment/Contract of Employment and any relevant Policies adopted by the Council.

---

## 2. WORKING TIME & ABSENCE FROM WORK

---

### Annual Leave

---

Your holiday entitlement is contained in your contract.

Full-time employees will be entitled to a minimum of 28 days' holiday per year including recognised Bank Holidays. Part time employees are entitled to an equal amount of holiday pro-rata to the hours they work. The Chairman (or other delegated member) will let you know your annual leave entitlement for the current leave year. If you either commence or terminate your employment during the year, holiday entitlement will be calculated as a ratio of the annual entitlement for each completed day of service during that holiday year (rounded to the nearest day).

Holidays must be agreed with your Chairman/delegated member as early as possible. The Council will where possible try to accommodate individual preferences for holiday dates but the needs of the business may have to take precedence, particularly where short or inadequate notice is given.

- The holiday year runs from 1 April to 31st March.
- Leave for employees joining after the start of the leave year accrues at the rate of one twelfth of the annual entitlement for each complete calendar month of service
- Leave for employees who terminate their employment during the leave year is calculated on the same basis. If, however, the annual leave entitlement has been exceeded, a deduction calculated on the same basis will be deducted from the final salary payment.
- Holiday pay in lieu of accrued leave will be paid only on termination of employment and will normally be subject to a maximum of 10 working days.
- The 8 statutory Bank Holidays form part of employees 28 day annual leave entitlement.
- There has been an agreement that there will be a 12 per cent supplement to your salary to reflect both annual leave and statutory holidays and, therefore, there is no right to further annual leave or statutory holidays.

### Overtime

---

Owing to the varied nature of the activities undertaken there may be occasions when you will be expected to exceed your normal contractual maximum hours. It is expected that in the majority of cases this can be avoided by forward planning but if difficulties are anticipated then it is your responsibility to raise these concerns directly with the Chairman/delegated member at the earliest opportunity.

As a rule 'overtime payments' for additional hours worked will not be authorised other than in exceptional circumstances. These exceptional circumstances might include working fewer than the maximum hours in the year to date or where it is anticipated that fewer hours may be worked in subsequent months.

## Absence through Sickness

---

It is recognised that from time to time staff may be unable to attend work because of ill-health. This policy sets out the procedure to be followed by all staff and the entitlement to sick pay in the event of such absences.

### Notification of absence

- if you are unable to attend work because of sickness or injury you must notify your Chairman/delegated Member by telephone of the reason as soon as possible on the first day of absence.
- notification can be by you or by someone on your behalf
- you must maintain regular contact with your Chairman/delegated Member on any subsequent days of absence
- if you are absent for seven days or less you must provide a self-certification form and send this to the Council - (form HMRC SC2)
- if your absence lasts for more than seven calendar days you must obtain a Statement of Fitness for Work ('fit note') from your GP for the entire period of absence and send this to the Council
- for periods of long-term sick leave you must keep the Council informed of your progress on a weekly basis, and provide 'fit notes' to cover the entire period of absence
- for long or frequent periods of absence the Council may require you to be examined by a medical adviser

Failure to follow this procedure is classed as a breach of Council procedures and may result in disciplinary action. If you fail to contact the Council your absence will be classed as unauthorised absence. Unauthorised absence (without good reason) of more than one week may be classed as a gross misconduct offence, which could lead to dismissal. Any unauthorised absence of less than one week will be classed as a serious misconduct offence, which will normally result in a Final Written Warning.

### Returning to work

On your return to work you must report to your Chairman/delegated Member who may conduct a return to work meeting. The 'return to work meeting', is part of the normal management process to enable both the line manager and member of staff to discuss the period of sickness and to see if any specific assistance is required to help them with a return to work, e.g. the need to attend follow up outpatients clinics etc.

### Absence Levels

Absence levels will be continually monitored and high levels of absence may lead to disciplinary action and warnings, each case will be assessed on its merits and within the Disciplinary Procedures. In order to investigate absence from work the Council reserves the right to make home visits to the employee from time to time as considered necessary.

### Sick Pay

Where eligible, you shall receive statutory sick pay during any period of sickness absence. Any additional payment will be at the Council's discretion and will depend on your individual circumstances.

The Council will offset any other payments received for the sickness or injury against Council sick pay.

This will be pro-rated according to average hours worked over the previous 3 months.

### Withholding sick pay

The Council may withhold sick pay if:

- you do not comply with the Council's requirements for the notification of sickness absence
- you refuse to undertake a medical examination at the Council's request
- you work for another employer during your period of sickness absence, in which case the Council will also take disciplinary action

### Benefits

All the benefits to which you are entitled will continue to be paid during your period of sickness will continue to accrue during this period.

### Statutory Sick Pay (SSP)

Statutory Sick Pay (SSP) will be paid to qualifying employees who are absent from work due to sickness for four or more days in a row. This is known as the 'Period of Incapacity for Work' (PIW).

You will be paid SSP for any 'qualifying days' that you are absent due to sickness. A 'qualifying' day is any day on which you would normally have been expected to work if you had not been sick.

SSP is not payable for the first three qualifying days in a PIW. These are known as 'waiting days'.

Periods of absence that are less than eight weeks apart are linked to count as one period of sickness, or PIW, for payment of SSP. This means that if you are sick for a second time during this eight week period, and the total absence is four days or more, SSP would have to be paid from the first day of that second absence. The maximum entitlement is to 28 weeks of SSP in any PIW.

SSP is treated as part of normal earnings and is subject to tax and National Insurance. Please ask your line manager for a self-certification form, which you will need to complete and submit to the office on your return to work.

### Employees not entitled to SSP

There are some employees who are not entitled to SSP including those:

- whose average weekly earnings for the last eight weeks' are below the Lower Earnings Limit for National Insurance Contributions
- who have received certain state benefits within the preceding 57 days
- who have not worked under the contract of employment
- who fall sick during a stoppage arising from an industrial dispute, unless they did not take part and had no interest in it
- who are in legal custody or in prison
- who are sick during the maternity pay period

## Maternity Leave

---

### Key points

- Pregnant employees have the right to 52 weeks maternity leave.

- 39 weeks could be paid which may be statutory maternity pay, maternity allowance or contractual maternity pay (contractual pay may be more than statutory pay or could be paid for longer than 39 week - this will depend on the terms of employment).
- During maternity leave employee and employer can agree to have up to 10 keep in touch days.
- Paid reasonable time off for antenatal care.
- Employee has the right to return to original job or suitable alternative.

### Maternity leave and pay

A pregnant employee has the right to both 26 weeks of ordinary maternity leave as well as 26 weeks of additional maternity leave. To qualify for maternity leave, an employee must tell their employer by the end of the 15th weeks before the expected week of childbirth:

- that she is pregnant
- the expected week of childbirth, by means of a medical certificate if requested
- the date she intends to start maternity leave. This can normally be any date which is no earlier than the beginning of the 11th week before the expected week of childbirth up to the birth. It is best to advise the employer as soon as possible.

Once notification has been given to the employer they must then write to the employee, within 28 days of her notification, setting out her return date. The employee must give eight weeks notice if she wishes to change the return date.

A pregnant employee has the right to paid time off work to attend antenatal appointments if her attendance has been recommended by a registered medical practitioner, midwife or nurse. **With effect from 1 October 2014**, fathers and partners have the right to unpaid time off to accompany a pregnant woman to up to two antenatal appointments.

### Reforms of flexible parental leave

Under a new system of flexible parental leave, parents will be able to choose how they share care of their child during in the first year after birth. Employed mothers will still be entitled to 52 weeks of maternity leave; however, working parents will be able to opt to share the leave. Mothers will have to take at least the initial two weeks of leave following the birth as a recovery period. Following that they can choose to end the maternity leave and the parents can opt to share the remaining leave as flexible parental leave.

The Government will introduce the changes to flexible parental leave in 2015. Further information is available from [www.gov.uk/government/news/reform-of-flexible-parental-leave](http://www.gov.uk/government/news/reform-of-flexible-parental-leave)

### Statutory maternity pay

Statutory maternity pay (SMP) will be payable if the employee has been employed continuously for at least 26 weeks ending with the 15th week before the expected week of childbirth, and has an average weekly earnings at least equal to the lower earnings limit for National Insurance contributions. SMP is payable for 39 weeks; for the first six weeks it is paid at 90 percent of the average weekly earnings. The following 33 weeks will be paid at the SMP rate or 90 per cent of the average weekly earnings whichever is the lower. The SMP rate from April 2013 is £136.78 per week, the standard rate for SMP is reviewed every April. The SMP rate will increase from April 2014 to £138.18.

### Maternity Allowance

Women who do not qualify for Statutory Maternity Pay may be entitled to Maternity Allowance, paid by the Benefits Agency, for up to 39 weeks. To qualify, they must have been employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth.

## Adoption Leave

---

Subject to any change in legislation, when you adopt a child you may have the right to 52 weeks of adoption leave. You may also have the right to be paid for up to 39 weeks of the leave. This policy sets out the rights that apply at the time of issue of this edition of the Staff Handbook.

In order to qualify for adoption leave and benefits you must:

- have been notified by an approved adoption agency of a match with a child in the UK
- have been continuously employed for 26 weeks before the week in which you are notified of being matched with a child for adoption

If a child is being adopted jointly, either partner will be able to choose to take adoption leave. Your partner may be entitled to request paternity or parental leave from their employer.

If you qualify for adoption leave you are entitled to take 26 weeks' ordinary adoption leave, during which time you will benefit from your normal terms and conditions of employment (except full wages or salary) and 26 weeks' additional adoption leave.

You can choose to start your leave from the date of the placement (whether this is earlier or later than expected), or from a predetermined date which can be up to 14 days before the expected date of placement.

If the placement ends during the adoption leave period, you will be able to continue adoption leave for up to eight weeks after the end of the placement.

To qualify for Statutory Adoption Pay (SAP) you must have been continuously employed for at least 26 weeks leading into the week in which you are notified of being matched with a child for adoption.

If your normal weekly earnings have been less than the lower earnings limit for National Insurance contributions for the previous 8 weeks then you will not qualify for SAP.

Adoption pay is payable in the same manner and at the rate as statutory maternity pay. We will require you to send us a 'matching certificate' from your adoption agency as evidence of your entitlement to SAP and adoption leave. This certificate should include basic information on matching and expected placement dates.

You are entitled to receive SAP regardless of whether you intend to return to work.

You must inform your Line manager of your intention to take adoption leave within 7 days of being notified that you have been matched unless this is not reasonably practicable.

You must also notify your Line manager when the child is expected to be placed with you and when you wish your adoption leave to start. Your Line manager will respond to your notification of your leave plans within 28 days, confirming the date on which you are expected to return to work. If the placement ends during the adoption leave period, you will be able to continue adoption leave for up to eight weeks after the end of the placement.

Before your adoption leave begins, your Line manager will discuss arrangements for keeping in touch during your leave. The Council reserves the right to maintain reasonable contact

with you from time to time during adoption leave. This may be to discuss your plans for return to work, including any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

Employees should be aware that if they are in a position that is identified for potential redundancy a full consultation will be undertaken with them even though they are on adoption leave. In the further event that they are selected for redundancy they will be entitled to first option in relation to any alternative work as provided by current legislation.

You may ask the Council to return to work for up to 10 'keeping in touch' days during the adoption leave period.

This arrangement may only take place by agreement between you and the Council. The Council cannot ask you to work during your adoption leave if you do not wish to, nor does the Council have to agree to a request for 'keeping in touch' days.

If the Council offers the opportunity to work a 'keeping in touch' day you are entitled to turn the opportunity down without suffering any consequences as a result. It is unlawful for an employee to suffer detriment for not agreeing to work 'keeping in touch' days, or for working or considering such work.

You shall continue to accrue entitlement to paid annual leave during adoption leave. You should take any outstanding annual leave that may be due to you before the commencement of adoption leave.

If you intend to return to work before the end of your adoption leave period you must give the Council 8 weeks notice of the date you intend to return.

If you return at the end of your Ordinary Adoption Leave (OAL), you have the right to return to your previous job. If you are returning during or at the end of your Additional Adoption Leave (AAL), you have the right to return to your previous job or, if this is no longer feasible, you will be offered a suitable vacancy where one exists with equally favourable conditions.

If you are unable to return to work at the end of adoption leave due to sickness, this must be supported by an appropriate doctor's certificate.

If you are proposing to return from adoption leave early you may be able to share up to 26 weeks of any unused adoption leave to your partner.

The leave to be transferred must be taken as one continuous period in multiples of complete weeks. The earliest that your partner can take the transferred leave is 20 weeks after the date of placement of the child for adoption. It must end no later than 12 months the date of placement of the child for adoption. The minimum period that can be transferred is two weeks.

You will still be required to provide the necessary notice as indicated above in order to return earlier than the original date. This should be carefully discussed with your partner as your partner will be required to give notice of the intention to take Additional Paternity Leave (APL), which is eight weeks. It is conceivable that part of this period may attract Statutory Paternity Pay (SPP) which is the responsibility of your partner's employer.

On return your entitlement to adoption pay will cease as you will then be entitled to normal pay.

You may be able to transfer an element of any remaining unpaid adoption pay to your partner. However, you will be required to sign a declaration form which will be submitted to your partner's employer. That declaration will contain certain information such as your name and address, the proposed return date from adoption leave, and a declaration that you have given permission to your partner's employer to process information contained in the declaration.

For these purposes the Council will ask you to confirm that if it is contacted by your partner's employer to provide confirmation of any information requested in the declaration that it is in order for that information to be passed on.

### **Paternity Leave**

---

Statutory Paternity Leave is a maximum of two weeks' leave, following the birth of a child, taken in order to support the mother or care for the new child. It can be taken as a single week or two consecutive weeks. It cannot be taken as odd days or as two separate weeks.

Statutory Paternity Leave must be taken within 56 days of the birth. If the baby is born earlier than expected, it must be taken within 56 days from the date the baby was due.

To qualify you must have worked for the Council for at least 26 weeks by the end of the 15<sup>th</sup> week before the expected birth week.

Statutory Paternity Pay is paid at a fixed rate per week (determined in legislation) or 90% of average earnings if that is less. It is paid less tax and National Insurance contributions in the normal way.

During Statutory Paternity Leave, you are entitled to all of your normal contractual terms and conditions as if you were not absent, apart from basic wages and salary. You have the right to return to exactly the same job, on the same terms and conditions after Statutory Paternity Leave.

Paternity leave and pay are also available for the adoption of a child.

From 3<sup>rd</sup> April 2011, you may qualify for Additional Paternity Leave and Pay if either:

- you are the father of a child due on or after 3 April 2011
- your wife, partner or civil partner is pregnant and due to give birth to a child on or after 3 April 2011
- you and your partner receive notification that you are matched with a child for adoption on or after 3 April 2011
- your spouse, civil partner or partner (including same-sex relationships) is adopting a child from overseas and the child enters Great Britain on or after 3 April 2011

Additional Paternity Leave is for a maximum of 26 weeks. If your partner has returned to work, the leave can be taken between 20 weeks and one year after your child is born or placed for adoption. You may be entitled to receive Additional Statutory Paternity Pay during your partner's Statutory Maternity Pay, Maternity Allowance or Adoption Pay period.

Additional Statutory Paternity Pay is paid if you either:

- take Additional Paternity Leave
- are not working for the purposes of caring for your child, during your partner's Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay period

### **Adoptions from overseas**

---

Special rules apply where additional paternity leave follows adoption leave in relation to a child adopted from overseas. You may still be entitled to additional paternity leave provided that the primary adopter has returned to work before using their full entitlement to adoption leave. For further information, please contact your Line manager.

### **Parental Leave**

---

An employee who has or expects to have responsibility for a child is entitled to take Parental Leave to care for that child. This includes the child's registered father or anyone else who has or expects to have formal parental responsibility for the child. To be eligible to take Parental Leave, an employee must have been employed by the Council for at least one year. Both parents can take Parental Leave for each child they have who was born after 15<sup>th</sup> December 1999.

Parental Leave consists of 13 weeks' unpaid leave or 18 weeks' unpaid leave if the child is disabled. It can be taken at any time up to the child's fifth birthday or up to the child's 18<sup>th</sup> birthday if the child is disabled. Up to four weeks' Parental Leave can be taken in respect of each child, each year, in blocks of one week or more. Employees cannot take the leave in blocks of less than one week, unless the child is disabled. You must give your line manager at least 21 days notice of your intention to take Parental Leave.

## Compassionate leave

---

Leave at the Council's discretion (with or without pay) may be granted for bereavement of a close relative or family member or where a close relative or family member is seriously ill. In this context a close family member includes:-

- Your spouse or partner
- Your mother or father (including adoptive parents)
- The parents of your husband/wife or partner by virtue of a Civil Partnership.
- Brother or sister.
- Any person who is financially dependent on you.
- Brother or sister by adoption.
- Grandparents of either the husband/wife or that of a partner with whom you have entered a Civil Partnership.

All other cases will be decided on a discretionary basis by your line manager in the first instance or by the Chair of the Council.

## Jury Service

---

The Council will in accordance with the law release you for jury service when required to do so however you have no right to be paid during jury service. Any payment made during jury service shall be at the Council's discretion and shall be by way of a loan which you shall repay by payment to the Council's of such sums if any which you recover by way of financial loss allowance and subsistence allowance from the court.

## Medical and Dental Appointments

---

The Council recognises that employees will from time to time need to attend medical, hospital, dental, and other similar appointments. Whenever it is possible to do so, you should arrange appointments outside of your normal working hours or, where this is not possible, at times that will cause the minimum amount of absence from work e.g. first thing in the morning or towards the end of work time. All such appointments should be made with the agreement of your Line manager.

Details regarding time off for antenatal appointment can be found in the Maternity Leave section.

## Flexible Working

---

With effect from 30<sup>th</sup> June 2014, the right to request flexible working was extended to all employees with 26 weeks' qualifying service. An application for flexible working is an application for a permanent variation to the employee's hours, time or place of work.

**The Application** must be in writing and contain the information specified below:

- state that it is an application under the statutory procedure;
- specify the change applied for and the date on which the proposed date will become effective;
- explain what effect (if any) the employee thinks making the change applied for would have on the employer and how, in the employee's opinion, any such effect might be dealt with;
- specify if and when a previous request for flexible working has been submitted, if so when; and
- be dated.

### **The Employer's Response**

An employer that has received an eligible employee's application for flexible working must deal with the application in a "reasonable manner". This should include:

- arranging to talk to the employee as soon as possible after receiving his or her written request (unless the intention is to approve the request);
- allowing the employee to be accompanied by a work colleague at any discussion;
- discussing the employee's request with him or her in private
- considering requests "carefully looking at the benefits of the requested changes in working conditions for the employee and the organisation weighing these up against any adverse business impact of implementing the changes";
- informing the employee of the decision in writing as soon as possible
- if the employee's request is granted, or granted with modifications, discussing with the employee how and when the changes might best be implemented;
- if the employee's request is rejected, ensuring the rejection is for one of the business reasons permitted by legislation and allow the employee the right of appeal;
- considering and deciding on all requests, including any appeals, within a three month period for the initial receipt, unless an exemption has been agreed with the employee; and
- confirming any changes to the contract of employment in writing.

### **Rejection of an Application for Flexible Working**

If an employer rejects a request for flexible working there must be one or more of the reasons specified below for doing so:

- the burden of additional costs;
- the detrimental effect on ability to meet customer demand;
- an inability to reorganise work amongst existing staff or recruit additional staff;
- a detrimental impact on quality or performance;
- insufficiency of work during the periods the employee proposes to work;
- planned structural changes; or
- such other grounds as may be specified in regulations made by the Secretary of State.

Unresolved flexible working claims, may with the agreement of both parties, be referred to arbitration under the ACAS Arbitration Scheme. An employee may not be lawfully dismissed, selected for redundancy, victimised or subjected to any other detrimental treatment for asserting his or her right to apply for flexible working. Employers should be aware that unjustified refusal to grant a request for flexible working may lead to liability under discrimination legislation.

### **Second or Additional Employment**

Owing to the size and nature of our undertaking it is expected that some or all employees will be working on contracts of a part time nature. While this may suit the lifestyle of some individuals it is recognised that others may well feel the need to seek additional employment to supplement their income.

While the Council recognises that this can be advantageous to all parties, it is of paramount importance that any supplementary work does not interfere with the service or efficiency of its core business. You are therefore required under the terms of your contract of employment

to seek the prior approval of your Line manager for any additional employment you wish to undertake.

Before making a decision on whether to approve such additional work the following considerations will need to be taken into consideration:-

- Is the additional work proposed likely to bring the Council into disrepute or damage its reputation in any way?
- Will the hours of the new job conflict with the normal core hours of the Council? If this is the case then it may be possible to adjust the hours worked but this would have to be through joint discussion and agreement between the parties concerned.
- Does the nature of the proposed work conflict with the principals and objectives of the Council?
- Do the work / services of the new employer conflict with that provided by the Council? For example, could they be seen as a competitor for the same type of business?
- Is there a potential conflict of interest between the two jobs? In particular could the sharing / release of confidential information be potentially damaging to the interests of the Council?
- Would the combination or timing of the two roles potentially lead to reduced efficiency? I.e. working into the early hours of the morning and then having to report for work several hours later could create difficulties.

If an employee intends to offer work on a self-employed basis then strict adherence to the following regulations will be required.

At no time should any employee seek to give the impression or claim, that private work undertaken has the approval or endorsement of the Council, unless express permission has been granted in writing in advance.

The Council will own the copyright of any material produced by an employee arising out of their work. Materials developed and produced by the Council cannot be used by any employee outside of the remit of their role. Equipment owned by the Council for the provision of services for another employer is strictly prohibited

Failure to adhere to these requirements will be regarded as an act of Gross Misconduct and will be dealt with accordingly. If in doubt about any of the above conditions you should seek the guidance of your Line manager.

Similarly if any issues arise in relation to your other job that are not covered by the above provisions then you would be wise to refer these concerns to your line manager. The above guidance should not be seen as exhaustive but simply an illustration of some of the problems, which might arise. Failure to act in a responsible manner could also be regarded as a disciplinary matter whether or not the issues involved are expressly referred to above.

While the Council will endeavour to act as a good employer and to show as much flexibility as possible there will no doubt be occasions when it would not be reasonable to accede to the employee's request to work for a particular organisation. In these circumstances it will be for the employee to decide where their best interests lie, even if this means resigning their post.

---

## Working from Home

---

Your normal place of work will be your home for which you will be paid a contribution to heat and light, internet access and telephone calls which may be varied from time to time by agreement.

As your home is your normal place of work travel to meetings and training will be calculated from your home in accordance with the rates detailed in "Allowances and Expenses" below.

## 3. DIVERSITY AND DIGNITY

---

The Council is committed to valuing diversity and seeks to provide all staff with the opportunity for employment, career and personal development on the basis of ability, qualifications and suitability for the work as well as their potential to be developed into the job.

We believe that people from different backgrounds can bring fresh ideas, thinking and approaches which make the way work is undertaken more effective and efficient.

The Council will not tolerate direct or indirect discrimination against any person on grounds of age, disability, gender / gender reassignment, marriage / civil partnership, pregnancy / maternity, race, religion or belief, sex, or sexual orientation whether in the field of recruitment, terms and conditions of employment, career progression, training, transfer or dismissal.

It is also the responsibility of all staff in their daily actions, decisions and behaviour to endeavour to promote these concepts, to comply with all relevant legislation and to ensure that they do not discriminate against colleagues, customers, suppliers, members of the public, or any other person associated with the Council.

In adopting these principles The Council:

- Will not tolerate acts that breach this policy and all such breaches or alleged breaches will be taken seriously, be fully investigated and may be subject to disciplinary action where appropriate.
- Fully recognises its legal obligations under all relevant legislation and codes of practice.
- Will allow staff to pursue any matter through the internal procedures which they believe has exposed them to inequitable treatment within the scope of this policy. If you need to access these procedures they can be obtained from your line manager e.g. Grievance Procedure, Dignity at Work Procedure etc.
- Will ensure that all line managers understand and maintain their responsibilities and those of their team under this policy.
- Will offer opportunities for flexible working patterns, wherever operationally feasible, to help employees to combine a career with their domestic responsibilities.
- Will provide equal opportunity to all who apply for vacancies through open competition.
- Will select candidates only on the basis of their ability to carry out the job, using a clear and open process.
- Will provide all employees with the training and development that they need to carry out their job effectively.
- Will provide all reasonable assistance to employees who are or who become disabled, making reasonable adjustments wherever possible to provide continued employment. We

will ensure an appropriate risk assessment is carried out and that appropriate specialist advice is obtained when necessary.

- Will distribute and publicise this policy statement throughout the Council.

## **Dignity at Work**

---

The Council believes that the working environment should at all times be supportive of the dignity and respect of individuals. If a complaint of harassment is brought to the attention of the management, it will be investigated promptly and appropriate action will be taken.

Harassment can be defined as conduct, which is unwanted and offensive and affects the dignity of an individual or group of individuals.

Sexual harassment is defined as “unwanted conduct of a sexual nature, or other conduct based on sex, affecting the dignity of women and men at work”. This can include unwelcome physical, verbal or non-verbal conduct.

People can be subject to harassment on a wide variety of grounds including:

- race, ethnic origin, nationality or skin colour
- sex or sexual orientation
- religious or political convictions
- willingness to challenge harassment, leading to victimisation
- disabilities, sensory impairments or learning difficulties
- status as ex-offenders
- age
- real or suspected infection with a blood borne virus (eg AIDS/HIV)
- membership of a trade union or activities associated with membership

Forms may include:

- physical contact ranging from touching to serious assault
- verbal and written harassment through jokes, offensive language, gossip and slander, sectarian songs, letters and so on
- visual display of posters, graffiti, obscene gestures, flags and emblems
- isolation or non-cooperation at work, exclusion from social activities
- coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups
- intrusion by pestering, spying, following someone
- bullying

If you feel you are being harassed you are strongly encouraged to seek early advice/support from your line manager. If you feel your line manager is harassing you, then you should contact his / her immediate line manager.

You should also keep a written record detailing the incidents of harassment and any requests made to the harasser to stop. This written record should be made as soon as possible after the events giving rise to concern and should include dates, times, places and the circumstances of what happened.

The Council has a formal procedure for dealing with these issues which you can obtain from your line manager.

## **Disability**

---

The law prevents discrimination against disabled people at work. The Council has set out its policy on disability below for your guidance and to ensure that we comply with our legal responsibilities to disabled people.

Any employee who believes that he or she has been unfairly discriminated against because of a disability or for reasons related to their having a disability can use the grievance procedure.

Disciplinary action will be taken against any employee who is found to have committed an act of discrimination against someone who has a disability. This includes treating them less favourably because of their disability or for a reason related to it; harassment or victimisation or failing to make reasonable adjustments to prevent a disabled person being placed at a substantial disadvantage at work.

Serious breaches of policy will be taken as gross misconduct.

Recruitment is carried out on the sole basis of the applicant's abilities and suitability for the job. A disability will not of itself justify the non-recruitment of an applicant. Reasonable adjustments to the application procedures will be made as required to ensure that applicants are not disadvantaged because of disability. No applicant will be considered unsuitable for appointment or less suitable than another applicant unless full consideration has been given as to whether a reasonable adjustment can be made to overcome any effect of his or her disability upon his or her suitability.

When a disabled employee commences employment the Council will, in consultation with the disabled employee, ensure that such reasonable adjustments are made as required to enable him or her to work safely and effectively and to secure equal access to the benefits of employment. Where the Council does not have the relevant expertise to resolve the problem we will, where required, consult an outside specialist.

The Council recognises that all employees have equal rights to training promotion and other aspects of career development based purely on their abilities. Promotion and training will be made accessible to disabled employees by such adjustments as are reasonable.

Disabled employees have equal access to all benefits and facilities and reasonable adjustments will be made where necessary. Harassment of disabled employees will be a disciplinary offence and may constitute gross misconduct. Any unwanted conduct that violates a disabled person's dignity or creates an intimidating hostile, degrading, humiliating or offensive environment for him or her is illegal.

Retention

As part of the Council's commitment to equal opportunities for disabled people we will ensure that all reasonable measures are taken to retain disabled employees in employment. The Council will make such adjustments as are reasonable to enable a disabled employee to carry out his or her duties. This will include but is not limited to consideration of the provision of specialist equipment, job re-design, re-training, flexible hours, remote working and/or re-deployment.

The prime responsibility for arranging the appropriate adjustment will lie with your Line manager who will consult with you. The expertise of the disabled person with regard to their own disability will be recognised. Where required an outside specialist may be consulted. Once an adjustment has been made it may need to be reviewed at agreed intervals to assess its continuing effectiveness.

*For more information on the Equality Act refer to NALC Legal Topic LTN78*

---

## **4. HEALTH AND SAFETY**

---

### **Policy**

The Council take very seriously our obligations and responsibilities under Health and Safety legislation. The objective is to provide you with a safe working environment and a safe system of work.

The Council regularly review working practices including the general working environment and individuals' work stations to ensure that best practices are adhered to or adopted and that safety hazards are identified and accidents so far as reasonably practicable are avoided. In particular the Council regularly monitor the safety of any equipment or machinery provided for use by employees. Maintenance is regularly and scrupulously carried out and proper records are kept. All equipment and machinery provided complies with the appropriate UK standards and is designed or adapted for the purpose for which it is used. All employees who use or supervise the use of such equipment or machinery are properly trained in its use including Health and Safety considerations.

You are obliged to take reasonable care for your own safety and for the others who may be affected by your acts or omissions and to co-operate fully with the Council in the arrangements made in relation to Health and Safety matters. For example you must:-

- Adhere to the prescribed safe system of working.
- Report any faults or defects in machinery or equipment immediately.
- Report any safety concerns at all immediately.

Only those qualified to do so and employed for that purpose may carry out repairs or maintenance to machinery or equipment.

### **First Aid**

All accidents must be recorded in the accident book.

### **Hazards and Safety Risks**

You have a responsibility to report any potential Health or Safety hazard including infectious or other diseases, accidents or injuries associated with the workplace. Examples are as follows:-

- Fire risks, e.g. accumulation of combustible waste, blocking or obstruction of fire doors, corridors, or smoking in non-smoking areas.
- Electrical problems, e.g. worn cables, loose connections, multiple connectors to power sockets, faulty wiring or trailing cables
- Defective equipment

- Defective flooring e.g. worn or frayed carpets, uneven or slippery surfaces
- Unsuitable loading or stacking
- Broken glass
- Carelessness by an employee or other person on the premises, e.g. attempting to repair equipment without proper training

You are encouraged to suggest improvements to the Health and Safety policy and suggestions should be made to the Safety Officer.

### **General Aims of the Council**

---

So far as is reasonably practicable the Council aims to achieve the following:-

- Safe equipment and systems.
- Safe methods of handling, storage and transport of articles or goods.
- Provide employees with information, instruction and training.
- Ensure the place of work is safe with means of access and egress.
- Provide a safe working environment.
- Have a no smoking policy
- All storage areas are safely laid out with adequate room for access in safety.

Any breach or non-observance of the Health and Safety policy constitutes a disciplinary offence in respect of which you may in an appropriate case be dismissed.

---

## **5. OPERATIONAL POLICIES**

---

### **Appearance**

---

The Council does not seek to inhibit individual choice in relation to your appearance. However, you are expected to dress appropriately at all times in relation to your role, and to ensure that your personal hygiene and grooming are properly attended to prior to presenting yourself at work. If you have any queries about what is appropriate, these should be directed to the Chairman/delegated Member

### **Smoking and Other Substances at Work**

---

Legislation now exist which makes it illegal to smoke in enclosed public spaces. Smoking is therefore strictly prohibited on all council premises (including entrances and exits) and vehicles.

Bringing alcohol or any unlawful drugs to the workplace, and / or imbibing them there is strictly prohibited both during work time or during a period prior to work where the effects carry over to the workplace. Any such instances will be dealt with under the disciplinary procedure and may lead to your summary dismissal.

### **Confidentiality**

---

It is a condition of your employment that you have a duty of confidentiality with regards to the Council. During the course of your employment you may find yourself in possession of sensitive information, the disclosure of which could be construed as a breach of confidentiality. It is a condition of your employment that you have a duty of confidentiality to the Council and you must not discuss any Council sensitive or confidential matter whatsoever with any outside organisation including the media. Any such breach of confidentiality would be deemed as gross misconduct except as otherwise provided or as

permitted by any current legislation (e.g. the UK Public Interest Disclosure Act 1998) and could lead to your dismissal.

### **Computer, email and Internet use**

---

If you have access to the Council's computers including email and access to the internet as part of your job, you must not abuse this by using these facilities for purposes unrelated to Council business. Only software packages properly authorised and installed by the Council may be used on Council's equipment, you must therefore not load any unauthorised software onto Council computers. If you have a Council email address, this is provided for responsible use on Council business and should not be used in any other way whatsoever.

### **E-Mail**

---

Council employees should ensure that the tone and language of internal and external email correspondence sent by their employees is always professional and courteous. Consider the following points when sending work emails:

- Always put a subject in the subject line to make it clear what the email is about
- Using "urgent" only if the email is genuinely urgent
- Using the appropriate level of formality for greetings (e.g. Dear Mr Jones or Dear Sue, Dear Cllr Smith,)
- Ending emails appropriately (e.g. Yours faithfully or Yours sincerely)
- Not overusing capital letters or bold text, which can be seen as aggressive
- Replying within an appropriate timeframe, even if just to send an acknowledgement
- Checking grammar and spelling
- Re-reading (proof reading) emails before sending them
- Setting "out of office" responses and providing alternative contact details when employees are not available. This should include the email address of the person to whom Freedom of Information requests should be sent.

### **Mobile Telephones in Motor Vehicles**

---

There is a total ban on the use of mobile phones and any other hand held equipment whilst driving a motor vehicle or operating machinery.

### **Receipt of Gifts**

---

Your working relationships may bring you into contact with outside organisations where it is normal business practice or social convention to offer hospitality, and sometimes gifts. Offers of this kind to you or your family can place you in a difficult position. Therefore no employee or any member of his or her immediate family should accept from a supplier, customer or other person doing business with the Council, payments of money under any circumstances, or special considerations, such as discounts or gifts of materials, equipment, services, facilities or anything else of value unless:

- They are in each instance of a very minor nature usually associated with accepted business practice.
- They do not improperly interfere with your independence of judgement or action in the performance of your employment.

In every circumstance where a gift is offered, the advice of the Chairman/delegated Member must be sought.

## **Bribery and other Corrupt Behaviour**

---

The Council adheres to the anti-bribery and corruption policy in line with the Bribery Act (2010). A bribe is defined as: giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so. If you bribe (or attempt to bribe) another person, intending either to obtain or retain business for the company, or to obtain or retain an advantage in the conduct of the company's business this will be considered gross misconduct. Similarly accepting or allowing another person to accept a bribe will be considered gross misconduct. In these circumstances you will be subject to formal investigation under the Company's disciplinary procedures, and disciplinary action up to and including dismissal may be applied.

## **Data Protection and Access to Information**

---

The Council will comply with all statutory requirements of the Data Protection Act by registering all personal data held on its computer and/or related electronic equipment and by taking all reasonable steps to ensure the accuracy and confidentiality of such information.

The Data Protection Act protects individuals' rights concerning information about them held on computer. Anyone processing personal data must comply with the eight principles of good practice. Data must be:

- fairly and lawfully processed
- processed for limited purposes
- adequate, relevant and not excessive
- accurate
- not kept longer than necessary
- processed in accordance with the data subject's rights
- secure
- not transferred to countries without adequate protection

Employees can request access to the information held on them by the Council. All requests by employees to gain access to their personnel records should be made in writing. There is no charge for this service.

## **Changes in Personal Information for Employment Purposes**

It is important that our records are correct, as inaccurate or out of date information may affect your salary or cause difficulties in situations where contact is required for emergencies. You must notify your Line manager immediately of all changes in the following personal information:

- Name
- Home address
- Telephone number
- Bank account details
- Examinations passed/qualifications gained
- Emergency contact
- Driving licence penalties (if you are required to drive on Council business)
- Criminal charge, caution or conviction
- Conflict, or potential conflict of interest

Personal data on employees is held in accordance with the provisions of the Council's Data Protection Policy which will be made available for inspection by you if required.

## Allowance and Expenses

---

- All Allowances paid should pass the 'fair and reasonable' test; to all other stakeholders.
- All payments must be lawful
- It must always be borne in mind that the Council is a statutory elected body and comparison can only be validly made with comparable organisations.
- As far as is practical, our environment will be considered when making allowance decisions. Public transport will be preferred where practical.

### Travelling allowance

Casual Car Users allowance is based on mileage and a rate per mile according to the cubic capacity of the engine of the car. If an employee cannot access a pool car because there is not one available, then they are entitled to use their own car and receive a mileage rate. The rates are dependent upon engine size and annual business mileage

#### Rates for casual car users

From 2011/12	First 10,000 business miles in the tax year	Each business mile over 10,000 in the tax year
Cars and Vans	45p	25p
Motor Cycles	24p	24p
Bicycles	20p	20p

Essential car users who use their own car, then they will be entitled to receive an appropriate lump sum per annum, and mileage payments. The annual lump sum is paid in twelve equal monthly instalments.

All mileage incurred during the course Council activities must be recorded and submitted on a monthly expense reclaim.

### Toll Charges

When an employee on official business incurs parking or toll charges they will be reimbursed in full. Claims should be made on the usual travel expenses form and receipts/tickets should be supplied as proof of payment.

### Car Parking

All car parking purchased whilst carrying out duties on behalf of the Council can be reclaimed. Receipts or the parking ticket must be submitted with claims.

### Overnight Arrangements

This is not a day to day activity undertaken by employees and should normally have been included in the annual budget. Additional arrangements are to be approved by the Council before the event.

## Whistle Blowing

---

A whistleblower is someone who discovers something that is wrong and alerts the Council or the relevant authorities to what is going on. The law recognises that Whistle-blowing occurs and protects employees who are whistleblowers from detrimental treatment such as dismissal. To be protected by the law a whistleblower must fall within the stringent legal rules. Anyone who does not act in good faith or is motivated by personal gain will not be protected.

The Council is run in accordance with the law. It is the Council's policy as an employer to ensure that at every level of management our business is conducted in such a way as to comply with all legal requirements that govern our activities. This policy applies to the way that the Council employ and manage our staff. The Council operate as a team and we expect our employees to all play their part as members of the team for the good of the business as a whole. The Council do not believe that any of our employees will ever feel the need to become a whistle blower. There is no reason for any employee to believe that he or she will suffer detriment for speaking up if they believe that something is wrong or that if the Council is alerted to it we will conceal or destroy evidence. However the Council is fully aware of our responsibility under the law and we will respect the legal protection afforded to a whistleblower.

The Public Interest Disclosure Act 1998 protects "whistleblowers" from suffering detriment in employment and makes dismissal for certain disclosure automatically unfair. There is no qualifying period of employment for this protection.

Police officers, civilian police employees and those who work in the Security Service, Secret Intelligence Service or Government Communications Headquarters are NOT protected.

A worker who makes a qualifying disclosure that is made to one of a category of persons set out in the Act and which is therefore a protected disclosure.

'Worker' is widely defined and includes employees and other workers as normally understood by the expression but also contractors under an employer's control, persons on training schemes and also doctors, dentists and other professionals providing National Health Service schemes.

A 'qualifying disclosure' is one of information that in the reasonable belief of the disclosing worker shows wrongdoing of one or more of the following kinds:

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

However if the person making the disclosure commits a criminal offence by making it or makes it in breach of legal professional privilege (e.g. solicitor's secretary disclosing client information) it is not a qualifying disclosure.

To be a 'Protected Disclosure' the 'Qualifying Disclosure' must only be made to one of the following categories of person:

- The employer or (where the disclosure relates to the conduct of another person or matters for which another person other than the employer has legal responsibility) that other person
- A legal adviser in the course of getting legal advice
- A Minister of the Crown (where the worker is employed by someone appointed by a Minister of the Crown or a body whose members are so appointed)
- To one of the prescribed persons set out in the Public Interest Disclosure (Prescribed Persons) Order 1999 (e.g. health and safety problem disclosure is to the Health and Safety Executive; Fraud: Secretary of State for Trade and Industry; consumer protection matters: Local Authority Consumer Protection unit; tax matters: the Inland Revenue)
- A person other than those set out above where the worker acts in good faith, reasonably believes the information to be substantially true, does not make the disclosure for personal gain, and it is in all the circumstances reasonable to make the disclosure.

AND

- the worker reasonably believes he/she will be subjected to a detriment if the disclosure is made to his employer or the prescribed person;
- there is no prescribed person and the worker believes that the wrongdoing will be concealed or destroyed by the employer;
- the worker has previously disclosed the same information to the employer or the prescribed person;

Any other person where the disclosure is one of an "exceptionally serious failure" made in good faith, not for personal gain, where it was reasonable to make the disclosure.

Workers are protected from detriment or dismissal as a result of making a protected disclosure. Dismissal is automatically unfair, and there is no limit on compensation for such a dismissal. Complaint of detriment or dismissal is made to an Employment Tribunal.

---

## 6. TERMINATION OF EMPLOYMENT

---

### Redundancy

It is the policy of the Council, through forward planning to ensure as far as possible security of employment for its employees. However, it is recognised that there may be changes in competitive or economic conditions, organisational requirements, or developments in technology and processes which may affect staffing needs.

It is the aim of the Council to maintain and enhance efficiency and profitability in order to safeguard the current and future employment of its employees. The Council will seek to minimise the effect of redundancies through the provision of sufficient time and effort to finding alternative employment for surplus staff. Where compulsory redundancy is inevitable the Council will handle the redundancy in the most fair, consistent and sympathetic manner possible.

The aim of this policy is to clarify what procedures will be followed in the event of redundancies becoming unavoidable.

### Avoidance of redundancies

In the event of a reduction in demand serious enough to require a commensurate reduction in working hours, our first step will be to consider organisational ways of adjusting to the reduction. This will include:

- reducing costs where possible
- cutting back on overtime
- reducing the number of agency staff
- bringing work in-house, rather than using contractors, where this is possible
- redesigning jobs and reorganising work
- asking for volunteers to work part-time or job share
- considering any other proposals put forward

If we are unable to achieve the required savings by reorganising we would ask for volunteers for redundancy. However, the Council reserves the right to refuse to agree to make someone redundant if it is not in our interests to do so.

### Consultation

In the event of compulsory redundancies being unavoidable, the Council will consult individual employees, and where relevant, trade union and employee representatives about:

- redundancies proposed
- reasons for the proposals
- number and descriptions of employees who it is proposed to make redundant
- total number of employees of that type employed in the Council
- proposed method of selecting the employees for redundancy
- how the redundancies will be carried out
- how any redundancy payments will be calculated

The consultation will be carried out for the purpose of considering ways of:

- avoiding the dismissals
- reducing the number of employees to be dismissed, and
- mitigating the consequences of the dismissals

In addition to any collective discussions, any individual employee whose job is considered for redundancy will also be consulted to consider alternative suggestions.

### Selection of staff for redundancy

The criteria for the selection of staff to be made redundant will be discussed as part of the consultation process.

We will ensure that any criteria selected are fair and objective.

Any employee selected for redundancy will be notified in writing, following individual consultation. The procedure adopted shall comply with the minimum three-step statutory procedure.

### Notice period

The employee's contractual or statutory period of notice, whichever is the greater, will apply.

### Redundancy pay

Redundancy pay will be calculated in accordance with the relevant statutory provisions, which are based on the employee's age, length of continuous employment, and the current statutory weekly rate or the actual weekly wage.

### Right of appeal

Any employee who feels that the selection criteria were unfair or incorrectly applied can appeal against the decision. Any such appeal must be made in writing within ten working days of receiving the redundancy notification. The Council will arrange a meeting within five days with the employee, who has the right to be accompanied by a trade union representative or colleague. The decision will be communicated to the employee within ten working days of the meeting.

### Time off to seek alternative employment

Any employee made redundant will be considered for other suitable jobs in the Council, if no such jobs are available, appropriate time off will be given to look for alternative employment.

## Resignation

---

You must inform The Council in writing of your wish to terminate the Contract of Employment. The period of notice will begin from the date of this notification. The last day of service should be mutually agreed between you and your Line manager and confirmed in writing in line with your terms and conditions of employment

---

## **Lay-off / Short Time Working**

---

If a situation arises where there is a reduction of work, or there is an occurrence that may affect the normal running of the Service, The Council reserves the right, in line with your Terms and Conditions of Employment, to:

- Lay-off without pay, other than the Statutory Guarantee Pay;
- In any 3-month period The Council will pay up to 5 days' Guarantee Pay at the current Government regulated rate. If the Lay-off lasts longer than 5 days you will be given a letter to take to the Benefits Agency. Even though you are still an employee of The Council you should still be able to "sign on" as Temporarily Unemployed.

Wherever possible, alternative suitable work will be offered to employees best suited to carry out whatever work is available. Short Working Hours or periods of Lay-off do not affect your continuity of employment. If you are laid off you must still be available for work as and when necessary.

## **Notice Periods**

---

The details of your notice are in your Terms and Conditions of Employment. If you leave The Council without working, or giving the required notice and the service incurs any additional expense(s) from covering your duties during your notice period because you have failed to work it, then these costs will be deducted from any final payment. This is an express term of your Contract of Employment.

If your employment is terminated due to redundancy, the same rules regarding notice will apply.

If you are dismissed for Gross Misconduct you will not be entitled to notice or notice pay.

## **Garden Leave**

---

The Council reserves the right to place an individual who is on notice on "Garden Leave", i.e. during your notice period to require you to neither attend your place of work, nor to contact clients/customers, and nor to provide you with any work. This right is exercisable at the absolute discretion of the Chief Executive. Whilst on Garden Leave you would be paid basic pay and still be subject to The Council's Rules and Disciplinary Procedures.

## **Retirement**

---

In line with current legislation the Council does not have an age where it expects employees to retire. It is however our policy to have regular workplace /appraisal discussions with all our staff where they can discuss performance and any development needs they may have, as well as their future aims and aspirations. Staff and their line managers can also use this opportunity to discuss retirement planning should the employee wish to do so.

You should ensure that you inform your line manager at least 6 months before you plan to retire to ensure all appropriate arrangements are made.

## **General**

---

This handbook should be read in conjunction with your Terms and Conditions of Employment (together with any revisions of this), and the following Policies and Procedures

Appraisal  
Staff Discipline  
Greivance  
Staff Development (to be drafted)