

Frome Town Council Constitution

Chapter 4 - Staff Handbook

5 Palmer Street
Frome
BA11 1DS

01373 465757

info@frometowncouncil.gov.uk

Date Adopted: 13 July 2016

Review Date: 12 July 2017

A copy of this document is also available in different formats such as large print, Braille, audio or in a different language, please contact the office if this is required.

TABLE OF CONTENTS

Chapter	Content	Page Number
	Introduction	6
1	Probationary Period	7
2	General Employment Policy	7
3	National Agreement on Pay and Conditions of Service	7
4	Salary	8
	4.1 Structure	8
	4.2 Salary Settlements	8
	4.3 Incremental Progression	8
	4.4 Overtime and Time Off In Lieu	8
	4.5 Flexible Working	9
	4.5.1 Introduction	9
	4.5.2 Eligibility	9
	4.5.3 What is Flexible Working?	9
	4.5.4 How to apply	9
	4.5.5 Who makes the decision?	10
	4.5.6 Right of Appeal	10
	4.5.7 Review	10
	4.6 Reimbursable Expenses	11
	4.7 Sole Employment / Declaration of Other Employment	11
5	Benefits	11
	5.1 Pension and Gratuity Arrangements	11
	5.2 Death in Service	12
	5.3 Annual Leave	12
	5.3.1 Bank/Public Holidays	12
	5.3.2 Carry Over of Annual Leave	12
	5.3.3 Compassionate Leave with Pay	12
	5.3.4 Public Duties	13
	5.3.5 Jury Service	13
	5.3.6 Additional Service	13
	5.4 Parental Leave	13
	5.4.1 Eligibility	13
	5.4.2 Time Off For Dependents	14
	5.4.3 Implications of Unpaid Leave for Local Government	14
	5.5 Maternity/Paternity/Adoption Leave	15
	5.5.1 Maternity Leave	15
	5.5.2 To Whom This Policy Applies	15
	5.5.3 Notification Requirements	15
	5.5.4 Health and Safety	15
	5.5.5 Ante-Natal Care	16
	5.5.6 Ordinary and Additional Maternity Leave	16
	5.5.7 Maternity Pay	16
	5.5.8 More Than One Year's Continuous Service	16
	5.5.9 Pension	17
	5.5.10 Continuous Service	17
	5.5.11 Leave During Maternity Leave	17
	5.5.12 Returning to Work	18
	5.6 Paternity Leave	18

	5.6.1 To Whom This Policy Applies	18
	5.6.2 Ordinary Paternity Leave (OPL) and Maternity	19
	5.6.3 Notification Requirements	19
	5.6.4 Additional Paternity Leave (APL)	20
	5.6.5 Notification Requirements	20
	5.6.6 Pay During Additional Paternity Leave	20
	5.6.7 Keeping In Touch	21
	5.6.8 Pension	21
	5.6.9 Continuous Service	21
	5.6.10 Annual Leave and Bank/Public Holidays	21
	5.7 Adoption Leave	21
	5.7.1 To Whom This Policy Applies	21
	5.7.2 Eligibility Criteria	21
	5.7.3 Notification Requirements	22
	5.7.4 Evidence	22
	5.7.5 Adoption Leave	22
	5.7.6 Adoption Pay	23
	5.7.7 Leave During Adoption Leave	23
	5.7.8 Pension	23
	5.7.9 Returning to Work	23
	5.8 Absence Management Policy	25
	5.8.1 Aims	25
	5.8.2 Responsibilities	25
	5.8.3 Reporting	25
	5.8.4 Certification	26
	5.8.5 Return to Work Meetings	26
	5.8.6 Miscellaneous	26
	5.8.7 Frequent Intermittent Absence	27
	5.8.8 Long Term Absence	27
	5.8.9 Final Sickness Review Meeting	28
	5.8.10 Attendance Hearing	28
	5.8.11 Appeals	29
	5.8.12 Personal, Domestic, or Work Related Problems	29
	5.8.13 Alcohol/Drug Dependency	30
	5.8.14 Welfare	30
	5.8.15 Monitoring	30
6	Conditions of Employment	33
	6.1 Contract of Employment	33
	6.2 Working Hours	33
	6.3 Annualised Hours	33
	6.4 Fixed Hours	34
	6.5 Time Off	34
	6.6 Time Off for Dependents	34
	6.7 Notice of Termination of Employment	34
	6.8 Redundancy Arrangements	34
	6.9 Termination of Employment Without Giving Notice	35
	6.10 Changes in Personal Details	35
	6.11 Performance	35
	6.12 Training	36
	6.13 Ways of Working	36
	6.14 Employee Code of Conduct	37

	6.14.1 The Role as a Public Servant	38
	6.14.2 Principles of Conduct	38
	6.14.3 Customer Care and Courtesy	39
	6.14.4 Conduct towards Colleagues	39
	6.14.5 Time Keeping and Attendance	39
	6.14.6 Complying with Written Guidelines, Laws and	39
	6.14.7 Conduct and Disciplinary Action	39
	6.14.8 Outside Interests	39
	6.14.9 Additional Employment	40
	6.14.10 Declaring Interests – Financial, Personal or	40
	6.14.11 Political Considerations	40
	6.14.12 Confidentiality and Disclosure of Information	40
	6.14.13 ICT (Information Communications Technology)	41
	6.14.14 Patent and Copyright	41
	6.14.15 Caring For and Using the Council’s Resources	42
	6.14.16 Gifts and Hospitality	42
	6.14.17 Foreign Travel	42
	6.14.18 Smoking, Alcohol and Drugs	42
	6.15 Whistleblowing – Reporting Criminal Offences and Poor	43
	6.15.1 Safeguards	44
	6.15.2 Procedure for Making a Disclosure	44
	6.15.3 Contact	45
	6.15.4 Attending Meetings	45
	6.15.5 Support	45
	6.15.6 How the Matter Can be Taken Further	46
	6.15.7 Dealing with the Media	46
	6.15.8 Equality Issues	46
	6.15.9 Health, Safety and Wellbeing	46
7	Harassment, Abuse, Bullying and Intimidation	46
	7.1 Policy Statement	46
	7.2 Scope of the Policy	47
	7.3 Aims of the Policy	47
	7.4 Harassment	47
	7.5 Bullying	48
	7.6 Victimisation	49
	7.7 Responsibilities of Managers, Employees, and Councillors	49
	7.8 Bullying and Harassment Complaints Procedure	50
	7.9 Stage One	50
	7.10 Stage Two	50
	7.11 Confidentiality	51
	7.12 Complaints About Other Parties	52
	7.13 Malicious/Unfounded Complaints	52
8	Grievances	52
	8.1 Introduction	52
	8.2 General Principles	52
	8.3 Procedures	53
	8.3.1 Stage 1 – Informal Discussion	53
	8.3.2 Stage 2 – Formal Discussion	53
	8.3.3 Stage 3 – Appeal	53
	8.4 Conduct of Grievance Meetings	53
	8.5 Disputes	54

9	Disciplinary, Capability and Poor Performance	54
	9.1 General Principles	54
	9.2 Roles and Responsibilities	55
	9.3 Representation	55
	9.4 Informal Procedure	55
	9.5 Formal Procedure	56
	9.6 Investigation	56
	9.7 Arranging a Hearing	57
	9.8 Conducting a Hearing	57
	9.9 Levels of Disciplinary Action	58
	9.10 Length of Warnings	59
	9.11 The Right of Appeal	59
	9.12 Arranging an Appeal Hearing	59
	9.13 Conducting an Appeal Hearing	59
	9.14 Trade Union Officials	60
	9.15 Disciplinary Rules	60
	9.16 Types of Gross Misconduct	60
	9.17 Training	61
	9.18 Capability Procedure	61
	9.19 Scope	61
	9.20 General Principles	61
	9.21 Related Procedures	61
	9.22 Representation	61
	9.23 Action against a Trade Union Official	62
	9.24 The Informal Procedure	62
	9.25 Levels of Authority	64
	9.26 The Right of Appeal	64
10	Complaints	64
	10.1 Introduction	64
	10.2 Information for the Complainant	65
	10.3 Procedure	65
	10.3.1 Informal Complaints	66
	10.3.2 Formal Complaints	66
	10.3.3 Complaints Committee	66
	10.3.4 Appeals	67
	10.4 Recording of Complaints	67
11	Equality and Diversity	68
	11.1 The Policy	68
	11.2 As an Employer	68
	11.3 As a Service Provider	68
	11.4 The Policy in Action	69
	11.5 Role of Councillors and Employees	69
	11.6 Monitoring of Equal Opportunities	69
12	General Information	70
	12.1 Freedom of Information and Data Protection	70
	12.2 Council Property	70
	12.3 Health, Safety and Welfare	70
	12.4 Business Continuity Planning	70
	12.5 Further Information and Useful Contact Details	71
	Statement of Employee	72

Introduction

This handbook contains a great deal of helpful information about the Council and staff employment.

So not to make the document extremely onerous, it does not delve too deeply into the ins and outs of each topic but, where required, further information can be obtained on any specific subject from the Town Clerk. It does however aim to provide an overview of the Council's principles, protocol, standards, rules and regulations.

Frome Town Council needs its employees to be enthusiastic and competent in their various roles and seeks to ensure all staff are able to play their part to the best of their ability, through development, training, competence and mentoring.

As a result employees can fully contribute to the delivery and management of services in the town of Frome.

All staff will undertake a short induction programme at the commencement of their employment which will cover key points contained within this document, along with other information relevant to the role and the operation of the Council. The induction and this handbook seek to ensure that new staff have the opportunity to understand their duties and responsibilities enabling them to settle into their jobs quickly and comfortably.

For existing staff, this handbook should also be kept handy as a point of reference and for further information purposes.

This handbook should also be read in conjunction with an individual's Contract of Employment and the other associated Council policies.

1. Probationary Period

Staff generally join the Council on an initial probationary period of 6 months. This does not prejudice the Council's right to dismiss, in accordance with the clause contained in the Contract of Employment, or matters arising from issues of discipline.

During the probationary period, work performance and general suitability is assessed and, if satisfactory, employment with the Council will continue.

If work performance is not up to the required standard, the position is reviewed to seek a solution, possibly extend the probationary period with a further review, or to terminate the employment.

At the end of the probationary period, if satisfactory, employees will become a member of permanent staff.

2. General Employment Policy

The Council seeks to act as a responsible employer, using as far as is possible for a Local Council, all reasonable and contemporary personnel practices and compliance in all respects with employment law and other legislation applying at the time. In doing so it will refer to National Local Authority and Public Sector Organisations typical practice. Terms and conditions will be kept under review and National Agreements honoured.

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

This handbook provides details of the Council's personnel policies and procedures and how they will be implemented. It is for use by all staff and the Council and its Committees in making decisions with respect to personnel matters. All day to day staff management decisions on personnel matters are delegated to the Town Clerk. Day to day matters relating to the Town Clerk will be dealt with by the Mayor on the Council's behalf. Procedures in law also exist for the review of problem cases for all staff by the Council. These procedures are detailed within this handbook.

The Handbook is supplementary to the Contract of Employment. The Contract, in conjunction with the job description, indicates the specific provisions relating to each post.

3. National Agreement on Pay and Conditions of Service

The Council accepts the provisions of the National Agreement on Terms and Conditions agreed annually between the National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC). This is agreed after reference to the Joint Council for Local Government Services agreement.

A National Agreement on Pay and Conditions of Service (The Green Book) is negotiated between Principal Local Authority Employers and Unions and this forms the basis of Pay and

Conditions for the Council. The Green Book sets the framework by which Local Authorities establish terms and conditions. Local councils may negotiate terms and conditions, but it is the strong advice of NALC and SLCC jointly that the national terms and conditions are adhered to and in so doing must honour all the relevant provisions of employment legislation and any other legislation applying at the time.

Wherever the National Agreement makes provision for changes in the structure of Local Government Pay and conditions the Council will implement them.

4. Salary

4.1 Structure

This is based on the externally evaluated and benchmarked agreement for Local Authorities, the National Joint Council (NJC) sets the pay scales and allowances and this is published to all councils annually. It is jointly agreed with the National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC) who subsequently make recommendations on scale point ranges.

4.2 Salary Settlements

The Council undertakes to implement the agreements above. Any changes agreed are usually, although not exclusively, implemented from the 1st April of each year.

Salary is paid in equal instalments by bank credit transfer (BACS) on the 22nd of each month or on the nearest working day to that date, with pay being paid up to and including the end of the month.

Under the Employment Rights Act 1996 all staff will receive a pay slip showing how the total amount of salary/wages has been calculated. It must show all the deductions made and the reasons for them e.g. Income Tax, National Insurance Contributions etc. Any queries on this matter should be raised initially with the Responsible Finance Officer.

4.3 Incremental Progression

Employees should progress automatically up the salary scale to the top of their designated grade provided their performance is satisfactory. They will normally be entitled to an increment, payable on the 1st April of each year along with the salary settlement figure.

Once the top of the scale is reached any additional increments are at the sole discretion of the Council. Accelerated increments within the grade of the post may be given on the grounds of exceptional merit or ability.

4.4 Overtime and Time Off In Lieu

Overtime is not generally paid unless specified in the Contract of Employment. Occasional overtime maybe required and needs to be agreed in advance with the relevant Line Manager.

Staff who are on fixed hours will be expected to take time off in lieu (TOIL) for occasional overtime requests as part of the flexible working approach required of all employees. TOIL should also be taken if there is a requirement to work on a weekend or statutory Bank Holiday.

4.5 Flexible Working

4.5.1 Introduction

The Employment Act 2002 introduced the right for certain employees to request flexible working arrangements to allow them to care for a child. The Work and Families Act 2006 extended the right to request flexible working to employees who are carers of certain adults.

As a good employer, Frome Town Council has always had a positive view of flexible working and has offered part-time working and flexible working hours for some time. This statement sets out the framework in which variable working will be managed within the Council.

4.5.2 Eligibility

The right to request flexible working is available to employees who have a minimum of 26 weeks' continuous service and also have one of the following:

- Parental responsibility for a child up to 6 years of age (18 where the child is disabled); or
- Caring responsibility for a spouse, partner, civil partner, relative, or someone who lives at the same address

Only one flexible working request can be made within a twelve month period.

The legislation does not provide an automatic right to flexible working. There is an emphasis on the importance of both the employee and the employer considering the terms of the request and attempting to reach an outcome that suits both parties. The employee has a responsibility to think carefully about their desired working pattern when making an application and the manager is required to follow a specific procedure to ensure requests are considered objectively.

4.5.3 What is Flexible Working?

Flexible working can mean a change to the number of hours you work, the times you work or your place of work.

Some examples of flexible working are:

- Part-time working;
- Job share;
- Flexible working hours (the organisation has a detailed policy);
- Term time; or
- Occasional working from home

4.5.4 How to apply

Anyone considering flexible working must first discuss with their manager the reasons for the request to change their working pattern. A formal application must be made in writing to your Line Manager. It should set out clearly:

- The desired change in working pattern;
- How it will impact upon the work of the Council;
- How you will manage your work to ensure there is no loss in efficiency;
- The impact of the change of your work pattern on your colleagues;
- How any potential problems will be overcome; and

- When you wish to start the new way of working.

All applications will be considered fully. The Line Manager will meet with the employee to discuss the application within 28 working days, unless agreement to the contrary is made in writing. The employee has the right to be accompanied a companion who may be a work colleague or certified trade union representative.

The companion has the right to address the meeting. They may also ask questions and present the employee's case. However they have no right to answer questions on the employee's behalf.

4.5.5 Who makes the decision?

The Town Clerk will consider all applications and consult the appropriate manager as required. He will notify employees of the decision within 14 days of the meeting. If an application is approved, the working arrangement will be implemented on a trial basis for an initial period of 6 months. If an application is refused, the individual will be notified in writing with reasons why the request cannot be accommodated at this time.

The grounds for refusing a request include:

- Additional burden of costs;
- Detrimental effect on customer service;
- Inability to reorganise work among other staff;
- Detrimental effect on quality or performance;
- Insufficient work available during the periods the employee proposes to work; or
- The proposal does not fit in with planned structural changes.

If an application is refused, a further application cannot be made within 12 months.

4.5.6 Right of Appeal

There is a right of appeal, which must be submitted in writing within 14 working days. **The Council** Matters will determine the appeal and notify the employee of their decision in writing within 14 days.

4.5.7 Review

The Town Clerk and the appropriate Manager will undertake a review after 6 months. This is to ensure that the change in work pattern is working effectively and that there is no adverse impact on either the work of the Council or the efficient working of the team. If there appears to be a problem, the individual will be consulted before a decision is made to vary the working pattern further or revert to the original working arrangement.

At the end of the review the Town Clerk will confirm in writing whether or not the working pattern may continue. If it may not continue, a minimum of two months' notice will be given that the working pattern cannot be accommodated and will end on a specified date.

All flexible working will be reviewed periodically by management to ensure that the needs of the Council continue to be met.

4.6 Reimbursable Expenses

Where an employee is required to travel as a requirement of their job, the Council will reimburse actual expense and reasonable subsistence incurred in accordance with the NJC Car Allowances. It should be noted that the practice of claiming subsistence is regarded as being the exception rather than the rule. Payments for subsistence will be paid at the discretion of the Council subject to validity, recommended allowances and a receipt being produced.

4.7 Sole Employment / Declaration of Other Employment

Whilst the Council would prefer that employees are exclusively employed by the Council, it does realise that such an exclusive contract may not be possible.

In circumstances where staff have other employment, it is a condition of the Contract of Employment that the Council is informed of the essential details of such alternative employment in order to ensure that no tax or insurance liabilities will accrue to the Council. The Council does however, reserve the right to require that any other employment that is undertaken does not conflict with the role or standards required to be undertaken or met in the role as an staff member of the Council.

Employees must not accept any other work or conduct any other business which is similar to or in competition with the business of the Council or could give rise to a conflict of interest, unless you have been given prior written consent by the Council.

5. Benefits

5.1 Pension and Gratuity Arrangements

Staff are automatically admitted to the “final salary” Local Government Pension Scheme operated by Somerset County Council which provides an attractive range of guaranteed benefits. The benefits are inflation proofed. They include pensions and tax free lump sums, provision of premature retirement in special circumstances, life cover and dependents pensions. To receive a refund of contributions staff must opt out within 3 months of the date of first joining the Council. It should be noted that staff cannot continue a Contracted Out personal pension plan as well as membership of the Local Government Scheme.

Scheme members contribute a percentage of salary (depending on grade and joining date) and the Council also contributes at the rate determined by the scheme management.

Members receive a lump sum (tax free under current legislation) and a standard pension on retirement. Both of these are based on the employee's length of reckonable service in the pension scheme and their pensionable earnings. Scheme members may be able to top up their benefits, subject to Inland Revenue Regulations, by purchasing added years or making Additional Voluntary Contributions.

Comprehensive information on all pension benefits can be obtained from the **Pensions Manager, Karen Norbury, at SCC, County Hall in Taunton.**

5.2 Death in Service

The Responsible Finance Officer should be notified of the name of a nominated next-of-kin. In the event of death in service any salary, pension or gratuities due to a member of staff will be paid to the person nominated.

5.3 Annual Leave

The Council takes a positive view on work/life balance issues and believes that employees should take responsibility for regularly taking annual leave to ensure their own health, safety, and wellbeing in accordance with the Working Time Directive.

Annual leave must only be taken with Line Manager approval. Employees must give as much notice as possible when requesting annual leave. Such notice should be at least twice the number of days' leave that the employee wishes to take as annual leave.

The annual leave year runs from 1 April to 31 March.

The minimum paid annual leave entitlement is 21 days, rising to 25 days after five years' continuous local government service. Employees are also entitled to two extra statutory holidays per year; the timing of these will be decided by the line manager. Those employed part-time will be entitled to leave on a pro-rata basis.

Employees who join and/or leave the Council during the annual leave year will receive a holiday entitlement proportionate to their completed service during the leave year.

In the event of the employee leaving the Council, payment for any leave which has been taken in excess of their accrued part year entitlement will be deducted from the final wage payment.

5.3.1 Bank/Public Holidays

All employees are entitled to paid bank/public holiday leave. The Council recognises eight bank holidays during the year, although the dates of these may vary from year to year.

Part-time employees have a pro rata entitlement to bank/public holiday leave. This is calculated with reference to the annual entitlement of a full-time employee.

5.3.2 Carry Over of Annual Leave

All annual leave should be taken in the leave year during which it is accrued. In exceptional circumstances, a maximum of five days' leave can be carried over into the next leave year with the written permission of the Town Clerk.

5.3.3 Compassionate Leave With Pay

Up to 3 days' compassionate leave with pay can be granted in order to help the employee to cope with the death or serious illness of a member of their immediate family. This includes:

- Husband, wife, or partner;
- Mother or father;
- Child, including any adopted child; and
- Sister or brother

A further day may be granted for attending the funeral.

All applications for Compassionate Leave must be made to the Town Clerk for determination.

In exceptional circumstances, the Town Clerk will consider granting a maximum of a further seven days' compassionate leave in any one year.

5.3.4 Public Duties

Up to 5 days' leave with pay per year may be given with the permission of the Town Clerk for serving on public bodies or undertaking public duties, e.g. magistrate's service, school governing bodies, and political appointments for those employees whose posts are not politically restricted.

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

5.3.5 Jury Service

Paid leave of absence will be granted for employees undertaking jury service. Where an allowance is claimable for loss of earnings, the employee should claim this and pay the allowance to the Council.

5.3.6 Additional Leave

Additional leave without pay may be granted in special circumstances at the discretion of the Town Clerk.

5.4 Parental Leave

The Parental Leave regulations came into force as part of the Employment Relations Act 1999. They apply to all parents and those people with parental responsibilities and allow for them to take up to 18 weeks' unpaid leave.

This leave must be taken between the child's birth and their fifth birthday. If the child has disabilities and is in receipt of a Disability Living Allowance it must be taken before the child's eighteenth birthday.

This scheme also applies to adoptive parents, who may take parental leave up to the fifth anniversary of the date of placement or the child's eighteenth birthday, whichever is sooner.

5.4.1 Eligibility

The right to take up to 18 weeks' unpaid leave (or 18 weeks in respect of a child with disabilities) is subject to the following conditions:

- The rights are acquired after one year's continuous local government service and apply to both mothers and fathers.
- Both parents are entitled to take 18 weeks' parental leave for each child.
- The leave can only be taken in blocks of one week or more, up to a maximum of four weeks in one year, except where the child is disabled, in which case it may be taken one day at a time.
- The employee is obliged to give his or her manager at least 21 days' notice in writing to take leave.

- The manager may postpone the leave for a maximum of 6 months if there are sound business reasons for doing so. The manager should seek agreement with the employee over mutually acceptable arrangements and confirm the outcome in writing within 7 days of the request.
- Managers should keep a record of leave taken under this entitlement, so that it is clear when the entitlement is exhausted.
- All terms and conditions of service, with the exception of pay, remain in force during the period of leave.
- Employees have the right to return to their job in the same way as provided to those returning from maternity leave.
- Time taken as parental leave counts as continuous service.
- If an employee falls ill during parental leave, the absence will be treated as sick leave for those periods covered by a doctor's certificate.

5.4.2 Time Off For Dependants

Under the [Employment Rights Act 1996](#), all employees (regardless of their length of service) have the right to take a reasonable amount of unpaid time off work without notice in order to deal with particular unexpected emergencies affecting their dependants.

A dependant is:

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

Under this provision, an employee is entitled to take time off work:

- Where a dependant falls ill, gives birth, or is injured or assaulted;
- To provide assistance following the death of a dependant;
- Where there has been an unexpected disruption to, or termination of, the arrangements for the care of a dependant; and
- To deal with an emergency relating to a child of the employee that occurs unexpectedly at the child's school.

Although there is no requirement to give notice the employee must, as soon as possible, tell their line manager the reason for their absence and how long they expect to be away from work.

5.4.3 Implications of Unpaid Leave for Local Government Pensionable Service

If employees are granted unpaid leave of absence or leave on reduced pay (including parental leave):

For the first 30 days:

Full LGPS membership continues to build up during this period but the employee must pay the pension contributions that would have been paid had she/he been at work.

After 30 days:

This period will not count as pension scheme membership unless the employee opts to pay for it to do so. For the period to count as pensionable service he/she must pay the contributions that would have been paid if they had been at work. If the employee wishes to do this they must notify the employer in writing within 30 days of their return to work (or within 30 days of leaving work if they do not return.)

5.5 Maternity / Paternity / Adoption Leave

Frome Town Council recognises and abides by the current legislation regarding Maternity, Paternity, Adoption and Parental leave (Work and Families Act 2006). In the event that an eligible employee is seeking to take any of the aforementioned leave they should, at the earliest opportunity, discuss their plans with your line manager who can further advise on leave entitlements, pay rates and the legislation which is current at the time.

5.5.1 Maternity Leave

The following definitions are used in this policy:

- "Expected week of childbirth" (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth; and
- "Qualifying week" means the fifteenth week before the expected week of childbirth

5.5.2 To Whom This Policy Applies

The occupational maternity scheme shall apply to all pregnant employees regardless of the number of hours worked per week.

5.5.3 Notification Requirements

An employee shall notify the Town Clerk in writing at least 28 days before her absence begins or as soon as is reasonably practical:

- That she is pregnant;
- Of the EWC, providing a copy of form MATB1 as supplied by a registered medical practitioner; and
- The date on which she intends to start her maternity leave.

An employee can change her notified start date as long as she gives 28 days' notice or as soon as is reasonably practical.

5.5.4 Health and Safety

On receipt of written notification from an employee that she is pregnant, the Town Clerk should carry out a risk assessment. The employee and relevant manager should be fully informed of any risks identified. The manager and employee have an on-going responsibility to monitor any potential risks that may be present.

5.5.5 Ante-Natal Care

Any pregnant employee has the right to paid time off to attend ante-natal appointments and must produce evidence of appointments if requested to do so. Wherever possible these should be arranged outside of core time.

5.5.6 Ordinary and Additional Maternity Leave

All women, regardless of their length of service, are entitled to 26 weeks' ordinary maternity leave (OML) and 26 weeks' additional maternity leave (AML) providing a right to one year's maternity leave in total.

Maternity leave shall commence no earlier than 11 weeks before the EWC or from the time of childbirth if that is earlier. From the beginning of the fourth week before the EWC, a woman's maternity leave is triggered if she is absent because of her pregnancy, e.g. due to a pregnancy-related illness or fatigue.

5.5.7 Maternity Pay

Less Than One Year's Continuous Service

Payments for employees who have less than 1 year's continuous local government service at the beginning of the eleventh week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP) or Maternity Allowance (MA). In order to qualify for SMP, an employee must have at least 26 weeks' service with the Council by the end of the fifteenth week before the EWC.

The payment of SMP is for 39 weeks.

Details of the current rates of Statutory Maternity Pay and Maternity Allowance may be found on the government's website www.gov.uk

5.5.8 More Than One Year's Continuous Service

Payments for employees who have completed 1 year's continuous local government service at the 11th week before the EWC shall be as follows:

First six weeks of absence:

The employee will be entitled to nine-tenths of a week's pay. This will be offset against payments made by way of SMP (or Maternity Allowance [MA] for employees not eligible for SMP). This means that any SMP or MA payments will not be paid in addition to the nine-tenths of a week's pay; instead the higher of these amounts will be paid.

Weeks 7 – 52 of absence:

An employee who declares in writing that she intends to return to work will for the subsequent 12 weeks' absence receive half a week's pay. She will also receive SMP, if eligible to do so, and the only reason that any deduction will be made is if the combined pay and SMP (or MA and any dependent's allowances if the employee is not eligible for SMP) exceeds her contractual full pay.

As an alternative to the twelve weeks' half pay the equivalent amount (i.e. 6 weeks' pay) may be paid over any other mutually agreed distribution.

The twelve weeks' half pay (or equivalent payment) made by the authority during maternity leave is made on the understanding that the employee will return to local authority employment for a period of at least three months. In the event that she does not do so, she will be required to refund the monies paid. This may be varied at the discretion of the Council if there is good reason to do so. Payments made to the employee by way of SMP are not refundable.

For the remainder of the maternity leave period the employee will receive their entitlement to SMP (which currently ends after 39 weeks in total), where eligible. Once the SMP payments have ended any remaining maternity period will be unpaid.

For employees not intending to return to work, payments during their maternity leave period following the first 6 weeks will only be their entitlement to SMP (currently ending after week 39), where eligible.

5.5.9 Pension

Local Government Pension Scheme rules dictate that the employer pays pension contributions throughout Ordinary Maternity Leave (OML), whether or not the employee actually receives any pay. The employer's contributions will be based on what the employee would have been earning had she been working normally. The employee will also pay contributions but these will be based on the pay that she actually receives. If she receives no pay during this period, for example because she does not qualify for SMP, she will not have to pay any contributions but the period will still count as service under the scheme.

During Additional Maternity Leave (AML), pension contributions will continue to be made during the period when the employee is receiving SMP but not during any period of unpaid additional maternity leave. The employee can, however, choose to pay contributions for this unpaid period, in which case this period of service will count as pensionable service. The employee's contributions will be based on the pay they received immediately before unpaid leave began. The Council's contributions will be based on notional full pay. If the employee decides to pay their contributions, they must inform the RFO within 30 days of their return from maternity leave or, if the employee does not return, the last day of their employment.

5.5.10 Continuous Service

The period of Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML) will count as continuous service for statutory and contractual purposes.

5.5.11 Leave during Maternity Leave

Annual Leave

Paragraph 11.8(b) of Part Two of the Green Book provides that annual leave continues to accrue during both ordinary and additional maternity leave.

Bank/Public Holidays

Bank/public holidays accrue during ordinary maternity leave and additional maternity leave.

Carry Forward of Annual Leave

Where a woman's maternity leave spans one leave year to the next, with the permission of the Town Clerk, she can carry over more than 5 days annual leave, but this must be taken by 31 May of the following leave year.

Treatment of Leave Where a Woman Changes Her Hours after Maternity Leave

If a woman changes her hours after taking maternity leave, all leave accrued up to the agreed date when her hours change is calculated based on her original hours and any leave accrued subsequently is calculated on her new hours.

For an example of calculating this, see Appendix 1.

5.5.12 Returning To Work

Notification requirements

Managers must assume that an employee will return after 52 weeks. An employee need only notify her employer that she is returning to work if she is going to do so before the end of her maternity leave. Otherwise, the employee simply returns at the end of her maternity leave. However, as the return to work impacts on the half pay element of the Green Book maternity pay, a manager can ask the employee to inform them if they intend to return to work. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

Early return

If an employee wishes to return early or on a different date than they had previously notified, they must give 21 days' notice.

Keeping In Touch

A woman can do 10 days' work during her maternity leave, in agreement with her manager, without bringing her maternity leave to an end. Working for part of a day will count as one day. A woman will not lose any SMP (Statutory Maternity Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employees whilst they are on maternity leave. If you do not wish to be contacted, please notify your manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on maternity leave.

5.6 Paternity Leave

5.6.1 To Whom This Policy Applies

An employee has a statutory entitlement to take paternity leave for the purpose of caring for a child or supporting the child's mother in the first few weeks following the birth.

5.6.2 Ordinary Paternity Leave (OPL) and Maternity Support Leave (MSL)

Eligibility Criteria

To qualify for paternity leave the employee must satisfy the following. They must:

- Be the father of the child, or married to or the partner of the child's mother;
- Have or expect to have responsibility for the upbringing of the child; and
- Have 26 weeks' continuous service with the Council by the end of the fifteenth week before the expected week of childbirth (EWC).

Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either adoptive parent may take paternity leave where the other adoptive parent has qualified and elected to take adoption leave.

Ordinary Paternity Leave (OPL)

An employee who meets the qualifying criteria is entitled to two weeks' Ordinary Paternity Leave.

An employee can take either one week or two consecutive weeks' Ordinary Paternity Leave, paid at the current Statutory Paternity Pay (SPP) rate. It must be taken within 56 days after the child is born or adopted. Employees must take this leave in full weeks, i.e. either one or two weeks' leave.

Maternity Support Leave (MSL)

Paragraph 7.6 of Part Two of the Green Book provides a right to Maternity Support Leave (MSL) of one week. This is provided for the child's father, or the partner or nominated carer of an expectant mother at or around the time of birth. There is no qualifying service requirement for this right.

Maternity Support Leave replaces one week of Statutory Paternity Leave; during this time any SPP is topped up to full pay. Therefore an employee who would otherwise have been entitled to two weeks' Statutory Paternity Leave will be entitled to one week's Maternity Support Leave (during which Statutory Paternity Pay will be topped up to full pay) and one week's Statutory Paternity Leave (during which they will receive Statutory Paternity Pay).

5.6.3 Notification Requirements

Before leave starts the employee must provide the following in writing by the end of the fifteenth week before the expected week of childbirth. If this is not reasonably practical, notice must be provided as soon as is reasonably practical:

- The expected week of childbirth (EWC);
- Whether they intend to take one or two weeks' leave;
- The date the employee wishes to take their leave, as discussed with their manager.

If requested, the employee must also give the employer a signed declaration confirming they are:

- The baby's biological father, married to or in a civil partnership with the mother, or living with the mother in an enduring family relationship, but are not an immediate relative; and
- Will be responsible for the child's upbringing and will take time off work to support the mother or care for the child.

After the birth the employee must also inform the employer of the date the child was born, as soon as is reasonably practical after the child's birth.

5.6.4 Additional Paternity Leave (APL)

An employee can take up to a maximum of 26 weeks' APL. Leave can be taken any time from 20 weeks after the child is born but it must have finished by the child's first birthday. In the case of adoption, it can start any time between 20 weeks and 52 weeks after the child starts living with the adopter.

Eligibility Criteria

To qualify for Additional Paternity Leave, the employee must be:

- Eligible for Ordinary Paternity Leave (see above);
- The child's mother must be entitled to statutory maternity leave or statutory adoption leave; and
- The child's mother or adopter must have returned to work

Periods of annual leave or parental leave will count as a return to work.

5.6.5 Notification Requirements

An employee must notify the Town Clerk in writing at least eight weeks before the start of the leave. This must include:

- The expected date of the baby's birth or date of notification of being matched for adoption;
- The actual date of baby's birth or placement of adoption;
- The start date of the Additional Paternity leave and pay;
- Relationship to the mother and leave is taken to care for the child.

On request by the RFO, the employee must also provide: (i) the name and business address of the mother's or primary adopter's employer, and (ii) a copy of the child's birth certificate or, in the case of an adopted child, evidence of the name and address of the adoption agency, the date on which he/she was notified of having been matched with the child, and the date on which the agency expects to place the child for adoption. The employee must supply this information within 28 days of it being requested.

An employee can change their start date or cancel their additional paternity leave altogether, provided that they write to the Town Clerk at least six weeks before the new start date or, if that is not possible, as soon as reasonably practical.

The RFO will formally respond in writing to the employee's notification of their additional paternity leave plans within 28 days, confirming the relevant start and end dates of additional paternity leave and pay.

5.6.6 Pay during Additional Paternity Leave

APL will be unpaid unless the mother or primary adopter has returned to work whilst SMP/SAP is still payable, in which case the remaining weeks of entitlement will transfer to the employee taking APL and be paid at Statutory Additional Paternity Pay rate.

The remaining period of APL will be unpaid.

5.6.7 Keeping In Touch

An employee can do 10 days' work during their Additional Paternity Leave, in agreement with their manager, without bringing their APL to an end. Working for part of a day will count as one day. An employee will not lose any SAPP (Statutory Additional Paternity Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employees whilst they are on APL. If you do not wish to be contacted, please notify your manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on adoption leave.

5.6.8 Pension

Local Government Pension Scheme rules dictate that, during Ordinary or Additional Paternity Leave, pension contributions will continue to be made during the period when the employee is receiving pay (full pay during Maternity Support Leave or Ordinary/Additional Statutory Paternity Pay) but not during any period of unpaid Additional Paternity Leave. The employee can, however, choose to pay contributions for this unpaid period, in which case this period will count as pensionable service. The employee's contributions will be based on the pay they received immediately before unpaid leave began. The Council's contributions will be based on notional full pay. If the employee decides to pay their contributions they must inform the RFO within 30 days of their return from adoption leave or, if the employee does not return, the last day of their employment.

5.6.9 Continuous Service

All periods of Ordinary and Additional Paternity Leave will count as continuous service for statutory and contractual purposes.

5.6.10 Annual Leave and Bank/Public Holidays

Annual leave will continue to accrue during Ordinary and Additional Paternity Leave. If a bank/public holiday or extra statutory day falls during an employee's paternity leave, they should be given a substitute day's leave with pay on their return.

5.7 Adoption Leave

5.7.1 To Whom This Policy Applies

This policy applies to all Council employees seeking to adopt a child from approved Adoption Agencies after 3 April 2011.

The right to adoption leave is available to men and women (whether married or single) who adopt a child through an approved adoption agency. Where a couple jointly adopts a child, only one of them will be entitled to take adoption leave (the couple can choose which). The other adoptive parent will normally be entitled to take paternity leave, provided that he or she meets the relevant statutory criteria.

5.7.2 Eligibility Criteria

To qualify for adoption leave and pay an employee must:

- Have 26 weeks' service by the notification week; and

- Be the child's adopter, i.e. have been matched with the child for adoption. A person is matched with a child when an adoption agency decides that they would be a suitable adoptive parent for the child.

If an employee meets the eligibility criteria, then they are entitled to both Ordinary and Additional Adoption Leave.

The notification week is the week in which the employee is informed by the adoption agency that they have been matched with a child.

The employee needs to have agreed with the adoption agency that the child should be placed with them and the date the placement should occur and provide your line manager with the appropriate notice and evidence of entitlement.

5.7.3 Notification Requirements

Within 7 days, or as soon as possible after the day the employee receives notification from the adoption agency that they have been matched with a child, an employee must inform the Town Clerk in writing of the following:

- the date the child is expected to be placed with them for adoption;
- the date the employee has chosen to start their leave and pay.

5.7.4 Evidence

In order to receive adoption pay and leave, the employee must provide the Town Clerk with either a matching certificate and/or a letter from the adoption agency which shows the following:

- the name and address of the adoption agency;
- the employee's name and address;
- the date the child is expected to be placed for adoption, or where the child has already been placed, the date of placement, and;
- the date the employee was informed that the child would be placed with them.

Where an employee is entitled to Statutory Adoption Pay (SAP) they must provide a signed declaration that they have elected to receive SAP and not statutory paternity pay (SPP).

5.7.5 Adoption Leave

Time off before a Child is Placed

There is no statutory right to time off to attend placement meetings or for introductory visits, prior to adoption leave starting.

Adoption Leave

All employees who meet the eligibility criteria are entitled to take up to 52 weeks Statutory Adoption Leave. The first 26 weeks is known as 'Ordinary Adoption Leave', the last 26 weeks as 'Additional Adoption Leave'.

Leave can start:

- up to 14 days before the child starts living with the employee (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)

- An employee can change their mind about when they start their leave, provided they give sufficient notice. They must inform their manager of the new date 28 days before the date they now wish their leave to start, or as soon as is reasonably practical.

5.7.6 Adoption Pay

Payments for employees shall be the employee's entitlement to Statutory Adoption Pay (SAP), where eligible.

The payment of SAP is for 39 weeks.

5.7.7 Leave During Adoption Leave

Annual Leave

Annual leave continues to accrue during ordinary adoption leave and additional adoption leave.

Bank/Public Holidays

Bank/public holidays accrue during ordinary adoption leave (OAL), and additional adoption leave (AAL).

5.7.8 Pension

Any period of Ordinary Adoption Leave will count as service for the purposes of the Local Government Pension Scheme. During this time the employee will pay pension contributions on any Statutory Adoption Pay (SAP) and/or occupational adoption pay that they are entitled to. The employer will pay contributions based on the employee's notional full pay.

During Additional Adoption Leave pension contributions will continue to be made during the period when the employee is receiving SAP but not during any period of unpaid additional adoption leave. The employee, however, can choose to pay contributions for this unpaid period, in which case this period will count as pensionable service. The employee's contributions will be based on the pay they received immediately before unpaid leave began. The Council's contributions will be based on notional full pay. If the employee decides to pay their contributions they must inform RFO within 30 days of their return from adoption leave or, if the employee does not return, the last day of their employment.

5.7.9 Returning to Work

Notification Requirements

Managers must assume that an employee will return after 52 weeks. An employee need only notify their employer that they are returning to work if they are going to do so before the end of the adoption leave. Otherwise, the employee simply returns at the end of the adoption leave. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

Early Return

If an employee wishes to return early or on a different date than they had previously notified, they must give 8 weeks' notice.

Keeping in Touch

An employee can do 10 days' work during their adoption leave, in agreement with their manager, without bringing their adoption leave to an end. Working for part of a day will count as one day. An employee will not lose any SAP (Statutory Adoption Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employee whilst they are on adoption leave. If you do not wish to be contacted please notify your manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on adoption leave.

Appendix 1

Example:

A woman working full-time (37 hours per week) and entitled to 24 days' annual leave per year takes maternity leave. She requests to reduce her hours to 20 hours per week on her return to work and her employer agrees. The employer's annual leave year runs from 1 April to 31 March. Although she had used all the previous annual leave year's entitlement before taking maternity leave, she had not taken any of the current annual leave year's entitlement.*

Her maternity leave ends on 30 June. If her hours are changed with effect from 1 July, her accrued annual leave will be calculated as follows:

1 April to 30 June (when her working day was 7.4 hours)

24 days' annual leave per year = 2 days per month

Leave accrued 1 April to 30 June (3 months) = 6 days @ 7.4 hours = 44.4 hours

Plus

1 July to 31 March (when her average working day will be 4 hours)

24 days' annual leave per year = 2 days per month

Leave accrued 1 July to 31 March (9 months) = 18 days @ 4 hours = 72 hours

The employee's total annual leave for the current year will be 116.4 hours.

Because she will be reducing the length of her working day to 4 hours, this will equate to 29.1 days on her return to work.

5.8 Absence Management Policy

The Council is committed to providing effective, high quality service to all its customers and to optimising the contribution of all employees. As part of this aim, it is essential that all employees are committed to maximising attendance.

The Council is concerned for the wellbeing of its employees and seeks to protect their health and safety by creating a safe working environment. In return, the Council expects all employees to take reasonable care of their own health, seek medical help whenever appropriate, and to attend work when fit to do so.

The Council recognises that genuine medical grounds will occasionally result in employee absence. It is the Council's policy to treat all such sickness absence in a fair, sensitive, and consistent manner across all areas of the workforce.

The Council must balance the sensitive management of genuine individual sickness against its need to be publicly accountable for its resource allocation and, as such, cannot sustain high levels of sickness absence. Action will therefore be taken to address recurrent short term sickness or extended periods of absence as appropriate.

5.8.1 Aims

In order for the Council to meet its responsibilities, it will ensure that:

- It provides a supportive environment for those employees affected by ill-health;
- Managers and employees adhere to this policy and procedure; and
- Levels of sickness absence are the subject of routine monitoring.

5.8.2 Responsibilities

The onus for attending work on a regular basis and for reporting absence in accordance with the Council's agreed procedures rests with the employee. It is also an employee's responsibility to appropriately detail any periods of absence on their record of hours worked.

The responsibility for recording, monitoring, and managing absence on a day-to-day basis lies with the Town Clerk. It is therefore essential that they ensure that all employees are aware of the Council's Absence Management Policy and Procedures.

5.8.3 Reporting

Employees who are unable to work due to illness/injury must contact your line manager as soon as possible or arrange for someone else to do this on their behalf. This should be no later than 09.30 on the first day of absence or the nearest working day. The employee should provide some indication of:

- The nature of the absence;
- The date the injury/illness began (including weekends and holidays);
- The expected duration of the absence; and
- Whether there are any immediate work commitments that need completing/reassigning during the absence.

If your line manager is unavailable, the employee should ensure that contact is made with the office.

The employee must maintain contact with his or her Line Manager during any period of sickness absence lasting longer than one day, so that the Line Manager is aware of any progress and the expected date of return to work. If the employee is unable to do so, they must arrange for someone else to do this on their behalf.

Failure to follow the sickness reporting process might lead to the absence from work being considered as unauthorised, resulting in loss of pay and possible disciplinary action.

5.8.4 Certification

Where the absence is for a period of up to seven days (inclusive of weekends) and not covered by a doctor's certificate, the employee will be asked to complete a self-certification form on their return to work.

If the absence exceeds seven days – and the employee has not already done so – the employee should provide a doctor's certificate for the remainder of the absence. The employee will need to ensure that there is always a current certificate. The doctor's certificate ('fit note') will include whether or not the employee needs to see a doctor again before returning to work.

If the doctor's certificate states that the employee "may be fit for work", the employee should inform the Town Clerk immediately. They will discuss with the employee whether there are any additional measures that may be needed to facilitate the return to work, taking into account the doctor's advice. This may take place at a Return to Work Interview or an Absence Review Meeting. If appropriate measures cannot be taken, the employee will remain on sick leave and the Town Clerk will set a date to review the situation.

5.8.5 Return to Work Meetings

When the employee returns to work after any period of absence, the Town Clerk will arrange to meet with them. This meeting will occur on the first day back or as soon as possible. The purpose of this meeting is:

- To provide an opportunity for the Town Clerk to check that the employee is fit enough to return to work;
- To give the employee an opportunity to voice any concerns that they may have and/or to identify any domestic, welfare, or work-related problems in an appropriate forum;
- To ensure that the employee is aware of work-related matters that have occurred during their absence; and
- Fill out the Sickness Declaration Form.

5.8.6 Miscellaneous

It is important that the employee complies with these procedures so that:

- The Council can be aware of any potential problems and provide assistance to the employee where necessary; and
- Any sick pay to which the employee would otherwise be entitled is not withheld or refused.

Records retained in respect of sickness absence will be treated with sensitivity and confidentiality at all times, in accordance with the provisions of prevailing Data Protection legislation. The employee is entitled to access their records on request.

5.8.7 Frequent Intermittent Absence

In addition to the Return to Work interviews after all periods of absence, the Council will institute a more formal review of attendance records and reasons for absence with an employee if there has been either (a) four episodes of absence or (b) a total of 10 days' short-term sickness absence within any period of 12 months. The relevant manager will arrange a sickness review meeting to meet with any employee whose absence record matches or exceeds the above criteria.

During the meeting, the manager should draw the employee's attention to their poor attendance record and the problems that their absences are causing for the Council and other employees. Where no underlying medical condition is disclosed, the employee will be advised that their attendance record will be monitored (over a period of not less than 3 months) and that significant improvement will be required. In addition, employees will be warned that if no such improvement is forthcoming, serious consideration will be given to reviewing their employment situation. This will be confirmed in writing.

Return to Work interviews will continue to be carried out following any absences that occur during this monitoring period. These interviews afford the manager the opportunity to remind the employee of the Council's concerns.

If no significant improvement in attendance is demonstrated after the period of monitoring has elapsed, a further Sickness Review Meeting will be arranged. At this meeting, the employee will once again be reminded of the problems caused by the absences and asked if they wish to disclose any underlying medical condition or problem of which the manager is unaware. If such a condition is disclosed, a medical referral should be arranged. Where no underlying medical condition exists, the employee should be told that their attendance record will be subject to a further period of monitoring (of not less than 3 months) and that their employment may be terminated if the required improvement is not effected. Employees have the right to be accompanied to this meeting by a trade union representative or a work colleague.

Employees whose levels of attendance improve satisfactorily during periods of informal or formal monitoring will be reminded that they will be expected to maintain these levels of attendance. Failure to do so will result in further monitoring or the initiation of formal action.

Where an employee's attendance has not improved to the required level, an Attendance Hearing will be arranged (see Section 5.6.10) to consider whether or not the employee should be dismissed.

5.8.8 Long-Term Absence

All cases of long-term absence will be treated sympathetically and every assistance will be given to the employee to return to work. The line manager will maintain contact with the employee and advise them that they should keep them informed of developments relating to their medical condition. The line manager will hold Sickness Review Meetings with the employee during their absence, as appropriate, to: keep up to date, review the on-going absence, and offer support to the employee where appropriate.

In order to ensure that the Council has access to guidance and advice in respect of the best course of action to follow in relation to such cases of absence, employees who have been absent for a continuous period of four weeks might, depending on the nature of the absence in question, be referred to the Council's Occupational Health Physician. Where the Occupational Health Physician makes a recommendation that might affect the employee's continued employment, the relevant manager will hold a Sickness Review Meeting with the employee to discuss the alternative options. Employees may wish to have the support of a trade union representative or a work colleague present during such a meeting, and this should be positively encouraged.

Where a return to work following a period of prolonged absence might be facilitated by temporary redeployment or phased re-introduction (e.g. job sharing or part-time working) an employee can discuss these options with their manager and, if such measures are appropriate, the Council will ensure that the support mechanisms necessary for this to occur are provided. Such arrangements will be for a defined period and will be subject to joint review.

In certain cases, the Occupational Health Physician might find that an employee is unfit to perform a particular job but fit enough to undertake other types of work. In such cases, full consideration will be given to the possibility of redeployment into alternative positions. Consideration will also be given to redeployment in cases where work in a particular place poses problems with attendance.

Where an employee remains absent and a return to work is not foreseeable within a reasonable timescale, the Town Clerk will arrange a Final Sickness Review meeting (see Section 7), which may lead to an Attendance Hearing (see Section 8) to consider dismissal.

5.8.9 Final Sickness Review Meeting

Prior to dismissal being considered for either frequent intermittent absence or long-term absence, the Town Clerk will meet with the individual to explore whether there are any reasonable adjustments that could be made to enable an employee to remain employed.

Termination of employment may take place where:

- An employee is declared permanently unfit for work;
- An employee is declared medically unfit for their work and alternative employment cannot be found;
- A decision has been taken that the service can no longer tolerate a high level of absence; or
- A decision is taken, within the Council's disciplinary process, that an employee has wilfully abused the sickness absence/payments provisions or absented themselves without permission.

5.8.10 Attendance Hearing

To reach a decision about whether dismissal is appropriate, an Attendance Hearing will be arranged. The employee will be invited in writing to attend the hearing and notified of their right to be accompanied by a Trade Union Representative or colleague.

The Hearing Panel will comprise of three members of the Council, who will make the decision. The Town Clerk or relevant manager will attend to outline the history of absence and any relevant steps taken and advice received.

All paperwork relating to the hearing will be circulated 5 days in advance of the hearing to all parties attending.

Once the Panel has considered the manager's and employee's cases, and all other relevant information, it will adjourn to make a decision.

The decision of the Panel will be confirmed to the employee in writing within 5 working days. The letter should clearly set out:

1. The Panel's decision:
 - a. If a warning has been issued the timescale for this and the level of improvement required;
 - b. If the decision is not to take action at this point and to review again in a certain time period, the applicable timescale for this; or
 - c. If the decision is to dismiss the employee, inform them of their relevant notice period and provide them with any relevant pension information; and
2. The employee's right of appeal.

5.8.11 Appeals

Employees have the right to appeal against any decision to issue a formal warning or dismissal under this procedure. If an employee wishes to appeal, they should write to the Town Clerk setting out the grounds of their appeal. This must be done within 10 days of the date of the letter informing them of the outcome of the Attendance Hearing.

Appeals will be heard by a separate panel of members, which will comprise the chair of the Council Matters Committee and two other Cllrs. An appeal hearing will be held where the employee can present their appeal. The Chair of the original panel will also attend to explain the original decision. Witnesses may be called.

Once the Appeal Panel has considered both the employee's appeal and the Hearing Chair's case, and considered all other relevant information, it will adjourn to make a decision.

The decision of the Appeal Panel is final and will be confirmed to the employee in writing within 5 working days. There is no further right of Appeal.

5.8.12 Personal, Domestic, or Work-Related Problems

Where an employee reveals that their absence has been a consequence of personal, domestic, or work related problems, the relevant manager should endeavour to discuss with them any relevant details that they wish to disclose. Although an employee may have genuine concerns about revealing sensitive or personal information, they should be reminded that such matters will be treated confidentially and that the Council cannot assist them if it is not made aware of the problem. If an employee wishes to discuss matters with someone other than the relevant manager, the Town Clerk and thereafter with the Chair of the Council Matters committee both of whom can be contacted for a confidential interview.

Once the problem has been clearly identified, appropriate assistance can be offered to the employee. In some circumstances, special leave, temporary adjustments in working arrangements, or referral to specialist agencies may be granted.

5.8.13 Alcohol/Drug Dependency

Where an employee discloses that their absences are a consequence of alcohol- or drug-related problems, they will be encouraged to seek help and treatment voluntarily through the Council's Occupational Health Service or through resources of their own choosing. Employees may be granted, if necessary, leave to undergo treatment and any such leave will be regarded as sick leave within the terms of the Council's sick pay scheme, with the monitoring of progress by the Occupational Health Service.

Should an employee refuse or discontinues any programme of assistance designed for them, then any unacceptable behaviour or inadequate standard of work will be dealt with on its merits through the Council's Disciplinary Procedure.

5.8.14 Welfare

If, as a consequence of medically related absence, the relevant manager has any concerns about an employee's ability to undertake the full range of duties and responsibilities associated with their post, consideration should be given to suspending them with pay, or finding alternative duties whilst medical advice is sought from the Occupational Health Unit.

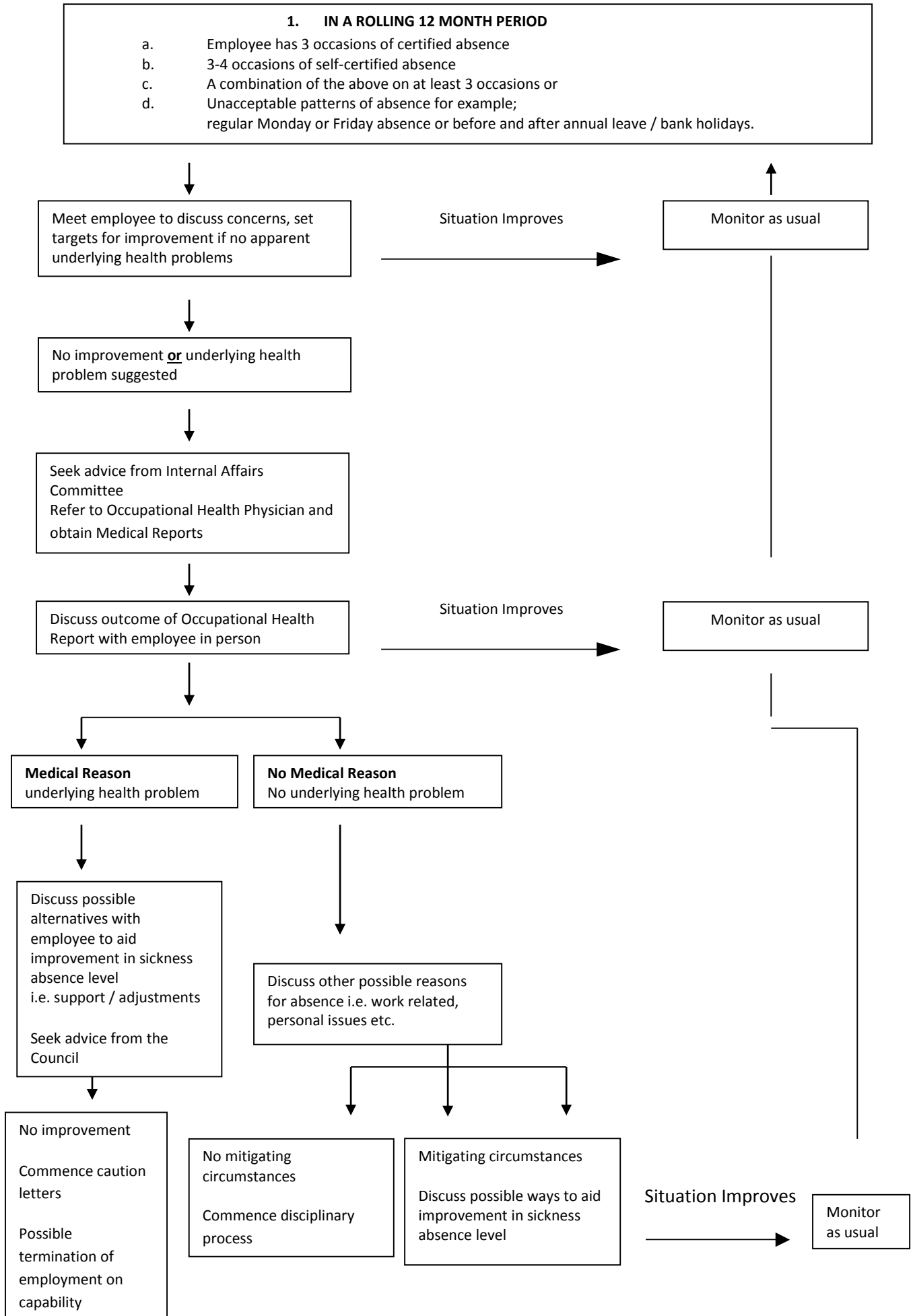
5.8.15 Monitoring

Monitoring is an important part of sickness absence. In order for reports to be issued to managers, it is important that all absence from the workplace is reported. All signed absence forms should be returned as soon as possible after the employee's Return to Work Interview has been conducted. The Town Clerk will ensure that an absence history is maintained for each employee. These records will provide the base data for the compilation, at regular intervals, of statistics showing the level of sickness absence across the Council.

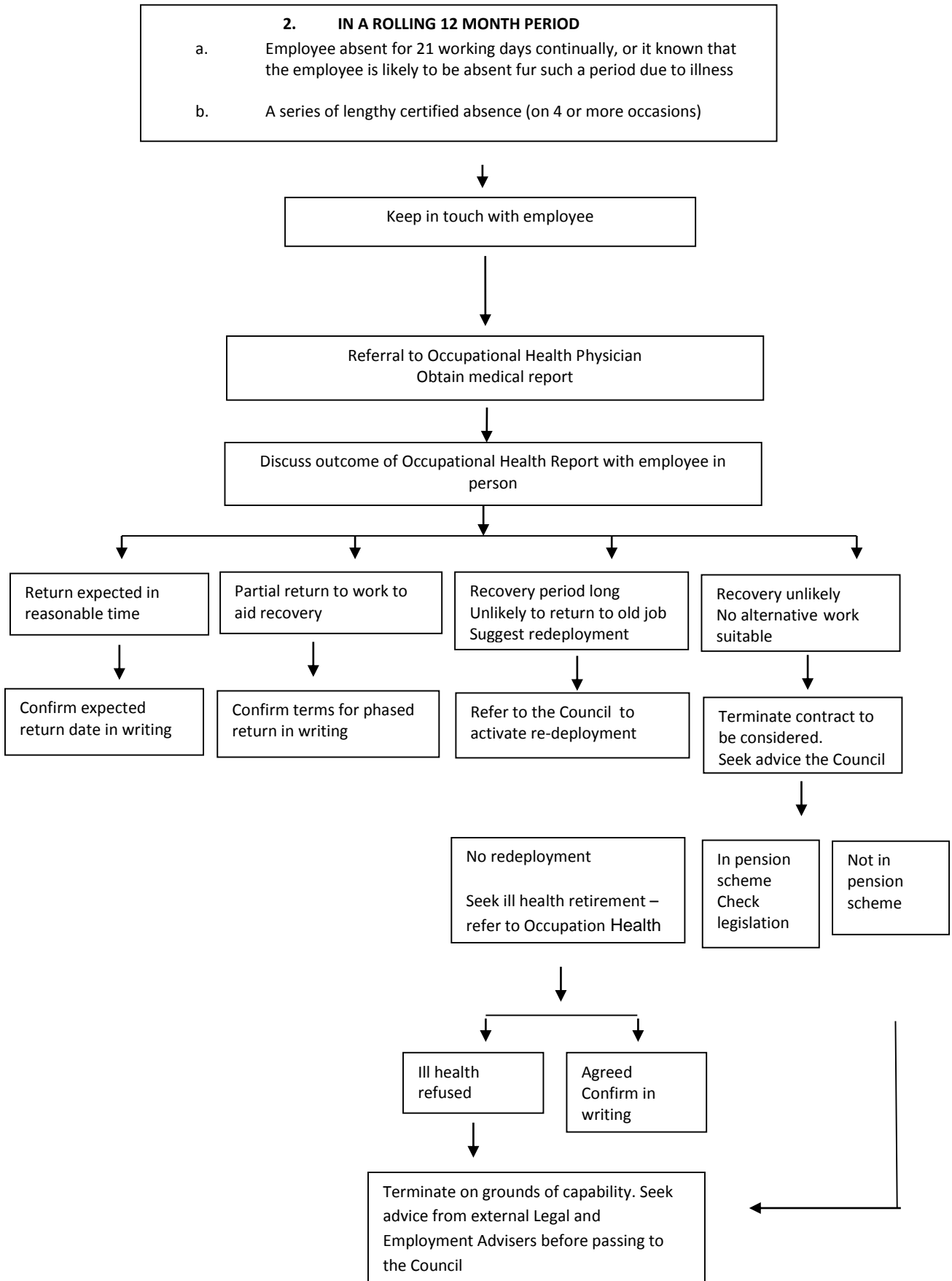
The sickness monitoring system will also enable the Town Clerk to identify Individual cases where frequent or lengthy absences have occurred, or where patterns of absence have been identified. However, the manager should view such notifications as a secondary means of identifying problems or potential problems.

The manager should ensure that they maintain comprehensive records at all times for each employee in relation to contact during and immediately following periods of sickness absence. These details should be maintained on the employee's personal file and should be treated with sensitivity and confidentiality at all times. Employees will be entitled to access these records on request.

FLOW CHART - Dealing with Frequent Intermittent Sickness Absence



FLOW CHART – Dealing with Long-Term Sickness Absence



6. Conditions of Employment

6.1 The Contract of Employment will include the following:

- a. The names of the employer and employee;
- b. The place of employment;
- c. The date on which employment began;
- d. The date on which the employee's period of continuous employment began which may differ from the date inc. – taking into account any employment with a previous employer that counts towards that period;
- e. The title of the job that the employee is employed to do or brief description of the work which the employee has been employed to do;
- f. The scale or rate of remuneration (wages, salary, etc.) expressed as an hourly, weekly, monthly or annual figure;
- g. The intervals at which wages or salary are to be paid (e.g. weekly or monthly);
- h. Any terms and conditions relating to hours of work
- i. Any terms and conditions relating to the employees entitlement to holidays including public holidays, special holidays and holiday pay (the particulars given being sufficient to enable the employee's entitlement, including any entitlement to accrued holiday pay on the termination of employment to be precisely calculated);
- j. Any terms and conditions relating to incapacity for work due to sickness or injury, including any provision for sick pay;
- k. Any terms and conditions relating to pensions and pension schemes;
- l. The length of notice that an employee is give and receive to terminate his/her contract of employment;
- m. Where the employment is not intended to be permanent, the period for which it is expected to continue, or if it is for a fixed terms, the date when it is to end;
- n. Particulars of any specific other agreement that directly affects the terms and conditions of employment.

The Contract must be signed by both employee and the Town Clerk.

6.2 Working Hours

The standard working week is one of 37 hours excluding meal breaks.

Individual employee's specific hours will be dependent on contractual arrangements and will be detailed in their Terms and Conditions of Employment.

Employees on part time contracts working less than 37 hours will have such benefits as pay and leave calculated pro rata to the standard working week.

Each employee is required to complete and sign a weekly timesheet of hours worked.

6.3 Annualised Hours

Annualised hours contracts are appropriate where the requirements of the job are seasonal in nature. Working hours are agreed for the whole year rather than for a week. In High Season more than the standard weekly hours are worked while this is offset by less than standard hours in the Off Season.

6.4 Fixed Hours

Due to the nature of some roles some employees will have contracts which specify fixed hours. While these hours will be those normally worked there may on some occasions be a requirement for some flexibility due to a requirement for additional working. Except where covered by overtime provisions outlined above any additional hours worked will be compensated by time off in lieu (TOIL).

6.5 Time Off

Time off may be required for medical or dental appointments. Where possible, appointments to visit hospital, doctor or dentist should be made outside of normal working hours. However, if this is not practical, an employee will be given reasonable paid time off to attend such appointments. The employee should give their Line Manager adequate prior notice of the appointment and provide evidence of each appointment, if requested.

6.6 Time Off for Dependants

Under the Employment Rights Act 1996 s.57A, all employees are entitled to be granted reasonable time off during working hours in order to take necessary or emergency action in circumstances such as the following:

- sudden illness of a dependant, injury or assault;
- birth of a dependant's baby;
- to make arrangements for the provision of care for a dependant;
- in consequence of the death of a dependant;
- because of an unexpected disruption or termination of arrangements for the care of a dependant;
- to deal with an incident that involves an employee's child which occurs unexpectedly during school/college hours

A 'dependant' could be your husband, wife, partner, child, parent, or anyone living in the employee's household as a member of the family. A dependant may also be anyone who reasonably relies on the employee for help in an emergency, for example an elderly neighbour living alone.

Time can be taken regardless of length of service. If time off is required, the Town Clerk should be made aware as soon as possible however it does not need to be in writing nor does supporting evidence have to be provided.

There's no limit to the number of times time off for dependants can be taken, provided it's for real emergencies, however if the Council feels more time off is being taken than they can reasonably cope with, the employee will be warned of this.

6.7 Notice of Termination of Employment

The minimum periods of notice to which a member of staff must give to terminate their employment will be detailed in the individual's Contract of Employment.

6.8 Redundancy Arrangements

If circumstances arise where redundancy may be a possibility, the first steps will be to consult with all employees with a view to seeking an agreed solution such as reducing overtime to a workable minimum or restricting recruitment.

If redundancies are unavoidable, consideration will first be given to the retirement of employees over the normal retirement age and any applications for voluntary redundancy, where acceptable.

If selecting employees for redundancy is necessary, the criteria for selection will be discussed in detail at the time. A fair procedure will be applied in line with current legislation and at all times the overriding consideration will be the future operation of Frome Town Council.

6.9 Termination of Employment by Employee Without Giving Notice

If a member of staff terminates their employment without either giving or working the required period of notice as indicated in the Contract of Employment, an amount equal to the balance of notice period not worked will be deducted from any termination pay due.

This is an express written term of the Employment Contract in accordance with the Employment Rights Act 1996 s.3.

6.10 Changes in Personal Details

Any changes in personal details e.g. change of address, next-of-kin, bank details etc. should be notified to the RFO as soon as possible so they can maintain accurate information on its records and also make contact in an emergency.

6.11 Performance

A satisfactory performance is a basic contractual requirement. It is important both for the staff member and the Council to know that they are fulfilling their potential and achieving job satisfaction. By continually developing and learning new skills, performance will be enhanced and it will help to maintain the overall quality and cost effectiveness of the services offered and ultimately contribute to the success of the Council.

Employees have a duty to monitor their own performance and to take advantage of appropriate training opportunities as they arise. They should also seek opportunities to improve the way things are done either on their own initiative, if appropriate or in conjunction with colleagues and management.

The Council aims to achieve this by:

- Having an open two way communication process between employees and their line manager to discuss and agree job performance and development needs.
- Reviewing and evaluating performance against agreed objectives.
- Setting objectives for the year ahead in line with job descriptions and the Council's Strategic Plan.

A Performance and Development Review will be carried out for each member of staff at least every 6 months. This Review meeting, sometimes called an Appraisal, is an opportunity to discuss every aspect of the role in confidence. It's a two way communication process and the staff member's opinion will be sought and valued on performance, strengths and development needs.

In order to give an accurate and complete picture the conversation will include discussing not only successes but also any areas that require improvement. These areas should not be avoided but be openly talked about with the relevant line manager. One of the purposes of the Review meeting is to discuss how any concerns can be overcome and should include suggestions on how performance might be improved.

At the end of the meeting, a set of objectives will be agreed for the next period with accompanying timescales for completion. This will provide the framework for future progress and a benchmark against which the employee's performance can be reviewed. Objectives are set to enable staff to better meet the performance requirements as defined in the job descriptions. They are performance goals which are to be achieved within a defined time frame.

An objective should not be confused with a performance standard. A job description defines the functional and professional responsibilities and performance standards are the criteria against which the ability to fulfil these requirements is measured. An objective on the other hand could be a specific task or series of tasks that contribute towards the delivery of the Strategic Plan, also with the aim for the member of staff to become increasingly effective and good at their job.

There are a number of important reasons for setting objectives, namely:

- To achieve results
- To help reach the best performance levels
- To develop skills, abilities and responsibilities
- To provide a challenge and subsequently a sense of achievement

Objectives will:

- Be related to the aims and objectives of the Strategic Plan
- Be aimed at improving job satisfaction and performance
- Maximise potential by increasing employees skill base and knowledge
- Be SMART:-

SPECIFIC i.e. focused on a particular task or behaviour and directed at achieving a required result

MEASURABLE i.e. maybe in terms of cost, quality or quantity

AGREED i.e. only be set with both staff member and line manager's agreement

REALISTIC i.e. they should be challenging however achievable given level of experience and personal situation

TIMELY i.e. within a reasonable agreed timescale

It is recommended that the employee takes time to prepare in advance for the Performance and Development Review. During and after the Review meeting the discussions and objectives will be formally documented and agreed, then both parties will sign the paperwork and a copy will be kept on the employee's staff file.

Frome Town Council is committed to ensuring that staff have the right job description and are receiving all the necessary support and guidance required to develop their skills further, enhance their performance and address any issues arising. In this respect the Reviews should be seen as a positive process, which are beneficial to both the employee and the Council.

6.12 Training

Frome Town Council has adopted a Training Statement of Intent which commits the Council to the ongoing training and development of all Councillors and employees. It is to enable them to make the most effective contribution to the Council's aims and objectives in providing the highest quality representation and services for the people of the town.

The Statement of Intent covers aspects such as the identification of training needs; corporate, legal and statutory training; financial assistance; study leave; the different types of training courses / workshops / learning techniques; the benefits of training and the record keeping procedure.

6.13 Ways of Working

Line Manager Roles and Responsibilities:

Managers have a responsibility to set a good example for employees through their own behaviour and attitudes, especially in relation to upholding the ethical principles, obligations and standards as set in this Code of Conduct.

Managers should ensure that employees understand performance standards expected from them and objectively assess their performance against these standards. They should also ensure that all employees in their reporting line are familiar with the requirements and objectives of their job, and have access to the information, training, supervision, feedback and work conditions needed to achieve them.

Managers must be honest and objective in reporting the skills and qualities of employees in testimonials; references and performance reports, ensuring decisions can be substantiated against objective standards and indicators.

Managers are required to act promptly, thoroughly and fairly when responding to, or investigating grievances and reports of breaches of the Code of Conduct noted above.

Following Instructions:

All members of staff are expected to follow all reasonable and lawful instructions related to work given by a person with the authority to issue such instructions, even when you may not personally agree with all the decisions.

Managers must be able to justify their instructions and decisions in line with their delegations, authority, Council policies and procedures, and be open and respond promptly to constructive questions.

Employees can refuse to comply with an instruction that appears to be unlawful or unethical and report the matter to the Town Clerk or the Chair of the Council Matters Committee. This may apply in cases where there is a danger to a person's health and safety or a conflict of interest may exist or it does not comply with Council policy and practice. This matter will then be duly discussed in more depth with the associated parties.

6.14 Employee Code of Conduct

The public is entitled to expect the highest standard of conduct from all local government employees so they have complete confidence in the Council.

Frome Town Council adopts the following guidelines regarding conduct which aim to make sure that employees understand the standards of behaviour and conduct expected.

The list is not exhaustive and certain types of conduct may depend on particular circumstances, it is important that all staff read the guidelines and ask about anything that isn't clear, as ignorance will not be accepted as a defence if the Council decided to take disciplinary action against an employee for not complying with these standards. Any questions regarding this should be addressed to the employee's Line Manager.

6.14.1 The Role as a Public Servant

The Council provides services that the public pay for; they are the Council's main customers and the employee's role is to serve the public in the best way possible.

6.14.2 Principles of Conduct

Below sets out principles of conduct on how the Council expects staff to behave when doing their job, some subjects are discussed in more detail in the following paragraphs.

- Leading by example - promote this principle by behaving in a way that gives people complete confidence in the Council.
- Uphold the law – everyone has a responsibility to uphold the law and to act in line with the trust that the Council, and the public it serves, expect.
- Constituency – everyone has a responsibility to help the Council to act in the interests of the whole community that it serves as far as possible.
- Public interest – staff must never use the position to make gains personally or for family, friends and others. This includes financial benefits, preferential treatment or any other advantage.
- Honesty, integrity and propriety – as well as avoiding actual impropriety, staff must be seen to avoid it so that their honesty and integrity is beyond question.
- Gifts and hospitality – gifts or hospitality should not be accepted even with the best of intentions, as to do so might influence, or be intended to influence judgement.
- Objective decisions – decisions made in the job must be made solely on merit, including appointing someone, awarding contracts or recommending people for rewards or benefits.
- Accountability – staff are accountable for their actions and their part played in decision making.
- Openness – staff must be as open as possible about their actions and decision making, and seen to be open so that people are confident there is nothing underhand about them.
- Confidentiality – everything must be handled confidentially, and in accordance with the law, not used for private purposes.
- Council resources - resources must be used prudently and in accordance with the law.
- Declarations – there is a legal duty to declare any private interests relating to employment and to resolve any conflicts that may arise.
- Relations with colleagues and Cllrs - respect Cllrs and other employees, treating them with mutual respect at all times.
- Uphold the Council's objectives - understand and act in accordance with the Council's vision and values, policy and procedures.

In return the Council has a responsibility to ensure that all employees are clear on what is expected of them, also that there is a safe and healthy working environment that is free from discrimination, harassment or bullying. Staff will be offered relevant training and development opportunities and also employees have the opportunity to choose to be represented by a Trade Union in appropriate circumstances as determined by Council policy.

6.14.3 Customer Care and Courtesy

Employees are expected to be welcoming, helpful, informative and courteous as well as being professional to the public and to the Council's internal and external clients. Staff must be presentable and suitably dressed for their particular job, including wearing safety clothing and equipment if appropriate under the Health and Safety regulations. If a uniform has been issued, it is expected that this will be worn when on duty.

6.14.4 Conduct towards Colleagues

Staff must always act in a polite and friendly manner to colleagues, making sure that any behaviour does not cause offence. The Council will not tolerate any form of bullying, oppression, sexual harassment, violence or aggression and will use its disciplinary policy to support this.

6.14.5 Time-Keeping and Attendance

Employees should be ready and able to carry out their duties at agreed times within reason and time at work must be accurately recorded - falsifying records is a disciplinary offence.

6.14.6 Complying with Written Guidelines, Laws and Regulations

All employees should ensure they comply with the laws and regulations relevant to their job. Staff are responsible for understanding the conditions of service under which they are employed and should ask their Line Manager for clarification if unclear about anything. This also includes compliance with corporate guidance, such as the Council's Standing Orders and Financial Regulations, as well as any specific departmental guidelines.

Where an individual has membership of a professional institute or association, they are also obliged to comply with the professional code and standards of practice relating to that organisation.

6.14.7 Conduct and Disciplinary Action

The Council will use its disciplinary process to deal with any conduct that falls below that expected, if serious. Full details of misconduct and gross misconduct are found in the disciplinary section.

6.14.8 Outside Interests

Life away from work is the employee's own concern however staff must not put themselves in a position where the job and personal interests conflict. This includes behaviour which, because of the nature of the employment, would undermine the Council's confidence or trust.

An example would be a member of staff facing criminal charges regardless of whether these were incurred on or off duty. It is important that a Line Manager is informed immediately if the charges are in any way relevant to their employment, such as drug offences, crimes of

violence, dishonesty or driving offences (if the nature of the job involves the use of a car or Council vehicle).

6.14.9 Additional Employment

The Council will not stop anyone from taking additional employment as long as it does not affect duties and responsibilities, or conflict with the interests of, or weaken, public confidence in the Council.

Staff considering taking on additional work should get permission from their Line Manager and a record of approval will be maintained. This conduct rule applies to any employment, paid or unpaid, for example taking up office in an outside organisation e.g. charities such as local community associations.

Assets and information belonging to the Council cannot be used for personal work without gaining prior permission from the Town Clerk and customers realise the private nature of the work is in no way connected to the business of Council. Additional income received must be declared to HMRC and an assurance that no tax or insurance liabilities will accrue to the Council.

6.14.10 Declaring Interests – Financial, Personal or Business

An example of an interest might be where a contract has been awarded by the Council - a direct interest would be if an employee or their partner was directly involved with the contract possible on a personal, financial or other level. An indirect interest can relate to close family members or friends being involved in the contract or interest.

If a conflict of interest, or even a potential conflict, arises during the course of business, it must be declared immediately. Management will then consider whether it is appropriate for the member of staff to take any further part in the matter. The responsibility to declare an interest lies with the employee and the interests will be recorded in the register of interests held at the Council.

6.14.11 Political Considerations

Employees whose salaries are at spinal column point 44 or above, as well as people paid less than SCP 44 but whose posts are determined by the Council as 'politically sensitive' may not stand for a political post or engage in certain political activities - such as canvassing or speaking publicly. Other employees are not eligible to stand for office as a member of parliament or of the City Council, but may participate in county, borough or parish council activities, provided they declare any resultant conflict of interest.

Employees serve the Council as a whole and must serve all Councillors equally; therefore employees cannot be accountable to political groups and must not compromise neutrality. The Council's protocol for relationships between Councillors and staff must be followed when considering participation in political activity.

6.14.12 Confidentiality and Disclosure of Information

It is generally accepted that open government is best. Legislation requires that certain types of information must be available to members, auditors, government departments, services users and the public. However the regulations under the Data Protection Act 1998 and the Freedom of Information Act 2000 must be borne in mind when dealing with information.

As part of the job, staff will come across confidential information. This must remain private and confidential at all times, unless authorisation have be granted to divulge it or the Council is required to do so by law. Staff should exercise reasonable care to keep safe documents and material containing confidential information.

Information about another employee's private affairs must not be given to anyone outside the Council without the consent of the employee, or to anyone within the Council unless that person has authority or responsibility for such information.

Council contracts or purchasing arrangements cannot be used for personal benefit or to benefit any external function or organisation, unless prior approval has been granted. Similarly business information and documents should not be divulged to any third party or use it other than for the purpose of furthering the interests of the Council.

6.14.13 ICT (Information Communications Technology)

ICT is an umbrella term that includes all technologies for the manipulation and communication of information; this therefore includes hardware, computers, servers, telephones, printers, copiers, software, networks, applications etc.

The information stored and processed on the Council's ICT systems is of paramount importance to its day to day activities. Consequently, it is essential that Council's systems and data are secure, reliable and resilient. In this respect the Council will undertake any necessary actions to ensure this is the case including that hardware is properly maintained, appropriate licences are in place, anti-virus and filter measures are installed, electronic back-ups of data regularly occur, power failure back up is installed and so on.

All employees should be aware that all ICT equipment and associated packages are the property of the Council and provide for business purposes. Therefore the Council reserves the right to monitor email, phone and internet use or restrict the up/downloading of non-business related software. Employees must only use the Council's systems in an appropriate professional, legal and responsible manner. Good practices such as password protection, locking screens when unattended, not using unauthorised software and correctly shutting down/turning off individual PCs when out of the office should be adopted.

Whilst the ICT equipment is supplied for business use, the Council will allow personal use outside of normal working hours. However the Council reserves the right to withdraw this concession at any time. Personal mobiles should not be used during working hours except for in an emergency situation.

Remote access is regarded as an enhancement of working arrangements and is not a means of accruing additional hours. The same terms and conditions apply to ICT used remotely as applied within the office.

Surplus ICT equipment will be disposed of both securely and in an environmentally friendly manner.

6.14.14 Patent and Copyright

Patents - any issue, item or idea capable of being patented under the Patents Act that is developed or discovered in the course of duties should be brought to the attention of a Line

Manager. Subject to the provision of the Act, anything like this belongs to the Council. It is then the Council's responsibility to decide whether to apply for patent or other protection in law for any such invention.

Copyright - All records, documents and other papers compiled or acquired relating to the Council's finance and administration are the Council's property together with the copyright. However, the copyright of any academic work such as projects done as part of a course to further a professional career including books, contributions to books, articles and conference papers will belong to the individual.

6.14.15 Caring For and Using the Council's Resources

Council resources whether tangible assets such as materials, equipment and cash or business information such as trade secrets cannot be used for anything other than Council business.

6.14.16 Gifts and Hospitality

Care must be taken when accepting any offer of a gift or hospitality. Items of low intrinsic value, such as diaries and calendars, can be accepted if used at work. Hospitality, such as a working lunch or a function that is part of the life of the community or where the Council should be represented, can reasonably be accepted but must be recorded by the Town Clerk.

Anything of greater value or significance must be declined, politely but firmly, taking care not to give offence by explaining why, as a local government employee, you may not accept.

In a similar vein, offers from companies of promotional sales must be declined. Improved discounts are the only form of promotion that the Council would normally find acceptable.

6.14.17 Foreign Travel

Approval must be sought in advance from the Council for all foreign travel on Council business.

6.14.18 Smoking, Alcohol and Drugs

Employees are not permitted to smoke in Council premises or vehicles.

Alcohol is not permitted on Council premises, unless specifically approved by a Line Manager. The Council also prohibits the use, possession, distribution or sale of illicit or illegal drugs at work or when doing Council business and will report any such activity to the Police.

The Council may use the disciplinary procedures to deal with any unsatisfactory performance, attendance or behaviour caused by excess alcohol consumption or by drugs, depending on circumstances. If the alcohol or drug dependency problem is a medical case, then the Council will provide help, whenever possible. Support and counselling is available through the Council to all employees on this.

Employees taking legally prescribed or over-the-counter drugs must ensure that their use does not adversely affect work performance and the safety of other members of staff.

6.15 Whistleblowing - Reporting Criminal Offences and Poor Conduct

Employees are often the first to realise that there may be something wrong within their organisation. However, they may not feel able to express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. They may also be apprehensive about the consequences and they may mistakenly feel that it may be easier, therefore, to ignore the concern rather than report what may be no more than a suspicion of malpractice.

Frome Town Council is committed to the highest standards of openness, probity, and accountability. It expects employees, and others that it deals with, who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns. The word 'whistleblowing' in this procedure refers to the disclosure, internally or externally, by employees of malpractice, as well as illegal acts or omissions at work.

This policy makes it clear that all employees can report, in a confidential manner, their concerns without fear of victimisation, subsequent discrimination or disadvantage, and is intended to encourage and enable serious concerns to be raised with the Council, rather than overlooking a problem or 'blowing the whistle' outside. It is stressed that under the Public Interest Disclosure Act 1998, employees of the Council who speak out against corruption or malpractice at work have statutory protection against victimisation, dismissal or other disadvantage.

This policy applies to employees of Frome Town Council. Agency workers, casual workers and other individuals performing functions for the Council, such as contractors, are also encouraged to use the procedure.

This policy aims to:

- Encourage employees to feel confident in raising serious concerns in those cases where they do not wish to use the normal reporting routes within their departments;
- Provide alternative avenues for raising concerns;
- Ensure that responses to concerns are made; and
- Reassure employees that they will be protected from possible reprisals or victimisation if they have made a qualifying disclosure to address their concerns.

The law provides protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that one of the following is being, has been, or is likely to be committed:

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

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment (e.g. disciplinary action), or victimised because he/she has made a disclosure.

The employee has no responsibility for investigating the matter; it is Frome Town Council's responsibility to ensure that an investigation takes place.

The Council fully understands that employees who are members of a Trade Union may, in the first instance, wish to seek advice and guidance from their Union on the application of this procedure.

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

6.15.1 Safeguards

Harassment or Victimisation

Frome Town Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person(s) who is/are the subject of the complaint. However, if employees state the truth when making a disclosure they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.

Frome Town Council will not tolerate any form of harassment or victimisation by any worker and will take appropriate action to protect individuals when they make a qualifying disclosure.

Confidentiality

All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. At the appropriate time, however, they may need to be called as a witness, following a full factual investigation of the concerns raised.

Anonymous Allegations

In order to ensure that employees receive the protection of the Public Interest Disclosure Act 1998, employees should put their name to their concern. Concerns expressed anonymously are much less convincing. Anonymous concerns and allegations will therefore be investigated at the discretion of the Town Clerk.

In exercising the discretion the factors to be taken into account would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from factual evidence.

Unsubstantiated Allegations

If an employee makes an allegation which they reasonably believe to be true but it is not confirmed by the investigation, no action will be taken against them. However, if they make an allegation frivolously, maliciously, or for personal gain, disciplinary action may be taken against them.

6.15.2 Procedure for Making A Disclosure

Step One – Raising a Concern

Whenever possible you should raise your concern with your line manager. If this is not appropriate, you should approach the Town Clerk. If the complaint is about the Town Clerk then your concern should be raised with the Chair of the Council Matters Committee.

Step Two – How The Council Will Respond

The action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally by management, or through the disciplinary or other internal process
- be referred to the Police
- be referred to the External Auditor
- form the subject of an independent inquiry.

In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

Concerns or allegations which fall within the scope of specific procedures of Frome Town Council will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

You will be written to within ten working days:

- acknowledging that the concern has been received
- indicating how the Council proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you if any initial enquiries have been made
- whether further investigations will take place and, if not, why not

6.15.3 Contact

The amount of contact between the staff considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

6.15.4 Attending Meetings

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

6.15.5 Support

Frome Town Council will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, Frome Town Council will advise or arrange for you to have advice about the procedure.

Frome Town Council will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith.

Frome Town Council accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

6.15.6 How the Matter Can Be Taken Further

This procedure is intended to provide individuals with an avenue to raise concerns within Frome Town Council. If you are not satisfied, and feel it is right to take the matter further, the following are possible contacts:

- Public Concern at Work
- Audit Commission
- the Police
- Health and Safety Executive
- Her Majesty's Revenue and Customs

If a matter is taken outside Frome Town Council, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the Town Clerk.

6.15.20 Dealing with the Media

Employees may only talk to the media as a representative of the Council if specifically authorised to do so. The Town Clerk normally deals with media enquiries as well as preparing and issuing public statements or press releases. All media enquiries should in the first instance be directed to the Town Clerk. If any staff are asked for comments these should be considered, sensible, well informed, in good faith, in the public interest, without malice and that they enhance the Council's reputation and status.

For further information on this subject, please refer to the Press and Media Protocol.

6.15.21 Equality Issues

All Council employees should ensure that their behaviour is in accordance with the spirit and the detail of the Council's equality and diversity policies as well as the letter of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity. The Council will not tolerate racist, sexist, homophobic and other discriminatory remarks and behaviour. Deliberate discrimination will result in disciplinary action.

6.15.22 Health, Safety and Wellbeing

All employees have a personal and legal responsibility under the Health and Safety at Work Act 1974 for themselves, colleagues and visitors to the Council's buildings and premises.

Please refer to the Council's Health and Safety Policy for further information.

7. Harassment, Abuse, Bullying and Intimidation

7.1 Policy Statement

Employees are Frome Town Council's most valuable and important resource, and the Council has a legal, moral, and ethical duty to ensure that the environment in which they work

enables them to contribute to their fullest potential and that they feel confident and comfortable about that working environment.

As well as considering the welfare of its employees, there is a strong business case for ensuring the elimination and prevention of harassment and bullying such as; the financial impact (e.g. cost of reduced performance), health and safety (e.g. physical and emotional effects on employees), and recruitment and retention (e.g. people will not wish to join us or to remain with us).

Frome Town Council believes that all its employees have the right to be treated with dignity and respect, and that harassment and bullying is totally unacceptable. The Council will deal effectively with any form of harassment or bullying and take any steps it sees fit to either stop or prevent it. This may include taking disciplinary action, up to and including dismissal.

7.2 Scope of the Policy

This policy should be read in conjunction with other Council policies and procedures such as: the Equal Opportunities Policy, Disciplinary Procedure and Grievance Procedure.

The policy covers harassment and bullying by staff and Cllrs of the Council. It does not cover harassment and bullying from the public or contractors. However the Council has a duty of care towards its employees and, in these cases, employees should report any such behaviour to their line manager who will decide upon the appropriate action.

7.3 Aims of the Policy

The information given below shows how harassment and bullying can affect both individuals and the Council, and demonstrates the need for a policy. The aims of having a harassment and bullying policy are as follows:

- To ensure that all of the Council's employees are treated with dignity and respect;
- To ensure that harassment and bullying is prevented and, if it does occur, that action is taken to stop it;
- To ensure that the working environment is such that each employee feels confident and comfortable about the way they will be treated whilst at work;
- To ensure that all of the Council's employees know what harassment and bullying is and what the Council's policy is;
- To explain the responsibilities of Cllrs, management, and employees; and
- To explain the procedures for dealing with harassment and bullying.

7.4 Harassment

There are various definitions of harassment, but there are three key questions which help to define 'Harassment'. They are: 'Is the behaviour unwanted?', 'Does it undermine the dignity of the individual?' and 'Is it related to a protected characteristic?'

Harassment is defined by ACAS as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The protected characteristics are age; disability; sex or gender; gender reassignment; marriage/civil partnership; pregnancy or maternity; race (including ethnic origin, skin colour, nationality and national origin); religion or belief; and sexual orientation.

It is also unacceptable to harass any individual:

- Based on their association with another individual with a protected characteristic (e.g. an employee married to someone of a different ethnic origin); or
- Based on a perception that they have a protected characteristic (e.g. a heterosexual employee who is made fun of because his colleagues believe he is homosexual).

A definition of bullying is given in the next section of this policy, but harassment and bullying are closely linked.

Examples of harassment include:

Sexual harassment:

- Ridiculing someone because of their sex or sexual orientation by looks, remarks, sexual innuendo or jokes of a sexually explicit nature
- Unnecessary touching or unwanted physical conduct

Sexual orientation harassment:

- Homophobic remarks, innuendo, jokes
- Offensive actions and physical attack

Racial harassment:

- Embarrassing or derogatory remarks such as racist jokes, name-calling or nicknames
- Deliberate isolation or different treatment

Harassment on the grounds of disability:

- Name calling
- Uninvited, patronising or unnecessary assistance

Harassment on the grounds of religion or belief:

- Ridicule and religious jokes
- Scorning of belief

Age harassment:

- Negative comments generalising about the age group of the individual
- Exclusion from informal groups such as social events

7.5 Bullying

ACAS states that bullying can be characterised as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'.

It must be clearly understood that it is a manager's responsibility to set targets and review work performance. It is also the manager's role when individuals do not reach targets to ensure that corrective processes are put in place. These discussions are sometimes difficult for both parties but need to take place to ensure employees work competently. In this context bullying will only occur when a manager abuses his or her authority.

It should be noted that bullying does not just occur in manager/subordinate relationships, it can occur when there is unacceptable peer pressure or pressure by others in a position of 'authority', e.g. Cllrs.

Examples of bullying behaviour can include:

- Spreading malicious rumours;
- Making the employee the butt of jokes;
- Aggressive, insulting and unco-operative attitude;
- Destructive innuendo and sarcasm;
- Constant unjustified criticism;
- Unjustifiably removing responsibilities and replacing them with trivial tasks to do instead;
- Shouting at employees;
- Unreasonable use of disciplinary/competence procedures;
- Unreasonable refusal of requests (e.g. leave or training) ;
- Deliberately ignoring or excluding individuals from activities;
- Imposing unreasonable workloads and/or unjustifiably reducing deadlines;
- Constantly undermining an employee in terms of their professional or personal standing;
- Undervaluing an employee's efforts;
- Seeking to make an employee appear incompetent, or intentionally creating an unacceptable working environment, with the object of either achieving a dismissal or of making them resign.

Frome Town Council recognises the fact that employees may initially submit to a particular instance of harassment or bullying, but this does not mean that they find the behaviour acceptable. For example, an employee who is the butt of jokes may not wish to object initially, but this should not prevent them from addressing the issue once they feel able to do so.

7.6 Victimisation

Any employee who makes a complaint or supports another employee who has done so must not be subjected to any victimisation or less favourable treatment as a result. Frome Town Council will not tolerate any such behaviour and will take appropriate action to stop/prevent this, which may include disciplinary action.

7.7 Responsibilities of Managers, Employees, and Councillors

Managers

Managers will have the following responsibilities:

- Compliance with the Policy;
- Creating/ensuring that there is a supportive working environment;
- Making sure that their employees know the details of this policy and ensuring compliance with it;
- Making sure that their employees know what standards of behaviour are expected of them;
- Taking allegations of harassment and/or bullying seriously and dealing with them as quickly as possible;

- Ensuring that victims of harassment and/or bullying receive appropriate support which might include counselling. (Note: consideration should be given as to whether the harasser/bully should also be given access to counselling, as the employee who has been accused of bullying/harassment can find this a stressful situation);
- Dealing with complaints under the Bullying and Harassment Complaints Procedure (see below);
- Ensuring that matters are dealt with confidentially and impartially;
- Ensuring that their employees attend any training requirement; and
- Liaising with the Town Clerk on how to deal with cases that arise.

Employees

Employees will have the following responsibilities:

- Compliance with the policy;
- Treating their colleagues with dignity and respect;
- Having an awareness of their own standards of behaviour;
- Making it clear that they find harassment and bullying unacceptable;
- Reporting harassment and supporting management with the investigation of complaints; and
- Intervening to stop harassment and/or bullying and give support to victims.

Councillors

CLRs will have the following responsibilities:

- Compliance with the Policy; and
- Treating employees with dignity and respect.

7.8 Bullying and Harassment Complaints Procedure

No employee need put up with bullying or harassment. Frome Town Council recognises that making a complaint may be a distressing experience, but all complaints will be taken seriously and dealt with in a sympathetic and sensitive manner.

If you feel that you are being bullied/harassed, the decision about how to pursue this will, in the first instance, rest solely with you. You have the right to redress through either the informal or formal procedure.

Only if the matter is brought to the attention of the alleged harasser/bully or your manager can action be taken to stop the behaviour.

In the interests of natural justice a complaint should be made as close as possible to the date when the incident occurred. In a situation where, in your view, an accumulation of incidents merit a bullying/harassment complaint, this should be done as close as possible to the date when the 'final straw' incident took place.

7.9 Stage One

If it is possible and appropriate to do so, you should ask the person who you feel is harassing or bullying you to stop such behaviour, making it clear that you find it offensive and it is unwelcome. This can be done face-to-face or in writing.

If you feel that you cannot approach the alleged harasser/bully alone then you may wish to ask a work colleague or trade union representative to accompany you.

It is possible that some people may not have realised that their behaviour was offensive and alerting them to it will alter their behaviour.

7.10 Stage Two

If you feel unable to use the approach set out in Stage 1, or you feel that this is not appropriate, or if Stage 1 action fails to resolve your complaint then you can raise this formally if you wish.

In this case you will need to put your complaint in writing to the Town Clerk, giving details of the specific actions/incidents about which you are complaining.

Once you have done this the matter will be investigated under the Council's Grievance Procedure.

The Town Clerk will discuss your complaint with you. In line with the informal resolution stage set out in the Grievance Procedure, the Town Clerk will, if appropriate, explore with you whether there are any informal measures that you feel able to pursue in order to attempt to resolve the situation before requesting that formal action is taken. These could include meetings with the alleged harasser/bully facilitated by your line manager or the Town Clerk, or more structured mediation.

The formal process must, however, be followed if the particular 'offence' brought to the Council's attention is so serious that criminal prosecution may result.

If informal measures are not appropriate/successful or you wish to proceed straight to the formal process, the Town Clerk, or his/her representative, will thoroughly investigate the complaint in accordance with the Grievance Procedure.

The usual representation will apply to the alleged bully/harasser and you can be supported throughout the process by a work colleague or trade union representative.

In accordance with Frome Town Council's Grievance Procedure you will be invited to attend a hearing. You will be given written notification of the outcome of this hearing and will have the right of appeal.

Decisions will be made at/after the hearing about the appropriate actions to be taken. These could include taking disciplinary action against the bully/harasser; issuing management instructions; arranging mediation if both parties are willing to participate; making changes to working arrangements; or taking no further action.

It should be noted that if disciplinary action is taken against the alleged bully/harasser, you will be informed that disciplinary action is being taken, but will not be informed of the outcome of this or have a right of appeal against the decision of the disciplinary panel. Nor do you have the right to raise a grievance about any decision affecting the harasser/bully following a disciplinary hearing or investigation.

7.11 Confidentiality

Any complaint received, either formally or informally, will be treated with as much confidentiality as possible. However in order to enable your complaint to be investigated and/or resolved the individuals concerned will have to be made aware of your complaint, and it may not be possible to do this without identifying you.

The knowledge that a complaint has been made will be restricted to the minimum number of people necessary to investigate what happened. All those involved in any complaint must respect this and ensure that they are sensitive to the needs of both the complainant and the alleged harasser/bully.

All involved in investigating a complaint will do so impartially and make no inferences that either party is at fault until the investigation is complete. Breaches in confidentiality may result in disciplinary action.

7.12 Complaints about Other Parties

If the matter involves a complaint against the Town Clerk, you should inform the Chair of the Council Matters Committee, who will determine the most appropriate means of dealing properly with the complaint.

If the matter involves a complaint against a Cllr, you should inform the Town Clerk. Following investigation, a report will be submitted to the Council Matters Committee.

7.13 Malicious/Unfounded Complaints

This procedure is designed to protect individuals who raise their concerns. It is accepted that some allegations may arise from genuine misunderstandings. However making a malicious and unfounded complaint may itself constitute harassment and be dealt with under the disciplinary procedure.

8. Grievances

8.1 Introduction

Frome Town Council recognises that from time to time individual employees may have a grievance relating to their employment.

The Council's policy is to ensure that employees who feel aggrieved about the way they have been treated, either by their colleagues or by management, are given every opportunity to express their views and have the issue they have raised resolved in a fair, timely and just manner.

Solutions to some issues will involve compromise and for that reason it may not be possible to resolve every issue to the total satisfaction of those concerned. Employees cannot raise a grievance in regard to disciplinary action being taken, refer to the section on disciplinary.

8.2 General Principles

An employee has the right, at any stage of this grievance procedure, to be accompanied by a work colleague or union representative of his or her choice.

The normal starting point for anyone with a grievance will be at an informal level as detailed below. However, if a grievance is raised against management the individual may take their grievance to a superior nominated in the next stage of the process.

Time limits are provided to ensure prompt decisions. However, time limits may be modified by mutual agreement. Where an employee fails to comply with a time limit the procedure will cease and the grievance will be considered settled or withdrawn. If a grievance is not dealt with by the appropriate manager within the specified time limit, unless it is agreed that it was not reasonably practicable to do so, the employee shall have the right to proceed to the next stage of the procedure.

At all stages, the employee, HR consultant and /or union representatives may be consulted by any of the parties concerned, for advice.

All cases dealt with under this procedure, whether formal or informal, will be conducted in strictest confidence, unless otherwise agreed by all parties.

Records will be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it. Records will be kept confidential and retained in accordance with the Data Protection Act 1998, which requires the release of certain data to individuals on their request. Copies of any meeting records will be made available to the individuals concerned although in certain circumstances some information may be withheld, for example to protect a witness.

In any case concerning the Town Clerk, the matter must be referred to Council, consequently the Chair of the Council Matters Committee is responsible for overseeing that the procedure is carried out appropriately.

8.3 Procedures

8.3.1 Stage 1 - Informal Discussion

An employee who has a grievance, should raise the matter with their Line Manager immediately either verbally or in writing. The manager will investigate and will seek to resolve the matter within 5 working days, unless an extended period of time is agreed upon by both parties. It is expected that the majority of concerns will be resolved at this stage, however, if the matter is not resolved to the satisfaction of the individual then a formal written grievance should be submitted to the Town Clerk.

8.3.2 Stage 2 – Formal Discussion

The written grievance must be submitted to the Town Clerk within 10 working days of the original response to the employee's grievance. The Town Clerk will investigate the matter fully and meet with appropriate individuals. A written response to the grievance will be provided within 10 working days.

If the employee who raised the grievance does not consider that this written response constitutes a satisfactory resolution to their grievance, they may appeal to the Chair of the Council Matters Committee within 10 working days.

8.3.3 Stage 3 - Appeal

The appeal must be made in writing to the Chair of the Council Matters Committee who will convene a Grievance Panel to review the case in consultation with, if appropriate and practicable, the employee, other relevant employees and managers.

The Chair will respond in writing within 20 working days. This decision is final and there is no further right of appeal. However, where all parties agree that there would be some merit in referring the matter to a third party for advice, conciliation or arbitration, arrangements will then be made to find a mutually acceptable third party.

8.4 Conduct of Grievance Meetings

This procedure will be followed at all times:

- The Chair for the meeting will detail the status of the hearing and explain the procedure to be followed.
- The grievance will be fully discussed, and if appropriate additional employees may be called forward to present supporting accounts.
- All parties will be given the opportunity to present their case, question the statements made and the witnesses.
- Both sides shall have the opportunity to sum up their position.
- One or both parties may be recalled after the meeting has closed if clarification on any point is required.
- At all stages the Chair of the meeting will consider whether the grievance is valid or invalid. If valid the Chair of the meeting will take the necessary action to resolve the grievance. This may include disciplinary action and in severe cases of harassment or bullying could result in dismissal.
- The person chairing the meeting will make their decision and notify the parties concerned, in writing, of the decision and the reasons for it within 10 working days.
- If the procedure is in Stages 1 or 2 the individual who raised the grievance will be informed of the right to appeal against the decision.
- Notes will be taken at formal meetings held under Stages 1 to 3 of this procedure. A report of the full case will be made which will be kept on the member of staff's personnel file. All parties to the grievance may request a copy of the report. Requests to amend or make additions to the report will be noted.

8.5 Disputes

A dispute is a collective grievance raised by more than one member of staff. It is in the interest of both the Council and its employees that disputes should be resolved fairly and quickly. If the dispute cannot initially be resolved in an informal manner, the same process as mentioned above will be followed, however consideration should be given as to whether the problem might be better raised and handled by the union on behalf of all the employees.

9. Disciplinary, Capability and Poor Performance

This procedure is designed to help and encourage all employees to achieve and maintain acceptable standards of conduct and job performance. The aim is to ensure consistent and fair treatment for the individual. This procedure sets out the framework for resolving issues relating to misconduct and unsatisfactory performance in accordance with the Employment Rights Act 1996, Human Rights Act 1998, and the ACAS Code of Practice on Disciplinary Procedures.

This procedure applies to all employees except where it conflicts with a contractual or statutory requirement, which takes precedence.

9.1 General Principles

The procedure is not a substitute for good management practices and should only be invoked when initial attempts to improve conduct have been made following discussions between the employee and their manager. However, where there has been gross misconduct or a serious breach of disciplinary rules, the formal procedure should be actioned immediately.

No disciplinary action will be taken against an employee until the circumstances have been fully investigated.

The employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case at the appropriate stage.

The employee has the right to be represented at disciplinary hearings and appeals.

In all instances of alleged misconduct, the employee will be given at least 5 working days' notice of the requirement to attend a hearing or appeal. Should the employee fail to attend without an acceptable reason, then the Chair of the hearing or appeal may proceed in the employee's absence.

Any disciplinary action taken will depend on the nature of the offence, the past recorded behaviour of the employee concerned, the consequence to the Council of the offence, and any explanation presented by the employee.

Employees have the right to appeal against any disciplinary warnings and dismissal.

9.2 Roles and Responsibilities

Normally, the Line Manager or the Town Clerk will consider minor disciplinary issues and resolve them, if they can, without recourse to the formal procedure.

Allegations of more serious misconduct or where a previous warning has been given but the required improvement has not been made should immediately be referred to the Town Clerk who will then be responsible for nominating an Investigating Officer. If the misconduct relates to the Town Clerk, this should be referred to the Chair of the Council Matters Committee.

The Investigating Officer who carries out an investigation should not participate in any subsequent decision to take action under the procedure. Likewise, the Investigating Officer hearing the case should not be involved in the investigation beforehand. It is important that respective roles are identified at an early stage so that those roles are not compromised. The Investigating Officer need not be the employee's supervisor or Line Manager, although this would normally be the case.

Only the Town Clerk has the right to suspend an employee and provide verbal or written warnings for minor misconduct.

9.3 Representation

Employees have the right to representation, either by a trade union representative or a work colleague, at the hearing and appeal stages of the formal procedure.

Representatives have the right to address the hearing or appeal. They may also ask questions and present the employee's case. However, they have no right to answer questions on the employee's behalf.

9.4 Informal Procedure

Informal Advice and Guidance

Where a minor breach of acceptable/established standards of conduct occurs, which does not justify formal disciplinary action, the Line Manager will advise the employee concerned of the conduct and the standard expected in the future. In many cases, this will provide sufficient encouragement for the employee not to commit further acts of misconduct.

The employee will be offered guidance, support, and additional training – where appropriate – to achieve the necessary standards. Representation will not normally be appropriate. Managers should make a note of such informal advice and guidance and should set out in writing the required improvements and standards of conduct that are expected in the future. Records of informal advice/counselling should be kept on employee's personal files.

The formal procedure will apply when:

- Previous informal advice or warnings have proved ineffective;
- The allegation is of a serious nature; or
- A number of minor allegations are made which taken together constitute a serious breach of discipline.

9.5 The Formal Procedure

Suspension

In some circumstances, the Town Clerk may consider suspension with pay, pending further investigation or until the disciplinary hearing takes place. Suspension may be appropriate where:

- Cases potentially involve gross misconduct;
- Relationships have broken down; or
- There is a risk to the employer's property or to other people.

An employee should be advised that suspension in itself does not constitute disciplinary action.

An employee should be advised of the reasons for suspension. The period of suspension should not normally last for more than 20 working days. However, this period can be extended where necessary.

The decision regarding whether or not suspension is necessary can be reviewed at any time during the disciplinary process.

9.6 Investigation

Before any decision can be made about whether or not a disciplinary hearing is necessary, an investigation must take place. The Town Clerk (or the Chair of the Council Matters Committee, in relation to matters concerning the Town Clerk) will appoint an appropriate Investigating Officer – who could be an external adviser – who will report back with their findings and make recommendations as to whether a disciplinary hearing should be convened.

The responsibilities of the Investigating Officer are to collect evidence by interviewing any relevant witnesses and gathering all documentation. An Investigatory Interview will normally be held with the employee concerned. The purpose of the interview is to gather the employee's initial response to the allegations and to identify whether any further investigation is needed.

For the benefit of the employee and the Council, any investigation must be concluded within a reasonable timescale. If there is a delay in completing the investigation, it is the responsibility of the Investigating Officer to regularly update the employee or their representatives on the progress of the investigation.

Once the Investigating Officer has gathered all the relevant facts and reviewed the evidence, a report should be drafted to the Town Clerk (or the Council Matters Committee) recommending one of the following:

- Take no further action and inform the employee accordingly;
- Advise the arrangement of counselling, training, extra supervision, or written advice (as appropriate); or
- Arrange a disciplinary hearing.

9.7 Arranging a Hearing

If, following the recommendations of the Investigating Officer, the Town Clerk concludes that a hearing is required then the necessary arrangements should be made by the Town Clerk. The employee will be given at least 5 working days' notice in writing. The letter should include a clear written statement of the allegation and should enclose any documentary evidence being relied upon and a reminder of the employee's right to be represented.

The Investigating Officer is responsible for presenting the case and making arrangements for any witnesses that he or she relies upon to attend the meeting.

The employee is responsible for arranging any representation they choose to have and any witnesses that they may wish to call. Details of any witnesses the employee intends to call and a copy of all documents that the employee may wish to refer to at the hearing must be submitted to the Investigating Officer at least 3 working days prior to the hearing.

9.8 Conducting a hearing

The Panel for a hearing will normally comprise of the Town Clerk (or three members of the Council, in relation to matters concerning the Town Clerk) and an independent HR representative to advise, as appropriate.

The objective is:

- To hear the evidence in respect of the allegation, the employee's response, and to decide whether or not the allegation is substantiated; and
- If the allegation is substantiated, to determine the disciplinary sanction to be applied in light of the seriousness of the offence and having regard to previous relevant disciplinary history.

The procedure to be followed is:

- Introduction of the Panel members and outline of their roles;
- Statement of the purpose of the hearing and the allegation;
- Presentation of the case by the Investigating Officer with witnesses called as necessary;
- Questions by employee or their representative;
- Questions by the Panel;
- Presentation of the case by the employee or their representative with witnesses called as necessary;
- Questions from Investigating Officer;
- Questions from Panel;
- Concluding statement by Investigating Officer;
- Concluding statement by employee or their representative;
- Adjournment of the Panel to make their decision;
- The Panel reconvenes and the employee/representative is informed of the decision and, if necessary, their rights of appeal.

Requests for an adjournment can be made at any stage and it is up to the Chair to decide whether or not a request should be granted.

The decision of the Panel will be confirmed to the employee in writing within 5 working days. The letter should clearly set out:

- The Panel's decision;
- The length of time that any warning will be active for;
- The expected improvement in conduct;
- Any assistance that will be provided to achieve this; and
- The employee's right to appeal.

9.9 Levels of Disciplinary Action

In determining the appropriate disciplinary action, regard should be given to the employee's previous record, the gravity of the offence, and any explanation given.

Although the procedure implies a sequential approach, there may be certain circumstances where the matter needs to be considered immediately under Stages 2, 3, or 4.

Stage	Outcome	Description
Stage 1	Oral Warning	For a minor offence, a formal verbal warning (confirmed in writing) making it clear that further misconduct will render the employee liable to further disciplinary action including more severe consequences.

Stage 2	First Written Warning	For a more serious offence or where a previous warning to the employee has not resulted in the required improvement to their conduct.
Stage 3	Final Written Warning	For a sufficiently serious offence, which might warrant only one written warning but is insufficiently serious to justify dismissal, or where previous warnings have been ineffective.
Stage 4	Dismissal with notice	For an act or acts of misconduct, other than gross misconduct, by an employee who is under a written or final written warning. The employee will be liable to dismissal with notice or pay in lieu of notice.
	Dismissal without notice	In cases where gross misconduct is established, the employee will be liable to summary dismissal, i.e. without notice or pay in lieu of notice.

9.10 Length of Warnings

Records of informal meetings and formal warnings will be kept on employee's personal files. An oral warning will be live for 6 months and written warnings for 12 months from the date of the disciplinary hearing. Final written warnings will be live for 2 years.

9.11 The Right of Appeal

An employee has the right to appeal against disciplinary action resulting in a warning or their dismissal. Three members of the Appeal Committee will hear the appeal, providing that they have had no previous involvement in the matter, assisted by an independent adviser, if appropriate.

An employee who wishes to appeal must do so in writing to the Town Clerk (or Chair of the Council Matters Committee, in relation to matters concerning the Town Clerk). This must be done within 10 working days of the disciplinary hearing informing them of the disciplinary action taken. The appeal letter must set out the grounds for the appeal, normally under one of the following headings:

- The severity of the disciplinary action;
- The findings of the Panel on a point of fact which is pertinent to the decision of the hearing; and
- A failure to adhere to the disciplinary procedure.

9.12 Arranging an Appeal

The date and time of the appeal will be organised by the Town Clerk (or Chair of the Council Matters Committee, in relation to matters concerning the Town Clerk). It is the responsibility of each side to prepare themselves for the appeal, including arranging for any witnesses to attend.

The Chair of the original Panel and the employee or their representative will, where possible, agree papers for submission to the appeal 5 days prior to the hearing.

9.13 Conducting an Appeal Hearing

The objective is:

- To review the decision of the disciplinary hearing and decide whether that action is warranted or not; and
- If the action is not warranted, to determine what action if any is appropriate;

In doing so, the Appeal Panel will have regard to seriousness of the offence and any previous relevant disciplinary history.

The procedure to be followed is:

- Presentation of the appellant's case, including calling any witnesses;
- Questions by the Manager to the appellant and their witnesses;
- Presentation of the case by the Manager (the Chair of the previous hearing) who took the disciplinary action, including calling any witnesses;
- Questions by the appellant to the Manager and their witnesses;
- Questions by the Appeals Panel to both parties and their witnesses;
- Concluding statements by the parties. No new information should be introduced at this stage and the appellant should have the opportunity to sum up last;
- Adjournment of the Panel to make their decision;
- The appeal is reconvened and both parties are informed of the decision;
- Written confirmation of the Appeals Panel's decision within 5 working days of the hearing.

The Appeals Panel has the right to call its own witnesses should it consider this to be of assistance in making its decision.

9.14 Trade Union Officials

In normal circumstances, no action will be taken against an officer of a recognised trade union until the matter has been discussed with a full-time officer of that union.

9.15 Disciplinary Rules

It is difficult to define all the acts of misconduct that might lead to disciplinary action. As a general principle, a test of reasonableness would be applied, i.e. would a reasonable person be aware that disciplinary action would result from a certain act or omission?

The following are examples of the types of conduct that are unacceptable and might lead to disciplinary action. The list is not exhaustive and other behaviour not listed may lead to disciplinary action.

- Poor time-keeping/ attendance;
- Unjustifiable absence from work;
- Waste, loss or damage of Council property through failure to take due care;
- Negligence or failure in performance of duty;
- Inappropriate or unauthorised use of e-mail, IT, or telephone facilities; or
- Being under the influence of alcohol or drugs.

9.16 Types of Gross Misconduct

Unacceptable conduct, which may be regarded as gross misconduct, is likely to lead to an employee's summary dismissal. This means dismissal without notice and occurs when the

employment relationship between the Council and employee, and the trust which is inherent in that, is irrevocably broken.

The list below gives examples of matters likely to be regarded as gross misconduct and is not exhaustive.

- Refusing to follow reasonable management instructions;
- Theft from the Council, its Cllrs, employees, or the public;
- Physical assault or verbal abuse;
- Fraud or deliberate falsification of records;
- Falsification of qualifications;
- Serious negligence which causes unacceptable loss, injury, or damage;
- Serious acts of insubordination;
- Serious breach of confidence;
- Use of privileged information for personal gain;
- Malicious damage to the Council's property;
- Sexual misconduct at work;
- Discrimination, victimisation, or harassment;
- Serious breaches of safety rules;
- Serious incapability through alcohol or drugs;
- Accessing or distributing pornography on the Council's IT facilities.

9.17 Training

Appropriate training will be given to the Town Clerk or any Cllrs who might be involved in disciplinary or appeals meetings to ensure that they fulfil their responsibilities under this procedure.

9.18 Capability Procedure

This procedure is used to support, enhance, and improve the performance of employees. This procedure sets out a framework for resolving issues relating to poor performance, in accordance with the Employment Rights Act 1996, Human Rights Act 1998, and the ACAS Code of Practice on Disciplinary Procedures. The procedure aims to ensure that consistent and fair treatment is given to all individuals.

9.19 Scope

Where there are issues of misconduct or of negligence, these will be dealt with under the Disciplinary Procedure. For matters of sickness, disability, or ill health, the Absence Management Policy will be used.

9.20 General Principles

The Procedure is not a substitute for good management practices. It should only be invoked when initial attempts to improve performance have been unsuccessful following discussions between the employee and their manager.

The employee must be given at least 5 working days' notice of the requirement to attend a formal review meeting or an appeal.

The employee has the right to be represented at formal review meetings or appeals.

In the event of a formal warning or a dismissal, the employee has the right of appeal.

9.21 Related Procedures

When using the procedure, it may be necessary to refer to the contents of other agreed documents such as:

- The Equal Opportunities Policy
- The Grievance Procedure
- The Absence Management Policy
- Other conditions set out in the Staff Handbook

9.22 Representation

Employees have the right to representation at hearings and appeals relating to any stage of the formal procedure. This can be a trade union representative, non-union employee representative, or a work colleague.

Representatives can take an active part in review meetings.

9.23 Action against a Trade Union Official

In normal circumstances no action will be taken against an officer of a recognised Trade Union until the matter has been discussed with a full-time officer of that union.

9.24 The Informal Procedure

The Town Clerk (or Chair of the Council Matters Committee in relation to matters concerning the Town Clerk) should deal with minor issues of poor performance in the first instance.

A meeting with the employee to discuss poor performance should be arranged and any problems or areas for concern should be raised by the Town Clerk. Appropriate support and training should be offered to assist the individual towards meeting the required standards in the future. Realistic targets should be agreed with the individual and future expectations made clear by the Town Clerk. The Town Clerk will record the points discussed in the meeting and confirm this in writing to the employee along with the agreed plan to achieve acceptable levels of performance. A review meeting should be arranged within 2 months to assess whether the targets have been met and whether the performance is satisfactory.

In most cases, these meetings should provide sufficient guidance, support, and clarification of standards to rectify the situation.

However, the formal procedure will apply when:

- Previous informal advice or guidance has proved ineffective; or
- The performance is so poor that informal discussions are unlikely to help.

The Formal Review

If informal discussions have proved unsuccessful in raising performance levels to the standards set by the Town Clerk then the formal procedure will be invoked. There are three stages to the formal procedure. The employee has the right of representation at each stage.

During each stage, the employee's performance will be monitored closely. The method of doing this will be made clear to them at the conclusion of each review meeting.

Stage 1: The Capability Review

The Capability Review should build on the informal discussions. It should be sufficiently specific so that the employee knows exactly what it is about their performance that is unsatisfactory and how they can improve to the required standard. The Town Clerk (or Chair of the Council Matters Committee, in relation to matters concerning the Town Clerk) will carry out the Review.

The review has four main purposes:

1. To allow the Town Clerk to discuss with the employee: (i) the standards of work required; (ii) what improvement is necessary; (iii) how the employee can be helped to achieve them; and (iv) how improvement will be assessed and the timescale which must be reasonable.
2. To allow the employee to: (i) obtain a clear understanding of what is expected of them; (ii) give an explanation or comment on their work; and (iii) give their views on how the problem can best be tackled.
3. To allow the Town Clerk and the employee to explore other options, such as: (i) additional instruction, training, or personal development activity; or referral to occupational health, which may involve alternative action under the Council's Absence Management Policy. Please refer to the Absence Management Policy.
4. To make clear to the employee: (i) the timescale for improvement; (ii) how and by whom their work will be monitored during the review period; and (iii) the consequences if their work does not improve or if improvement is not maintained.

Ideally, standards of performance should be agreed between the Town Clerk and employee. However, in the absence of such an agreement, the Town Clerk must satisfy himself or herself that any targets set are reasonable and non-discriminatory. If training has already been given then its effectiveness should be reviewed and any further training and support agreed.

If the Town Clerk is satisfied at the conclusion of the review that there is a shortfall in performance, the employee will be issued with a formal warning and an action plan, including timescales, to achieve. It will also be made clear that failure to achieve the action plan will lead to the next stage of the formal procedure. The length of time given to improve will depend on the nature of the job and the performance gap but in normal circumstances it should not be more than 3 months. The Town Clerk should confirm the outcome of the meeting in writing to the individual within 5 working days.

Stage 2 – The Capability Review

If the employee fails to achieve the standards or the timescales set out in the action plan then Stage 2 of the procedure is invoked. This involves a further review based on the same structure as Stage 1.

Stage 2 of the Capability Review will be conducted by the Town Clerk (or Chair of the Council Matters Committee, in relation to matters concerning the Town Clerk). If it is concluded that there is still a performance issue to be addressed, a further formal warning should be issued along with an action plan giving details of the standards of performance required and the

timescales within which these must be achieved. The employee should be reminded that if the action plan is not achieved, then Stage 3 will be invoked. It needs to be made clear that Stage 3 may result in a decision to dismiss the employee. Again, the length of time given to improve will depend on the nature of the job and the performance gap but in normal circumstances should not be more than 3 months. A letter to confirm the outcome of the meeting should be sent to the employee within 5 working days, it should also explain the employee's right to appeal against any warning issued.

Stage 3 – The Final Capability Review

The Final Capability Review will be heard by three members of the Council.

The Town Clerk who conducted Stages 1 and 2 should also be present to provide details of the previous review meetings and of the steps taken to encourage improvement in the employee's performance.

The employee will have the opportunity to respond and put forward any points they wish to be considered.

Consideration should be given to any alternatives to dismissal, such as redeployment or options of downgrading. However, this may not always be possible and will depend on each individual situation and the circumstances of the organisation.

The Panel must satisfy themselves that they have heard all of the relevant information and that the employee has been given sufficient opportunity to improve. If they consider that the employee's performance remains unsatisfactory, they must inform the employee that their employment is terminated on the grounds of capability or any alternatives to dismissal.

The employee's dismissal will be with notice or, if serving their notice period is not in the interests of the Council, they will receive pay in lieu of notice. The dismissal must be confirmed in writing within 5 working days, stating the reasons for it, and informing the employee of their right of appeal.

9.25 Levels of Authority

Guidance is given here on the appropriate levels of authority, although alternative arrangements may have to be made on occasion.

Formal	Staff member	Authority
Stage 1 & 2	Town Clerk	Formal warnings
Stage 3	Council	Dismissal

9.26 The Right of Appeal

In the event of a formal warning or dismissal, the employee has the right of appeal to the Town Clerk (or Chair of the Council, in relation to matters concerning the Town Clerk). The Appeal must be made in writing within 10 days of the date of the letter confirming dismissal.

Three members of the Appeal Committee will hear the appeal, providing that they have had no previous involvement in the matter. They will be assisted by an independent adviser.

The appeal will take place as soon as is practically possible. The Appeal Panel will consider the details of the poor performance presented by the Chair of the Final Capability Review and will consider the comments of the employee.

The decision of any appeal hearing is final.

Training

Appropriate training will be given to the Town Clerk or any Cllrs who might be involved in capability or appeals meetings to ensure that they fulfil their responsibilities under this procedure.

10. Complaints

10.1 Introduction

The following Code of Practice in Handling Complaints is based on a model code promoted by the National Association of Local Councils and also on parts of the Complaints Guide of Mendip District Council. These paragraphs i.e. Chapter 10 can be given out to members of the public on request.

From time-to-time members of the public have complaints about the Council's administration or procedures. Local Councils as corporate bodies are not subject to the jurisdiction of the Local Government Ombudsman and there are no provisions for another body to which complaints can be referred. Therefore it is recommended for transparency in local government, and for the benefit of good local administration, that a standard procedure is adopted for considering complaints.

Frome Town Council will do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council, and to ensure that the complainant feels their grievance has been fully considered, taken seriously and acted upon accordingly.

10.2 Information for the Complainant

It is hoped that any complaints can be satisfactorily resolved at a local level but complainants should bear in mind that even if a complaint is upheld, the Council does not have the authority to formally discipline a Councillor for breach of the Code of Councillors Conduct.

For complaints about Councillors, the complainant is welcome and encouraged to contact the Town Clerk or the Chair of the Council to discuss matters informally prior to deciding whether to officially register a complaint. All Councillors are required to observe and act within the parameters of the Councillors Model Code of Conduct.

The Monitoring Officer acts for the Standards Committee of Mendip District Council which has responsibility for all Town Councillors within their district, as well as the District Councillors. Complaints in respect of Councillors and for breaches of the Model Code of Conduct should be directed to the Monitoring Officer.

The provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 must be borne in mind in dealing with all complaints.

What is deemed not to be a complaint?

- Dissatisfaction of a decision of the Council
- Comments either commendatory or critical where the complainant does not wish to take the matter further
- Reports of a single breach of a service standard
- Matters relating to formal consultation exercises such as planning and licensing applications and local plans
- Concerns regarding matters which are the responsibility of another body
- Criticisms of a policy adopted by the Council

10.3 Procedure

All complaints will be deemed to be 'Informal Complaints' unless a written complaint expressly states 'Formal Complaint'.

10.3.1 Informal Complaints

Complaints may be given orally or in writing to any staff member or Councillor. Where the complaint is about the Town Clerk, the complaint should be notified to the Chair Council Matters Committee.

The complainant should be offered a copy of the Council's Code of Practice for Handling Complaints at this stage.

It is hoped that the complaint can be dealt with at an informal local level in consultation with the employee to whom it refers. The response should be given to the complainant within 3 days.

If after receiving the response, the complainant remains unhappy, they can escalate the matter to a Formal Complaint.

In the event of a seemingly serial facetious, vexatious or malicious complaint from a member of the public, the Council should consider taking legal advice before writing any letters to the complainant.

10.3.2 Formal Complaints

If the complainant feels very strongly about a matter, they may lodge a Formal Complaint with the Council and this should be submitted in writing to the Town Clerk. Where the complaint is about the Town Clerk, the complaint should be notified to the Chair of the Council Matters Committee.

The letter must state that a Formal Complaint is being made and include the following information:

- Name, address, and telephone number of the complainant
- Who is the complaint about or the full nature of what the complaint is about
- How the issue has affected the complainant
- Copies of any relevant documents
- Details of third parties and their involvement
- What action the complainant believes might resolve the complaint

Receipt of the letter will be acknowledged within 48 hours and the complainant advised that the Town Clerk will investigate the complaint and respond within 10 working days. The complainant should be offered a copy of the Council's Code of Practice for Handling Complaints and a meeting with the complainant may be considered appropriate at this stage.

Any complaint about a Council employee will normally be dealt with as an employment matter in accordance with the employee's Contract of Employment and the Council's disciplinary and capability procedures.

10.3.3 Complaints Process

If the complainant feels that the matter has not been resolved fully after lodging a Formal Complaint to the Town Clerk then they may request in writing to the chair of the Council Matters Committee to call a meeting to consider the complaint. The chair will call a meeting with two other Cllrs to do this. This group will be called the Complaints Committee.

On receipt of the written complaint, the Town Clerk will acknowledge the letter and advise that the chair of the Council Matters Committee will call a meeting to discuss the complaint within 21 days of receipt of the letter.

The Town Clerk will also be in attendance to represent the Council. If any of the aforementioned are involved in the complaint investigation they will be excluded from the meeting and another Councillor may be delegated in their place.

The complainant will be notified of the date of the meeting and asked for their comments, evidence and documentation in writing prior to the meeting. They or their representative will be able to address the meeting. However, the complainant and/or their representative must leave the room whilst the Complaints Committee considers the complaint and its decision and response. The Complaints Committee must establish at the meeting whether there is a factual basis to the complaint and, if so, what action should then be taken.

Once a decision has been made the complainant will be advised verbally and within 7 days, the recommendations of the Committee will be sent in writing to the complainant.

The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The complainant will be advised in writing of this delay. The advice will be considered and the complaint dealt with at the next appropriate meeting.

10.3.4 Appeals

The Council will appoint a separate Appeal Panel to whom a complainant may appeal against the decision of the Complaints Committee. The membership of the Appeal Panel will not include any member of the Complaints Committee, nor any Councillor involved in the original complaint.

Requests to refer the decision of the Complaints Committee to the Appeal Panel must be made in writing to either the Town Clerk or Chair of the Council Matters Committee within 10 working days of receipt of the decision letter.

An appeal hearing will be arranged within 20 working days of receipt of the appeal letter. A meeting of the Appeal Panel will convene to investigate the whole complaint again. The Appeal Panel must follow the same procedure outlined in this document.

The Chair of the Council Matters Committee will respond in writing within 20 working days. This decision is final and there is no further right of appeal. However, where all parties agree that there would be some merit in referring the matter to a third party for advice, conciliation or arbitration, arrangements will then be made to find a mutually acceptable third party.

10.4 Recording of Complaints

For future reference and in the interest of continually improving the Council's service, also for the sake of transparency of the Council, when complaints have been dealt with under the Complaints Procedure, it will be recorded by the Town Clerk. The name of the complainant will be reported only if they have given their consent to be mentioned. The record should note the nature of the complaint, the reasons for the decisions made and what actions might need to be taken in the future (if any).

11. Equality and Diversity

Frome Town Council is an Equal Opportunities employer.

11.1 The Policy

Frome Town Council is committed to being an effective Equal Opportunities organisation. This means that the Council will do everything in its power to ensure that everyone is treated fairly and with respect at all times.

This applies to all areas of the Council's activities; including recruitment, employment, and provision of Council services.

11.2 As an Employer

We will provide equality and fairness for all in our employment and will not discriminate on grounds of:

- Age;
- Disability;
- Sex or gender;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race (including ethnic origin, skin colour, nationality, and national origin);
- Religion or belief; or
- Sexual orientation

All employees will be treated fairly and with respect regardless of position, part-time/full-time working, or length of contract. Selection for employment, promotion, training, or any other benefit will be on the basis of aptitude and ability.

All employees are required to treat one another with mutual respect. Actions, behaviour, and attitudes should consistently demonstrate respect for the dignity and worth of an individual.

Harassment and discrimination in any form is unacceptable behaviour and offenders will be subject to disciplinary action.

11.3 As a Service Provider

The Council will strive to ensure that all services provided by, or on behalf of, the Council are made accessible to all individuals and groups equally and without discrimination.

All service users will be treated with respect. Actions, behaviour, and attitudes will consistently demonstrate respect for the dignity and worth of an individual.

The Council will, wherever appropriate, work in partnership with other agencies in the area; including the relevant unitary, county, district, and borough councils, voluntary groups, and community organisations to promote equal opportunities.

The Council will ensure that all contractors directly supplying goods and services or executing works for, or on behalf of, the Council comply with this Council's stated policy on equal opportunities.

11.4 The Policy in Action

As an Employer

The Council aims to achieve the policy by:

- Ensuring that its employees are made aware of their rights and responsibilities to each other, the customer, and the organisation regarding equal opportunities issues;
- Providing a way in which individuals can communicate any concerns via competent named personnel;
- Treating any unacceptable behaviour seriously; and
- Ensuring that all Managers realise they have a key role in implementing this policy and are expected to take personal responsibility for ensuring its success.

As a Service Provider

The Council aims to achieve its policy by:

- Ensuring that employees are made aware of the Council's standards of service and customer care, including equal treatment in service delivery;
- Ensuring that no member of the public is disadvantaged or treated less favourably than others in terms of access to Council services. Where the Council's practices, policies, or procedures are found to make access impossible or unreasonably difficult, we will take such steps as are reasonable in the circumstances to change these practices, policies or procedures;
- Ensuring that, wherever practical, all public buildings and premises owned or managed by the Council are accessible to all. Where this is impractical in the short-term, we will provide reasonable alternative methods of access so that no member of the public is disadvantaged by physical barriers;

- Recognising the importance of communication in attaining equality and providing quality services, which are responsive to the needs of all local people, for example through the provision of information in large print and on audio tape on request; and
- Complying with all relevant legislation relating to discrimination and equality.

11.5 Role of Councillors and Employees

All Councillors and employees are responsible for implementing the Council's Equal Opportunities Policy. It is important that all individuals who are employed by the Council appreciate that they have a responsibility and a role to play in the provision of equal opportunities.

11.6 Monitoring of Equal Opportunities

The Council will have responsibility for the implementation and monitoring of the policy as it applies to the Council as an employer.

The Council will have responsibility for implementing and monitoring the policy as it applies to the Council as a service provider, involving local community and voluntary groups in the monitoring process where appropriate.

Complaints from staff about discrimination or unfair treatment will be dealt with as laid down in the Council's Grievance Procedure.

Complaints from members of the public about discrimination or unfair treatment will be dealt with through the Council's Complaints Procedure.

12. General Information

12.1 Freedom of Information and Data Protection

The Freedom of Information Act 2000 gives people the right to obtain information held by public authorities unless there are good reasons to keep it confidential. As a result of the Publication Scheme Development and Maintenance Initiative, the Information Commissioner's Office (ICO) introduced a model publication scheme that all public sector organisations must have adopted from 1 January 2009. Frome Town Council has adopted the model publication scheme.

Councils must produce a guide to the specific information they hold and ensure that the information can be easily identified and accessed by the general public. Some exemptions do apply.

The Council is also bound by the Data Protection Act 1998 in all its dealings. This Act requires anyone who handles personal information to comply with a number of important principles. It also gives individuals rights over their personal information.

The ICO has legal powers to ensure that organisations comply with the requirements of the Freedom of Information Act and the Data Protection Act. Further details on these matters can be found in the separate Council Information Policy.

12.2 Council Property

Use of Council property for a purpose other than normal duties is not permitted. No property is to be taken away from Council premises without prior explicit permission. Any damage to the property, equipment or premises must be notified to the Town Clerk immediately.

12.3 Health, Safety and Welfare

Frome Town Council recognises and accepts its responsibility as an employer for providing a safe and healthy working and operating environment and for taking all due care to protect the safety of its employees and members of public who use its facilities.

All employees and Councillors are reminded of their duty to take reasonable care of themselves and others who may be affected by their acts or omissions, and to ensure compliance with the statutory duties placed on them.

For further information, refer to the comprehensive Council's Health and Safety Policy.

12.4 Business Continuity Planning

Business Continuity Planning (BCP) is sometimes also known as Disaster Recovery Planning. BCP is the creation and validation of a practiced logistical plan for how the Council will remain operational during and after a disaster, emergency or extended disruption. Disaster incidents include local incidents like building fires, criminal activity, or serious ICT system failure, regional incidents include floods, earthquakes and national incidents such as pandemic illnesses.

The Council takes its obligations and services very seriously, and in this respect had identified its key risks, undertaken risk analysis and planned steps to minimise the potential impact of a disaster, and ideally prevent it happening in the first place.

For more information on Business Continuity Planning, refer to the separate BCP policy.

12.5 Further Information and Useful Contact Details

Further information on any matters contained in this Staff Handbook may be found under www.direct.gov.uk.

Other useful contacts include:

Paul Wynne, Town Clerk, Frome Town Council

Tel: 01373 465757

Email: wynnep@frometowncouncil.gov.uk

Also refer to the Frome Town Council website: www.frometowncouncil.gov.uk

Advisory, Conciliation and Arbitration Service (ACAS) - The ACAS Helpline is the place to go for both employers and employees who are involved in an employment dispute or are seeking information on employment rights and rules. The Helpline provides clear, confidential, independent and impartial advice to assist the caller in resolving issues in the workplace.

Tel: Monday – Friday 8am to 8pm and Saturday 9am to 1pm – 08457 474747
Web: www.acas.org.uk

Health & Safety Executive (HSE)

Tel: 0845 345 0055

Web: www.hse.gov.uk

**FROME TOWN COUNCIL – STAFF HANDBOOK
CHAPTER 4 OF THE COUNCIL CONSTITUTION**

STATEMENT OF EMPLOYEE

I have read the Staff Handbook issued to me on _____ (insert date) and understand and accept its content as forming part of my Contract of Employment.

I will keep myself informed of its contents and similarly the contents of all other Council policies.

Name of employee: _____

Employee signature: _____

Date: _____