

Frome Town Council Constitution

Chapter 4 Staff Handbook

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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.

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Introduction

Frome Town Council would like to welcome you to our excellent team and hope you will enjoy working with us.

The 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.

Staff deliver the Council's services in line with policies or procedures as determined by Councillors, collectively in Council or a Committee. They can advise Councillors on policy issues and statutory requirements the Council has to meet. They carry out the day to day detailed management of the Council's services.

Please take time to read the contents of this handbook as it provides details of the Council's personnel policies and procedures and how they will be implemented.

The Staff Handbook seeks 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 provide a point of reference.

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

Equal Opportunities Policy

Frome Town Council

Frome Town Council is an Equal Opportunities employer.

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.

1.1 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.

1.2 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.

2 The Policy in Action

2.1 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.

2.2 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.

3 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.

4 Monitoring of Equal Opportunities

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

The Council's Oversight Committee 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.

Internet and Email Policy

Frome Town Council

1 Purpose

The purpose of this policy is to ensure the proper use of Frome Town Council's internet and email system and make users aware of what the Council deems acceptable and unacceptable use of its internet and email system. The Council reserves the right to amend this policy at its discretion – users will be informed if and when amendments are made.

2 Requirements for use

The following rules MUST be adhered to by all users within the Council. It is prohibited to:

- Send or forward emails containing libellous, defamatory, offensive, racist or obscene remarks. If employees receive an email of this sort, they must notify their Line Manager who will pass this to the Town Clerk if appropriate.
- Forward a sensitive or controversial message without acquiring permission from the sender first.
- Forge or attempt to forge email messages.
- Disguise or attempt to disguise the employee's identity when sending mail.
- Send email messages using another person's email address without permission.
- Copy a confidential message or attachment belonging to another user without permission of the originator.

3 Downloading and Importing Files and Software

Employees must download files only onto those PCs with virus checking software and should check how long downloads will take. If in doubt, employees should check with their Line Manager.

Employees must exercise extreme care when receiving emails with attachments from third parties – particularly unidentified third parties – as these may contain viruses.

Data from memory sticks, CDs, and other external devices must only be viewed on PCs with appropriate virus checking software. If in any doubt about whether it is safe and permissible to use these devices, employees should ask their line manager.

4 System Monitoring

Users expressly waive any right of privacy in anything they create, store, send or receive on the Council's computer system.

The Council can, but is not obliged to, monitor emails without prior notification. The organisation considers the following to be examples of valid reasons for checking an employee's emails:

- If an employee is absent for any reason and communications must be checked for the smooth running of the business to continue;
- If the Council suspects that an employee has been viewing or sending offensive or illegal material;
- If the Council suspects that an employee has been using the email system to send/receive an excessive number of personal communications; or
- If the Council suspects that an employee is sending or receiving emails that are detrimental to the Council.

If there is evidence that you are not adhering to the guidelines set out in this policy, the Council reserves the right to take appropriate disciplinary/legal action, which could result in termination of employment.

5 Electronic Signature and Disclaimer

Employees must ensure that their electronic signature is set up in the following format to appear on outgoing emails:

Name
Job Title
Telephone number
Address of Organisation

6 Personal use of Internet and email

Because the Council has access to broadband technology, usage is at a flat rate regardless of numbers of emails sent or minutes online. As a result, the organisation permits employees to use their PCs to access the internet and send/receive email for personal/developmental use where necessary. Employees wishing to use internet/email access for personal/developmental are deemed to have agreed to the following terms and conditions:

This permission only applies to times OUTSIDE recorded working hours.

- Personal emails should be clearly marked as such in the subject line.
- Unless employees have specific prior permission from the Town Clerk and their Line Manager, they should not give their work email address as one of their contact details for regular extra-curricular/social/voluntary commitments outside work.

- Do NOT use a work email address for any non-work communication if there is any possibility that the recipient will be influenced (either positively or negatively) by receiving a communication from a staff member of the Council.
- To avoid cluttering the system with unwanted adverts or other material, please do not sign up for personal direct mail using a work email address. For example, if employees have used the internet (in their own time) to buy goods or services, and are invited to subscribe to 'news of other products' please click 'no' or provide a home email address as the point of contact.
- When sending personal emails, employees should show the same care as when sending work-related emails.
- Jokes or humorous articles are often received from individuals outside the organisation. Users must consider whether anyone is likely to take offence if you pass material on. Passing on offensive material via the work system is a disciplinary matter and may result in legal action or termination of employment. If any doubt, don't do it!

Abuse of this permission will be regarded as a disciplinary offence and will be subject to action laid out in the policies on code of conduct and elsewhere.

Abuse of Internet/email access could include, but is not limited to:

- Accessing inappropriate web sites;
- Downloading or distributing obscene, offensive, or indecent material;
- Using language or behaviour likely to bring the Council into disrepute;
- Using the Council's official role/status for personal gain;
- Using Council's role/status to support a specific political or issue-based campaign;
- Using the equipment to contribute to fraud; and
- Using or passing on privileged or confidential information.

The personal use of email or Internet access must be completely in accordance with the range of provisions in the current Code of Conduct.

7 Legal Risks

Email is a business communication tool and users are obliged to use this tool in a responsible, effective and lawful manner. While email seems to be less formal than other written communication, the same laws and guidelines apply. Users should be aware of the legal risks of email:

- If employees send or forward emails with any libellous, defamatory, offensive, racist or obscene remarks, both employee and the Council can be held liable. In addition, it may be considered to have been an infringement of the disciplinary procedure.
- If employees unlawfully forward confidential information, the employee and the Council can be held liable.

- If employees unlawfully forward or copy messages without permission, the employee and the Council can be held liable for copyright infringement.
- If the employee knowingly send an attachment that contains a virus, the employee and the Council can be held liable.

Please follow the guidelines in this policy to minimise the legal risks to employees and the Council. If any user disregards the rules set out in this policy, the user will be fully liable and the Council will disassociate itself from the user as far as legally possible.

8 Queries

If an employee has any queries about this email policy, please contact the Town Clerk. If they do not have any questions, the Council assumes that the employee understand and accept the rules and guidelines in this policy and will adhere to them.

USE OF INTERNET AND EMAIL

The organisation permits staff to use their terminals to access the Internet and send/receive email for personal/developmental use where necessary.

Staff wishing to use internet/email access for personal/developmental reasons must agree to the following:

- This permission only applies to times OUTSIDE recorded working hours.
- The use of both Internet access and email usage will continue to be subject to the monitoring regime currently in place for work-related traffic.
- Abuse of this permission will be regarded as a disciplinary offence and will be subject to action laid out in the policies on code of conduct and elsewhere.

Abuse of Internet/email access could include but is not exclusively:

- Downloading or distributing obscene, offensive or indecent material
- Using language or behaviour likely to bring Frome Town Council and the organisations it supports, into disrepute
- Using the official role/status of Frome Town Council and/or the organisations it supports, for personal gain
- Using the official role/status of Frome Town Council and/or the organisations it supports, to support a specific political or issue-based campaign
- Using the equipment to contribute to fraud

- Using or passing on privileged or confidential information

The personal use of email or Internet access must be completely in accordance with the range of provisions in the current Code of Conduct

I have read and understood the organisations policy on the use of Internet and email and recognise that to misuse it would be regarded as a disciplinary offence, potentially gross misconduct. I am content to abide by this policy.

Signed:

Print name:

Date:

Flexible Working Policy

Frome Town Council

1 Introduction

Under provisions set out in the Employment Rights Act 1996 and regulations made under it, all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly provided they have worked for their employer for 26 weeks continuously at the date the application is made. As a good employer, Frome Town Council has always had a positive view of flexible working. This policy sets out the framework in which variable working will be managed within the Council.

2 Eligibility

The right to request flexible working is available to employees who have a minimum of 26 weeks' continuous service.

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 (outlined in this policy) to ensure requests are considered objectively.

3 Timescales

Requests will be considered in a timely manner. The entire process, including hearing an appeal will be completed within 3 months of the written request being received.

4 Roles and Responsibilities

Normally, the Business Manager in consultation with the line manager will consider flexible working requests and appeals will be heard by a Panel populated from Cllrs on the Oversight Committee.

If the request is being made by the Town Clerk, this should be referred to the Leader, who will set up a panel to consider the request and a separate panel to consider any appeal.

5 Representation

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

Representatives have the right to address the meeting 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.

6 What is Flexible Working?

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

Some examples of flexible working are:

- Part-time working;
- Job share;
- Flexible working hours;
- Term time only working; or
- Occasional working from home, for those whose job role is based at Frome Town Hall or the Frome Town Council estate.

7 How to apply

Anyone considering flexible working should first discuss with their Line Manager the reasons for the request to change their working pattern and how they think it could work. A formal application can then be made in writing to the Line Manager and Business Manager. It should set out clearly:

- The line manager's initial response to the request (whether positive or negative and if negative then the reasons for supporting this view)
- The desired change in working pattern;
- How it will impact upon the work of the Council;
- How the employee will manage their work to ensure there is no loss in efficiency;
- The impact of the change of the work pattern on the employee's colleagues;
- How any potential problems will be overcome; and
- When the employee wishes to start the new way of working.

8 Meeting to Consider the Request

All applications will be considered fully at a meeting with the Line Manager and Business Manager (or the Leader if in relation to the Town Clerk).

9 Making the Decision

After the meeting, the Business Manager will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the Council against any adverse impact of implementing the changes.

Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting. The request may be granted in full or in part: for example,

- The Council may propose a modified version of the request;
- The request may be granted on a temporary basis;
- The employee may be asked to try the flexible working arrangement for a trial period.

The employee will be given the right to appeal the decision if the employee's request is not upheld or is only upheld in part.

If an application is refused, the employee 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;
- Inability to reorganise work among other staff;
- Inability to recruit additional staff;
- Detrimental impact on quality;
- Detrimental effect on customer service;
- Detrimental impact on performance;
- Insufficient work available during the periods the employee proposes to work;
- The proposal does not fit in with planned structural changes.

Regardless of whether an application is approved or not a further application cannot be made within 12 months.

10 Right of Appeal

An employee has the right of appeal against the Council's decision. An Appeal should be submitted in writing to the Business Manager who will arrange an appeal meeting. Appeals will be heard by a Panel of the Oversight Committee who will notify the employee of the outcome, following the meeting.

11 Review

If a trial period has been agreed, then the Business Manager and the appropriate Line Manager will undertake this review. This is to ensure that the change 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 Business Manager will confirm in writing whether or not the change will be made permanent. If it may not continue, notice will be given that the flexible working arrangement cannot be accommodated and will end on a specified date.

All flexible working will be reviewed initially after 6 months and then annually by management to ensure that the needs of the Council continue to be met.

Whistleblowing Policy

Frome Town Council

1 Policy Statement

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.

2 Scope

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.

3 Aims

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.

4 Background

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 they have 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 their own contract has been, or is likely to be, broken, they should use the Council’s Grievance Procedure.

5 Safeguards

5.1 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.

5.2 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.

5.3 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 Council.

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.

5.4 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 Procedure for Making A Disclosure

6.1 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 Leader.

6.2 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

6.3 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.

6.4 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.

6.5 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.

7 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.

Grievance Policy

Frome Town Council

1 Policy Statement

The Council recognises that individual employees or groups of employees may, from time to time, feel aggrieved about an aspect of their employment and accepts that each employee has the right to raise this grievance and to expect that management will consider it and respond.

The purpose of the accompanying procedure is to provide a framework for dealing promptly and fairly with such grievances. The aim is to resolve grievances as near as possible to their point of origin.

Matters appropriately dealt with under the Council's grievance procedure include all questions relating to the individual rights of employees in respect of their employment other than:

- Grievances that have already been considered in accordance with the procedure;
- Grievances arising from a disciplinary or capability process in which the employee is already involved and where there is an appeals procedure in place;
- Grievances in respect of issues over which the Council has no control. e.g. external legislation; and
- Grievances that are already the subject of a collective grievance or dispute.

The timescales shown in the accompanying procedure may be altered by mutual agreement.

The nature and number of grievances raised in accordance with the accompanying procedure will be monitored annually by the Town Clerk.

This policy and the accompanying procedure will be the subject of periodic review.

Responsibility for conducting this review will rest with the Town Clerk.

2 Procedural Guidelines

2.1 Informal Resolution

Where an employee is aggrieved about any matter relating to their employment, they should raise the matter informally with the Town Clerk as soon as possible and, other than in exceptional circumstances, within **twenty working days** of the incident or event. However, employees will be permitted to raise as part of a grievance a series of directly related incidents having a cumulative effect.

The Town Clerk should consider and seek to resolve the grievance within ten working days. Whether or not this proves possible, the Town Clerk should in every case inform the employee of the decision and, if appropriate, any action taken.

Employees may wish to seek the advice of a trade union representative or colleague prior to raising a grievance at this informal level.

2.2 Formal Resolution

If the employee is not satisfied with the result of the informal process, they can take the matter up with the Town Clerk, in writing, stating the nature of the grievance. This should be done within ten working days.

The Town Clerk will arrange a meeting with the employee to discuss the grievance as soon as possible and normally within ten working days. If the Town Clerk hearing the grievance determines that further investigation is required - having listened to the employee's submission - the meeting will be adjourned for a period during which time the Town Clerk or an appropriate investigator will conduct any necessary research; including, if appropriate, liaising with other parties. The investigation will be concluded as soon as reasonably practicable.

It is not expected that other parties would attend the reconvened hearing. However, if it is determined by the Town Clerk that their contributions would facilitate consideration of the grievance they will be asked to make themselves available, in order that they may respond to any matters raised by the aggrieved individual during the course of the hearing.

A formal written response to the grievance should be issued within 5 working days of either the initial or subsequent grievance hearing as appropriate.

2.3 Appeal

If the employee is still aggrieved, there is a right of appeal to a panel of members of the Oversight Committee. The notice of appeal should be submitted in writing within ten working days of receipt of the formal written response issued by the Town Clerk. The Appeal Panel shall consider the appeal within twenty working days of receipt of the written appeal.

There is no further right of appeal.

2.4 Grievances Relating to the Town Clerk

If the grievance relates directly to the action or omission of the Town Clerk, the grievance should be submitted in writing directly to the Leader who will investigate and respond to the grievance as outlined above.

If the grievance is being raised by the Town Clerk on their own behalf, the grievance should be submitted in writing to the Leader as above. If the grievance relates to the action or omission of the Leader or Chair of Committee then it should be directed to the Mayor (Chair of Council).

2.5 Representation

An individual raising a formal grievance may be accompanied throughout the process by a trade union representative or colleague of their choice and reasonable preparation for the hearing will be allowed.

Capability Procedure

Frome Town Council

1 Introduction

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.

2 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.

3 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.

4 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

5 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 or a work colleague.

Representatives can take an active part in review meetings.

6 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.

7 The Informal Procedure

The Business Manager in consultation with the Line Manager and Town Clerk (or Leader 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 Line Manager. 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 Business Manager in consultation with the Line Manager and Town Clerk. The Business Manager 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.

8 The Formal Review

If informal discussions have proved unsuccessful in raising performance levels to the standards set by the Business Manager in consultation with the Line Manager and 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.

The Council also reserves the right not to follow this procedure in full for employees who are within their first two years of employment with the Council.

8.1 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 Business Manager (or Leader, in relation to matters concerning the Town Clerk) will carry out the Review.

The review has four main purposes:

To allow the Business Manager 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.

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.

To allow the Business Manager 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.

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 Business Manager, Line Manager and employee. However, in the absence of such an agreement, the Business Manager must satisfy themselves 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 Business Manager 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 Business Manager should confirm the outcome of the meeting in writing to the individual within 5 working days.

8.2 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 Business Manager (or Leader, 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.

8.3 Stage 3 – The Final Capability Review

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

The Business Manager 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.

8.4 Levels of Authority

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

Formal	Officer	Authority
Stage 1 & 2	Business Manager	Formal warnings
Stage 3	Oversight Committee	Dismissal

8.5 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 Leader, 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.

8.6 Training

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

Bullying and Harassment Policy

Frome Town Council

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.

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 councillors. 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.

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 Councillors, management, and employees; and
- To explain the procedures for dealing with harassment and bullying.

4 Harassment

There are various definitions of harassment, but there are key questions which help to define 'Harassment'. They are:

- 'Is the behaviour unwanted?'
- 'Does it undermine the dignity of the individual?'
- '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

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. Councillors.

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.

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 Responsibilities of Managers, Employees, and Councillors

7.1 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.

7.2 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.

7.3 Councillors

Councillors will have the following responsibilities:

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

Bullying and Harassment Complaints Procedure

Frome Town Council

1 Introduction

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.

2 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.

3 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 their 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.

4 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.

5 Complaints About Other Parties

If the matter involves a complaint against the Town Clerk, you should inform the Leader, 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 Oversight Committee.

6 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.

Disciplinary Procedure

Frome Town Council

1 Introduction

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.

2 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 them 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.

The Council also reserves the right not to follow this procedure in full for employees who are within their first two years of employment with the Council.

3 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 Oversight 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 written warnings for minor misconduct.

4 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.

5 Informal Procedure

5.1 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.

6 The Formal Procedure

6.1 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.

6.2 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 Oversight 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 Oversight 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.

6.3 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.

6.4 Conducting a hearing

The Panel for a hearing will normally comprise of the Town Clerk (or three members of the Oversight Committee, 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.

6.5 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	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 2	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 3	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.
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6.6 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.

7 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 Oversight 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.

7.1 Arranging an Appeal

The date and time of the appeal will be organised by the Town Clerk (or Chair of the Oversight 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.

7.2 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 case by the Manager (the Chair of the previous hearing) who took the disciplinary action;
- Questions by the appellant to the Manager;
- Presentation of the appellant's case, including calling any witnesses;
- Questions by the Manager to the appellant 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 if possible 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.

8 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 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 timekeeping/ 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.

9.1 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.

10 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.

Absence Management Policy

Frome Town Council

1 Introduction

The Council is committed to providing effective, high quality services to the community 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.

1.1 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.

1.2 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 Line Manager. It is therefore essential that they ensure that all employees are aware of the Council's Absence Management Policy and Procedures.

1.3 Reporting

Employees who are unable to work due to illness/injury must contact their 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 the 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.

2 Certification

Where the absence is for a period of up to seven days (inclusive of weekends) and not covered by a Fit Note, 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 Fit Note for the remainder of the absence. The employee will need to ensure that there is always a current Fit Note. The Fit Note will include whether or not the employee needs to see a doctor again before returning to work.

If the Fit Note states that the employee "may be fit for work", the employee should inform the Line Manager 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 Line Manager will set a date to review the situation.

3 Return to Work Meetings

When the employee returns to work after an absence of 4 days or more , the Line Manager 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 Line Manager 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.

4 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 Underlying Medical Conditions

If at any stage of the Managing Attendance Review Process the employee and/or their manager identifies that their attendance may be affected by an underlying medical condition, the Line Manager and Business Manager will give consideration whether to request that an Occupational Health referral is arranged.

This process would involve gaining the employee's consent to refer them to the Council's Occupational Health advisor. The purpose of this referral would be to obtain independent medical advice on:

- The nature of any underlying/recurrent condition;
- How to support the employee to improve their attendance, e.g. suggestions for reasonable adjustments to the employee's work, which the Council could consider.

Any agreed adjustments should be taken into account when applying the following procedure, which may need to be adapted accordingly.

6 Frequent Intermittent Absence

In addition to the Return to Work interviews after absences 4 or more days of , 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, a further Sickness Review Meeting will be arranged. The employee will be invited in writing to attend this meeting, and will be offered the right to be accompanied by a work colleague or trade union representative. At this meeting, the employee will once again be reminded of the problems caused by the absences and, if this has not already been addressed, they will be asked if they wish to disclose any underlying medical condition or problem of which the manager is unaware. If such a condition is disclosed, the advice in section 5 above should be followed. Where no adjustments to this process have been agreed (e.g. due to an underlying medical condition), the employee will normally 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 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 8) to consider whether or not the employee should be dismissed.

7 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 Council will maintain contact with the employee and advise them that they should keep the Council informed of developments relating to their

medical condition. The Council 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 Line Manager and 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.

8 Final Sickness Review Meeting

Prior to dismissal being considered for either frequent intermittent absence or long-term absence, the Business Manager 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.

9 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 be comprised of three members of the Oversight Committee, who will make the decision. The Business Manager 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.

10 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/Business Manager 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, who will also normally be part of the Oversight Committee. 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.

11 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 Business Manager/Town Clerk or Chair of the Oversight Committee 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.

12 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 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.

13 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 Service.

14 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 Business Manager 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 Business Manager 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.

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Frome Town Council

Sickness Declaration and Return to Work

APPENDIX 1 – RETURN TO WORK DISCUSSION

Name:				
Date and Time of Interview:				
Period of Sickness or Incapacity Absence:	From		To	
Number of Working Days Absent				
<small>include All days, regardless of Bank Holidays, weekends or non-working days</small>				
* Self Certificate / Fit Note provided (*delete as appropriate) – Attached				
Provide brief details of the content of the discussion:				
<p>Reason for absence:</p> <p>Have you consulted a Doctor/Specialist?</p> <p>Do you consider your absence to be as result of a work-related accident or condition?</p> <p>If the absence was work related, an appropriate Incident Report MUST be completed. Has this been done?</p> <p>If the absence was a result of an Accident or Incident, was a Third Party involved?</p> <p>Was the absence related to a disability?</p> <p>Was the absence related to maternity (pregnancy)?</p> <p>Is a Phased Return to Work required?</p>				

Employee's Declaration – I declare that the details given above are true, and I understand that by knowingly making a false declaration I may render myself liable for disciplinary action.

Signed
(Employee)

Date

Line Manager's Declaration - I have checked that all the sections have been completed

Signed
(Line Manager)

Date

Menopause Policy

Frome Town Council

1 About this policy

We are committed to fostering an inclusive and supportive working environment for all our staff.

We recognise that many members of staff will experience the menopause and that for some the menopause will have an adverse impact on their working lives.

The purpose of this policy is to raise awareness of the menopause and the impact of the menopause in the workplace, and to encourage open conversations between managers and staff. We are committed to supporting staff who are affected by the menopause and to signpost relevant advice and assistance to anyone who needs it.

This policy does not form part of any employee's contract of employment, and we may amend it at any time.

2 What is the menopause?

All women will experience the menopause at some point during their life. The menopause can also impact trans and non-binary people who may not identify as female.

Most of those who experience the menopause will do so between the ages of 45 and 55. However, some start experiencing symptoms much earlier. Often, symptoms last between four to eight years, but they can continue for longer.

Symptoms can include, but are not limited to, sleeplessness, hot flushes, memory loss or poor concentration, headaches, muscle and joint pains, depression and anxiety.

The majority of those going through the menopause will experience some symptoms, although everyone is different, and symptoms can fluctuate.

The menopause is preceded by the perimenopause, during which the body prepares itself for menopause. The perimenopause can also last several years and can involve similar symptoms to the menopause itself. For the purpose of this policy, any reference to the menopause includes the perimenopause.

3 Open conversations

Menopause is not just an issue for women. All staff should be aware of the menopause so that they can support those going through it or otherwise affected by it.

We encourage an environment in which colleagues can have open conversations about the menopause. We expect all staff to be supportive of colleagues who may be affected by the menopause in the workplace.

Anyone affected by the menopause should feel confident to talk to their line manager or Business Manager about their symptoms and the support they may need to reduce the difficulties the menopause can cause them at work.

Line managers should be ready to have open conversations with staff about the menopause and what support is available. Such conversations should be treated sensitively, and any information provided should be handled confidentially and in accordance with our Data Protection Policy.

4 Risk assessments

We are committed to ensuring the health and safety of all our staff and will consider any aspects of the working environment that may worsen menopausal symptoms. This may include identifying and addressing specific risks to the health and well-being of those going through the menopause.

5 Support and adjustments

While many who go through the menopause will be able to carry on their working lives as normal, we recognise that others may benefit from adjustments to their working conditions to mitigate the impact of menopause symptoms on their work.

If you believe that you would benefit from adjustments or other support, you should speak to your line manager in the first instance. If you feel unable to do so you should contact the Business Manager.

Physical adjustments could include temperature control, provisions of electric fans or access to rest facilities. Depending on individual and business needs, adjustments such as flexible working, more frequent rest breaks or changes to work allocation may also be considered. These are examples only and not an exhaustive list.

We may refer you to a doctor nominated by us or seek medical advice from your GP to better understand any adjustments and other support that may help alleviate symptoms affecting you at work.

Maternity Policy

Frome Town Council

1 Definitions

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.

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.

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.

4 Health and Safety

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

5 Ante-Natal Care

Any pregnant employee has the right to a reasonable amount of paid time off to attend ante-natal appointments made on the advice of a registered medical practitioner, which may include relaxation classes and parent-craft classes. Employees must produce evidence of appointments if requested to do so.

6 Maternity Leave

6.1 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 may be triggered if she is absent due to a pregnancy-related illness.

7 Maternity Pay

7.1 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).

Statutory Maternity Pay (SMP) will be payable if the employee has been employed continuously for at least 26 weeks ending with the 15th week before the EWC, and has an average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.

SMP is payable for 39 weeks; for the first six weeks it is paid at 90 percent of the average weekly earnings. The following 33 weeks will be paid at the SMP rate or 90 per cent of the average weekly earnings whichever is the lower.

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

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

7.2 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 6 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.

8 Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

Employee Contributions During Maternity/Paternity/Adoption Leave

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

Employees will not pay pension contributions during any period of unpaid leave. However, there is a distinction between the following:

- Periods of unpaid Ordinary Maternity Leave, Ordinary Adoption Leave and Paternity Leave, when the employer continues to make pension contributions.
- Periods of unpaid Additional Maternity Leave and Additional Adoption Leave when the employer does not make any pension contributions.

In the latter case the employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount 'lost' during the unpaid leave. Information about this is set out in the employer's information below.

Employer Contributions During Maternity/Paternity/Adoption Leave

The Town Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay during their leave is higher than APP, the Town Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of Additional Maternity Leave or Additional Adoption Leave. The employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave.

If the employee notifies the Assistant Finance Officer in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the Assistant Finance Officer of this decision later than 30 days after returning to work then the whole cost will be borne by the employee unless the Town Council voluntarily agrees to contribute to the APC.

9 Continuous Service

Maternity leave counts as continuous service for statutory and contractual purposes.

10 Leave During Maternity Leave

10.1 Annual Leave

Annual leave continues to accrue during maternity leave.

10.2 Bank/Public Holidays

Bank/public holidays continue to accrue during maternity leave.

10.3 Carry Forward of Annual Leave

The employee and their line manager should review annual leave arrangements prior to maternity leave being taken. Where taking maternity leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the

outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

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

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

For an example of calculating this, see Appendix A.

11 Returning To Work

11.1 Notification requirements

Line 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.

11.2 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.

11.3 Keeping In Touch

A woman can do up to 10 days' work during her maternity leave, in agreement with her Line 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.

Line 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.

Appendix A

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.

* For simplicity, this example does not take account of bank/public holidays, although these accrue during maternity leave and would also need to be factored in to any calculations.

Breastfeeding Policy

Frome Town Council

Frome Town Council welcomes mothers to breastfeed their babies in any public area of Frome Town Hall, during normal working hours. This means:

- All our staff will support the needs and rights of mothers' breastfeeding.
- If another customer/visitor to the premises objects to discreet breastfeeding, they will be told management supports breastfeeding.
- If the situation cannot be resolved readily, staff should refer customers / visitors to senior management.
- A copy of this policy will be issued to all new staff and a copy should be kept accessible in case it needs to be shown to a member of the public or site visitor.

If a member of staff feels they need more guidance on implementing this policy they should speak to the HR Team.

Frome Town Council will:

- Promote a welcoming breastfeeding culture
- Display the 'Positive about Breastfeeding' branding
- Share this policy with all staff members and volunteers

The Positive About Breastfeeding Scheme

The 'Positive about Breastfeeding' scheme aims to facilitate greater acceptance and promotion of breastfeeding in commercial, health and community settings, with the overall goal of increasing the numbers of mothers who feel comfortable and confident to breastfeed their baby.



Paternity Policy

Frome Town Council

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.

2 Paternity Leave (PL) and Maternity Support Leave (MSL)

2.1 Eligibility Criteria

To qualify for Paternity Leave the employee must satisfy the following. They must:

- Be the father of the child, or be married to or be 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.

2.2 Paternity Leave (PL)

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

An employee can take either one week or two consecutive weeks' 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.

2.3 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).

2.4 Notification Requirements for Paternity Leave and Maternity Support Leave

Before Paternity 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 possible, 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 provide a copy of the mothers MATB1 as well as providing the employer with 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.

2 Ante-natal Care

Expectant fathers, and partners of pregnant women have the right to unpaid time off to attend two antenatal appointments with the expectant mother, with a maximum statutory entitlement of 6 ½ hours' time off for each appointment. They must produce evidence of appointments if requested to do so.

3 Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

Employee Contributions During Maternity/Paternity/Adoption Leave

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

Employees will not pay pension contributions during any period of unpaid leave. However, there is a distinction between the following:

- Periods of unpaid Ordinary Maternity Leave, Ordinary Adoption Leave and Paternity Leave, when the employer continues to make pension contributions.
- Periods of unpaid Additional Maternity Leave and Additional Adoption Leave when the employer does not make any pension contributions.

In the latter case the employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount 'lost' during the unpaid leave. Information about this is set out in the employer's information below.

Employer Contributions During Maternity/Paternity/Adoption Leave

The Town Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay during their leave is higher than APP, the Town Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of Additional Maternity Leave or Additional Adoption Leave. The employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave.

If the employee notifies the Assistant Finance Officer in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the Assistant Finance Officer of this decision later than 30 days after returning to work then the whole cost will be borne by the employee unless the Town Council voluntarily agrees to contribute to the APC.

4 Continuous Service

Paternity leave and Maternity Support leave will count as continuous service for statutory and contractual purposes.

5 Annual Leave and Bank/Public Holidays

Annual leave and Bank/Public holidays will continue to accrue during paternity leave and Maternity Support leave.

Adoption Policy

Frome Town Council

To Whom This Policy Applies

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

The right to adoption leave is available to all (whether married or single) who adopt a child through an approved adoption agency. Where a couple jointly adopts a child, only one of them (known as the primary adopter) will be entitled to take adoption leave (the couple can choose which). The other adoptive parent (known as the secondary adopter) will normally be entitled to take Statutory Paternity Leave, provided that they meet the relevant statutory criteria.

1 Adoption Leave

All employees, regardless of their length of service, are entitled to 26 weeks of Ordinary Adoption Leave and 26 weeks Additional Adoption Leave (subject to providing the sufficient evidence as per below).

Adoption leave can start:

- up to 14 days before the date the child starts living with the adopter (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (if the employee has used a surrogate to have a child)

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.

2 Adoption Pay

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

Statutory Adoption Pay is paid for up to 39 weeks. The weekly amount is:

- 90% of employees average weekly earnings for the first 6 weeks
- SAP or 90% of employees average weekly earnings (whichever is lower) for the next 33 weeks

This provision is the statutory entitlement. Details of the current rates of Adoption Pay may be found on the government's website www.gov.uk

3 Eligibility Criteria

To qualify for Adoption 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.

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 the Council with the appropriate notice and evidence of entitlement.

4 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 Business Manager 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 Evidence

In order to receive Adoption Pay and leave, the employee must provide the Business Manager 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).

6 Adoption Appointments

The main adopter has the right to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments.

7 Leave During Adoption Leave

7.1 Annual Leave

Annual leave continues to accrue during adoption leave.

7.2 Bank/Public Holidays

Bank/public holidays continue to accrue during adoption leave.

7.3 Carry Forward of Annual Leave

The employee and their line manager should review annual leave arrangements prior to adoption leave being taken. Where taking adoption leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

8 Continuous Service

Adoption leave counts as continuous service for statutory and contractual purposes.

9 Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

Employee Contributions During Maternity/Paternity/Adoption Leave

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

Employees will not pay pension contributions during any period of unpaid leave. However, there is a distinction between the following:

- Periods of unpaid Ordinary Maternity Leave, Ordinary Adoption Leave and Paternity Leave, when the employer continues to make pension contributions.
- Periods of unpaid Additional Maternity Leave and Additional Adoption Leave when the employer does not make any pension contributions.

In the latter case the employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount 'lost' during the unpaid leave. Information about this is set out in the employer's information below.

Employer Contributions During Maternity/Paternity/Adoption Leave

The Town Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay during their leave is higher than APP, the Town Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of Additional Maternity Leave or Additional Adoption Leave. The employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave.

If the employee notifies the Assistant Finance Officer in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the Assistant Finance Officer of this decision later than 30 days after returning to work then the whole cost will be borne by the employee unless the Town Council voluntarily agrees to contribute to the APC.

10 Returning to Work

10.1 Notification Requirements

Line 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 Line Manager know when they are likely to return as soon as possible that would be appreciated.

10.2 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.

10.3 Keeping in Touch

An employee can do up to 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 Line Manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on adoption leave.

Shared Parental Leave Policy

Frome Town Council

Definitions

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
- "Primary adopter" refers to the nominated parent (when a couple is adopting) who is entitled to take the statutory adoption leave / pay.

Abbreviations

The following abbreviations are used within this policy:

- SPL Shared Parental Leave
- ShPP Shared Parental Pay
- SMP Statutory Maternity Pay
- SAP Statutory Adoption Pay
- MA Maternity Allowance

Overview

In 2015 the Government introduced new legislation which enables mothers, fathers/partners and primary adopters to decide how to share the care of their child during the first year of birth or adoption.

The legislation enables mothers or primary adopters who wish to, to end their maternity or adoption leave/pay period early and share the remaining entitlement with their partner.

It is important to understand that there is a distinction between the entitlement to leave and pay.

It is also important to understand that each individual (i.e. the mother/primary adopter and the father/partner) wishing to take a period of Shared Parental Leave and/or receive Shared Parental Pay must be assessed in their own right to check whether they are eligible.

Depending upon whether they satisfy specific qualification criteria, individuals may be entitled to:

- Leave (SPL) and pay (ShPP)
- Pay (ShPP) but not leave (SPL)

- Leave (SPL) but not pay (ShPP)
- Neither leave (SPL) nor pay (ShPP)

SPL can only be used by two people:

- The mother/primary adopter and

One of the following:

- The father of the child (in the case of birth) or
- The spouse, civil partner or the partner of the child's mother/primary adopter.

1 Shared Parental Leave

1.1 Entitlement to Shared Parental Leave

The total amount of leave to which employees may be entitled is calculated using the mother's/primary adopter's entitlement to maternity/adoption leave/pay. The maximum amount of SPL available is 52 weeks. SPL must be taken during the child's first year of birth/placement and must end no later than one year after the birth/placement of the child.

A mother/primary adopter who is entitled to maternity/adoption leave must take a period of compulsory leave of two weeks immediately after the birth or placement of the child. Following this they can take a period of up to 50 weeks' maternity/adoption leave. This means that a mother/primary adopter who ends their maternity/adoption leave at the earliest opportunity could share up to 50 weeks' SPL with their partner.

A mother/primary adopter who is not entitled to Maternity Leave (e.g. an agency worker, casual worker or not in work) may still be entitled to pay. This could be Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA). These are paid for 39 weeks. As above, the mother/primary adopter must take SMP/SAP/MA for a compulsory period of two weeks immediately after the birth or placement of the child. If the mother/primary adopter ends their period of pay before the 38th week of pay, the father/partner may be entitled to up to 50 weeks of Shared Parental Leave, some of which may be paid. The amount of Shared Parental Leave available to the father/partner is calculated by deducting from 52 weeks the number of weeks of SMP, SAP or MA taken by the mother/primary adopter.

1.2 Eligibility to Shared Parental Leave

It is the employee's responsibility to prove that they are eligible for SPL and ShPP. Employees can check their eligibility for SPL and ShPP via the Gov website: <https://www.gov.uk/shared-parental-leave-and-pay-employer-guide/overview>

To be eligible for SPL both individuals must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- The mother/primary adopter of the child must be/have been entitled to statutory maternity/adoption leave. If not entitled to statutory maternity/adoption leave, they must be/have been entitled to statutory maternity/adoption pay or maternity allowance.
- The mother/primary adopter must have ended, or given notice to end, any maternity/adoption entitlements via the 'Curtailed of Maternity/Adoption Leave and/or Pay' form.
- The employee must still be working for the Frome Town Council at the start of each period of SPL.
- The employee must pass the 'continuity test', which requires them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- The employee must correctly notify their Line Manager of their entitlement and provide evidence as required.
- The employee's partner must meet the 'employment and earnings test'. This requires them to have in the 66 weeks before the week of the baby's due date/week they're matched with their adopted child to:
 - have been working for at least 26 weeks (they don't need to be consecutive)
 - have earned at least £390* in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be consecutive)

*This is a statutory amount and is subject to annual review

2 Shared Parental Pay

2.1 Entitlement to Shared Parental Pay

The total amount of pay to which employees may be entitled will depend upon how much Statutory Maternity/Adoption Pay or Maternity Allowance the mother/primary adopter has been paid at the date when their maternity/adoption leave or maternity/adoption pay period ends. The principle is that any pay (SMP/SAP/MA) not taken can be converted into Shared Parental Pay as long as the person wanting to take this is eligible.

SMP/SAP/MA is paid for 39 weeks. A mother/primary adopter who is entitled to this must take two weeks' of pay during the compulsory two week period immediately after the birth/placement. The mother/primary adopter may choose to end their maternity/adoption pay early at some point after this. In this case any paid weeks not taken as SMP/SAP/MA (as

long as there are at least two weeks' pay remaining) may be taken as Shared Parental Pay (ShPP). If the mother/primary adopter took the minimum amount of SMP/SAP/MA, this would therefore enable 37 weeks' of Shared Parental Pay to be taken.

Any Statutory Shared Parental Pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

2.2 Eligibility for Statutory Shared Parental Pay (ShPP)

It is the employee's responsibility to prove that they are eligible for SPL and ShPP. Employees can check their eligibility for SPL and ShPP via the Gov website: <https://www.gov.uk/shared-parental-leave-and-pay-employer-guide/overview>

For employees to be eligible for ShPP, both parents must each meet certain eligibility requirements.

Mother's/primary adopter's eligibility for statutory shared parental pay:

The mother/primary adopter is eligible for ShPP if they:

- Have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth/placement and remain in continuous employment with his/her employer until the week before any period of shared parental pay that they get;
- Have normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth/placement of at least the Lower Earnings Limit for national insurance contribution purposes;
- Have, at the date of the child's birth/placement, the main responsibility, apart from the partner, for the care of the child;
- Are absent from work and intend to care for the child during each week in which they receive statutory Shared Parental Pay; and
- Are entitled to Statutory Maternity/Adoption Pay in respect of the child, but the maternity/adoption pay period has been reduced.

In addition, for the mother/primary adopter to be eligible for ShPP their partner must:

- Have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- Have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and

- Have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be consecutive).

Partner's eligibility for Statutory Shared Parental Pay:

The partner is eligible for ShPP if they:

- Have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remain in continuous employment with their employer until the week before any period of shared parental pay that they get;
- Have normal weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth of at least the Lower Earnings Limit for national insurance contribution purposes;
- Have, at the date of the child's birth/placement, the main responsibility, apart from the mother/primary adopter, for the care of the child; and
- Are absent from work and intend to care for the child during each week in which they receive statutory shared parental pay.

In addition, for the partner to be eligible, the mother/primary adopter must:

- Have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- Have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be consecutive)
- Have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child; and be entitled to statutory maternity pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period have been reduced.

3 Requesting Shared Parental Leave

An employee considering taking SPL is encouraged to contact their Line Manager to arrange an informal discussion as early as possible regarding their potential entitlement.

Once an employee has checked that they are eligible for SPL and/or ShPP, they should then complete a 'Notice of Entitlement and Intention' form (Appendix D) which should then be given to their Line Manager.

Before SPL can begin the mother/primary adopter must end their maternity/adoption leave and/or pay entitlement. Therefore if the employee is the mother/primary adopter then they must also complete the 'Curtailment of Maternity/Adoption Leave and/or Pay' form

(Appendix C)

3.1 Requesting Further Evidence of Eligibility

The Council may request, within 14 days of receiving the 'Notice of Entitlement and Intention' form being given:

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

In order to be entitled to Shared Parental Leave, the employee must produce this information within 14 days of the employer's request.

3.2 Booking Shared Parental Leave

In addition to notifying the employer of entitlement to SPL/ShPP via the 'Notice of Entitlement and Intention' form, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

Requests for leave should be made via the 'Period of Shared Parental Leave Notice' (appendix F).

The employee must book leave by giving the correct notification at least eight weeks before the date on which they wish to start the leave and, if applicable, receive ShPP.

Eligible employees have the right to submit up to three notifications specifying leave periods they are intending to take.

Each period of leave may consist of either

- a single period of weeks of leave; or
- two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

Leave must be taken in complete weeks but can start on any day of the week.

Periods of Shared Parental Leave can be taken either at the same as or at different times to leave taken by their partner.

The father/partner can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as they cannot take paternity leave or pay once SPL has been taken).

SPL must be taken during the child's first year of birth/placement and must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption will be lost.

3.3 Continuous Periods of Shared Parental Leave

If the employee submits a 'Period of Shared Parental Leave Notice' requesting one continuous period of leave, they will be automatically entitled to take that period of leave.

3.4 Discontinuous Periods of Shared Parental Leave

The employee may submit a Period of Shared Parental Leave Notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the employee submits a request for a period of discontinuous of leave, the Town Council can, in the two weeks beginning with the date the period of leave notice was given:

- Consent to the pattern of leave requested;
- Propose an alternative pattern of leave; or
- Refuse the pattern of leave requested.

If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. The employee must notify the Town Council of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if the Town Council has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting discontinuous periods of leave.

The employee can withdraw a Period of Shared Parental Leave Notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

3.5 Arranging a Meeting to Discuss Leave Requests

Any meetings arranged to discuss leave requests and/or entitlement to SPL should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then the meeting may be held over the telephone.

At the meeting the employee may, if they wish, be accompanied by a work colleague or trade union representative.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Town Council, and what the outcome may be if no agreement is reached.

A response to the SPL request should be given no later than the 14th day after the request was made.

3.6 Variations to Arranged Shared Parental Leave

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Town Council, in writing at least eight weeks before the date of the variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification and will reduce by one the employee's right to book/vary leave.

However a change as a result of a child being born early, or as a result of the Town Council requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the Town Council.

4 Fraudulent Claims

Where there is a suspicion that fraudulent information may have been provided or where the Council has been informed by the HMRC that a fraudulent claim was made, the Town Council can investigate the matter further in accordance with their usual investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

5 Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

Employees on any of the following will pay pension contributions based on any pensionable pay that they receive:

- Ordinary Maternity Leave, Paternity Leave or Ordinary Adoption Leave, regardless of whether these are paid or unpaid
- Paid Shared Parental Leave
- Paid Additional Maternity Leave or paid Additional Adoption Leave

The Town Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay is higher than APP, the Town Council will pay contributions based on this higher amount.

APP does not apply during any period of unpaid Additional Maternity Leave, unpaid Additional Adoption Leave or unpaid Shared Parental Leave. The employee can choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave. Further details can be obtained from the Town Clerk.

If the employee notifies the Assistant Finance Officer in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC

If the employee notifies Assistant Finance Officer of this decision later than 30 days after returning from their SPL then the whole cost will be borne by the employee, unless the Town Council voluntarily agrees to contribute to the APC.

6 Continuous Service

Any periods of Shared Parental Leave will count as continuous service for statutory and contractual purposes.

7 Leave During Shared Parental Leave

7.1 Annual Leave and Bank/Public Holidays

Annual leave and bank/public holidays continue to accrue during SPL. Where bank/public holidays fall during a period of SPL, the employee will be entitled to a day's holiday (pro rata if part-time) in lieu of each bank/public holiday.

7.2 Carry Forward of Annual Leave and Bank/Public Holidays

The employee and their line manager should review annual leave arrangements prior to SPL being taken. Where taking SPL means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

7.3 Treatment of Leave Where an Employee Changes Their Hours after Shared Parental Leave

If an employee changes their hours after taking SPL, all leave accrued up to the agreed date when their hours change is calculated based on their original hours and any leave accrued subsequently is calculated based on their new hours.

8 Returning To Work

8.1 Shared Parental Leave In Touch Days (SPLIT)

Employees can work up to 20 days without bringing their Shared Parental Leave to an end. These are called Shared Parental Leave In Touch (SPLIT) days.

Working for part of a day will count as one day. An employee will not lose any SPL or ShPP for working up to 20 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.

SPLIT days are optional - both the employee and your employer must agree to them.

Managers need to ensure that they keep in touch with their employees whilst they are on Shared Parental Leave. If you do not wish to be contacted, please notify your Line Manager and/or the Business Manager. Any relevant correspondence will be sent to all employees whilst they are on Shared Parental Leave.

Appendix A

Examples of changing hours and annual leave following Shared Parental Leave

Example:

A woman working full-time (37 hours per week) and entitled to 24 days' annual leave per year takes maternity and then shared parental 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 and shared parental leave, she had not taken any of the current annual leave year's entitlement.*

Her shared parental 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.

* For simplicity, this example does not take account of bank/public holidays, although these accrue during Shared Parental Leave and would also need to be factored in to any calculations.

Appendix B

Examples of how Shared Parental Leave can be taken

Example A:

A mother takes her compulsory 2 weeks' statutory maternity leave following the birth of her child. She then takes a further 25 weeks' maternity leave before returning to work. Her husband takes his 2 weeks' paternity leave directly following the birth of the child. He then takes 25 weeks' shared parental leave starting from the point that his wife returns to work.

Example B:

A primary adopter takes their compulsory 2 weeks' statutory adoption leave following the placement of their child. They then take a further 20 weeks' adoption leave. The primary adopter and their partner then both take 15 weeks' shared parental leave at the same time (which in total uses the remaining 30 weeks SPL available).

Example C:

A mother takes her compulsory 2 weeks' statutory maternity leave following the birth of her child. She then remains on maternity leave for a further 6 weeks during which time her partner takes SPL.

She then returns to work and her partner takes a further 6 weeks' shared parental leave. He then returns to work and she takes the next 10 weeks' leave. She then returns to work and he takes the next 10 weeks' leave. Together they then split the remaining 10 weeks by both having 5 weeks off together.

Appendix C

Curtailment of Maternity/Adoption Leave and/or Pay

1. This form must be completed by the mother/primary adopter to bring their Maternity/Adoption Leave period to an end in order to opt into Shared Parental Leave.
2. You are only able to curtail (i.e. bring to an end) your Maternity/Adoption Leave and opt into Shared Parental Leave (SPL) after you have provided your MAT B1 and any relevant maternity / adoption forms.
3. You should complete and submit this form along with the Notice of Entitlement and Intention to Take Shared Parental Leave form
4. You must state the date on which you propose your Maternity/Adoption Leave to end.

That date must be:

- after the compulsory Maternity Leave Period which is the 2 weeks after the birth
- at least 8 weeks after the date on which you provide this Maternity Leave Curtailment Notice
- at least 1 week before what would be the end of the additional Maternity Leave Period (which is 52 weeks after the birth)

Section A – Your details

Surname	
First name(s)	
Child's expected date of birth/placement	
Actual date of child's birth (if born)/placement	

Section B – If curtailing maternity/adoption leave

Date statutory maternity/adoption leave started/is intended to start	
Date statutory maternity/adoption leave will come to an end	
Total number of weeks of statutory maternity/adoption leave that will have been taken at the date that statutory maternity/adoption leave ends	

Section C – If curtailing maternity/adoption pay (only complete if claiming ShPP and if you have a minimum of 2 weeks maternity pay remaining)

Date SMP/SAP started/is intended to start	
Date SMP/SAP will come to an end	
Total number of weeks of SMP/SAP that will have been paid at the date that SMP/SAP ends	

Declaration

Please accept this as my notice to curtail my maternity/adoption leave and/or SMP/SAP. This form is accompanied by notification that either I intend to take SPL and/or ShPP or that my partner intends to take SPL and/or ShPP.

I understand that my maternity/adoption leave will end on the date given in Section B and that my SMP/SAP will end on the date given in Section C.

I understand that I can only reinstate my maternity/adoption leave if I revoke this notice before the curtailment date given in Section B. I understand that if I am eligible for myself or my partner to opt into SPL and ShPP I can only reinstate my SMP/SAP if I revoke this notice before the end date given in Section C.

Signed.....

Print.....

Date.....

Appendix D

Notice of entitlement and intention to take Shared Parental Leave form

1. This form must be completed by the mother/primary adopter in conjunction with the curtailment of Maternity/Adoption Leave and/or Pay
2. This form must be submitted to the Line Manager at least eight weeks before the date on which you wish to start the leave and (if applicable) receive ShPP.

Section A – Your details:

Surname	
First name(s)	
Child's expected date of birth/placement	
Actual date of child's birth/placement (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	

Section B – Your partner's details:

Partner's surname	
Partner's first name(s)	
Partner's address	
Partner's National Insurance number (State 'none' if no number is held)	

Section C – Maternity / adoption details:

Date mother/primary adopter started (or intends to start) statutory maternity/adoption leave	
Date mother's/primary adopter's statutory maternity/adoption leave ended (or will end)	
Total number of weeks of statutory maternity/ adoption leave that will have been taken at the date that statutory maternity/adoption leave ends	
Date mother/primary adopter started (or intends to start) SMP/MA/SAP	
Date mother's/primary adopter's SMP/MA/SAP ended (or will end) (as below in section D)	
Total number of weeks SMP/MA/SAP has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP/MA/SAP will be reduced (i.e. 39 weeks minus total number of weeks SMP/MA/SAP has been paid or will have been paid at date	

of curtailment)	
Total number of weeks of SPL created (52 weeks less total number of maternity/adoption weeks taken and any SPL from a previous notice and revocation)	
Total number of weeks of SPL the mother/primary adopter intends to take	
Total number of weeks of SPL that the father/partner intends to take	

Section D - Indication of intentions:

I (the mother/primary adopter) currently expect to take SPL as follows:
(Note: It will usually be helpful to answer this in a "From... To..." format)

Section E - Shared Parental pay (only complete if claiming ShPP):

Total number of weeks of ShPP created (39 weeks less total number of SMP/SAP taken and any ShPP paid from a previous notice and revocation)	
Total number of weeks of ShPP that I (the mother/primary adopter) intend to take:	
Total number of weeks of ShPP that my partner intends to take:	
I (the mother/primary adopter) currently expect to take ShPP as follows: <i>(Note: It will usually be helpful to answer this in a "From... To..." format)</i>	

Section F – Mother’s/primary adopter’s declaration (must be completed):

The following points apply in all circumstances where a mother is entitled to maternity leave:

- I am giving notice that I am entitled to and intend to take Shared Parental Leave (SPL).

- I have, or will have, been continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due/placed.
- I will remain employed with this employer until any period of SPL that I intend to take.
- I had (or will have) the main responsibility for the care of the child at the time of the child's birth/placement (along with my partner, who has made the declaration below).
- I am entitled to maternity/adoption leave, my maternity/adoption leave period is reduced and the remaining weeks are now available as SPL.
- I will inform my employer immediately if I am no longer caring for my child
- **Maternity only:** If my employer asks within 14 days of the date of this notice, I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available.
- **Adoption only:** If my employer asks within 14 days of the date of this notice, I will give my employer evidence, in the form of one or more documents issued by the adoption agency that matched me with the child, of
 - (i) the name and address of the adoption agency;
 - (ii) the date that I was notified of having been matched for adoption with the child;
 - (iii) the date on which the adoption agency expects to place the child with me.
- If my employer asks for this within 14 days of the date of this notice, I will give my employer the name and address of my partner's employer or a declaration that they do not have an employer.
- I (or my partner) have given a period of SPL notice.
- The information provided in this declaration is accurate and meets the notification requirements for SPL.

The following points only apply if Section E has been completed:

- I am giving notice that I am entitled to and intend to take Shared Parental Pay (ShPP).
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth/placement.
- I am entitled to SMP/SAP in respect of the birth/placement of our child, my maternity/adoption pay period is reduced and the period that remains is available as ShPP.
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL).
- I intend to care for my child in the weeks I receive ShPP.
- I will remain employed with this employer until before the date of my first period of ShPP.
- I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA.
- The information provided in this declaration is accurate.

Signed.....

Print.....

Date.....

Section G: Partner's declaration:

- **Maternity only:** I am the father of the child or, at the date of the birth I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship
Adoption only: I am the adopter's spouse, the adopter's civil partner or the adopter's partner living with them and the child in an enduring relationship.
- I had (or will have) the main responsibility for the care of our child at the time of the birth/placement (along with the child's mother/primary adopter)
- I have been (or will have been) employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of childbirth/placement.
- I have (or will have) earned in total at least £390* in 13 weeks of the 66 weeks before the expected week of childbirth/placement.
*subject to annual review
- I consent to the amount of SPL which the mother/primary adopter intends to take, as set out in Section D above.
- I consent to the mother/primary adopter's employer processing the information I have provided.
- I consent to the amount of ShPP which the mother/primary adopter intends to take, as set out in Section E above.
- The information provided in this declaration is accurate.

Signed.....

Print.....

Date.....

Appendix E

Notification that Partner is intending to take SPL

1. This form must be completed by the mother's/primary adopter's partner who is entitled to and intends to take SPL (and ShPP if section C is completed).
2. This form must be submitted to the Town Clerk at least eight weeks before the date on which you wish to start the leave and (if applicable) receive ShPP.

Section A - Your Details

Your surname	
Your first name(s)	
Child's expected date of birth/placement	
Actual date of child's birth/placement (if child not yet born/placed please provide this information as soon as reasonably practicable following birth/placement and before any SPL taken)	

Section B - Your Partner (the mother/primary adopters) details

Mother's/primary adopter's surname	
Mother's/primary adopter's first name(s)	
Mother's/primary adopter's Address	
Mother's/primary adopter's National Insurance number (State 'none' if no number is held)	

Section C – Maternity / adoption details

Date mother/primary adopter started (or intends to start) maternity leave (if applicable)	
Date mother's/primary adopter's maternity/adoption leave ended (or will end) (if applicable)	
Total number of weeks of maternity/adoption leave taken (or that will be taken) when maternity/adoption leave ends	
Date mother/primary adopter started (or intends to start) SMP/MA/SAP (if applicable)	
Date mother/primary adopter's SMP/MA/SAP ended (or will end) (if applicable)	
Total number of weeks SMP/MA/SAP has been paid or will have been paid at date of curtailment	

Total number of weeks by which SMP/MA/SAP will be reduced (i.e. 39 weeks minus total number of weeks SMP/MA/SAP has been paid or will have been paid at date of curtailment)	
Total number of weeks of SPL created (50 max)	
Total number of weeks of SPL that I (the partner) intend to take	
Total number of weeks of SPL that the mother/primary adopter intends to take (if applicable)	

Section D - Indication of intentions:

I (the partner) currently expect to take SPL as follows:

(Note: It will usually be helpful to answer this in a "From... To..." format)

--

Section E - Shared Parental pay (only complete if claiming Shared Parental Pay):

Total number of weeks of ShPP created (39 weeks less total number of SMP/SAP taken and any ShPP paid from a previous notice and revocation)	
Total number of weeks of ShPP I intend to take:	
Total number of weeks of ShPP my partner (the mother/primary adopter) intends to take:	
I (the partner) currently expect to take ShPP as follows: Note: It will usually be helpful to answer this in a "From... To..." format	

Section F - Declaration:

- I am giving notice that I am entitled to and intend to take Shared Parental Leave (SPL).
- Maternity only: I am the father of the child, or at the date of the birth I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship.

Adoption only: I am the adopter's spouse, the adopter's civil partner or the adopter's partner living with them and the child in an enduring relationship.

- I have been (or will be) continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due or will be placed.
- I will remain employed with this employer until any period of SPL that I intend to take.
- I had (or will have) the main responsibility for the care of our child at the time of the child's birth/placement (along with the child's mother/primary adopter who has made the declaration below).
- Maternity only: I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice.
Adoption only: If my employer asks within 14 days of the date of this notice, I will give my employer evidence, in the form of one or more documents issued by the adoption agency that matched me with the child, of
 - (i) the name and address of the adoption agency;
 - (ii) the date that I was notified of having been matched for adoption with the child;
 - (iii) the date on which the adoption agency expects to place the child with me.
- If my employer asks for this within 14 days of the date of this notice, I will give my employer the name and address of the mother's/primary adopter's employer or a declaration that she/he does not have an employer.
- I will inform my employer immediately if I am no longer caring for our child or if my partner revokes her notice to curtail her/his maternity/adoption leave or SMP/MA/SAP period.
- I (or my partner) have given a Period of Shared Parental Leave Notice
- The information provided in this declaration is accurate and meets the notification requirements for SPL.

The following points only apply if Section E has been completed:

- I am giving notice that I am entitled to and intend to take Shared Parental Pay (ShPP).
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth/placement.
- I intend to care for my child in the weeks I receive ShPP.
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL).
- I will remain employed with this employer until before the date of my first period of ShPP.
- The information provided in this declaration is correct.

Signed.....

Print.....

Date.....

Section G – Your partner (the mother / primary adopter) declaration

- I had (or will have) the main responsibility for the care of the child at the time of the birth/placement (along with my partner, who has made the declaration above).
- I am entitled to maternity/adoption leave and/or SMP/MA/SAP in respect of the child and I have curtailed (or will curtail) my entitlement to maternity/adoption leave (or I have returned to work) and/or my entitlement to SMP/MA/SAP.
- I have, or will have, been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of childbirth/placement.
- I have (or will have) earned in total at least £390* in 13 weeks of the 66 weeks before the expected week of birth/placement.
*subject to annual review
- I will immediately inform my partner if I revoke my notice to curtail my maternity/adoption leave or, if I am not entitled to maternity/adoption leave, my SMP/MA/SAP entitlement.
- I consent to my partner's intended SPL as set out in Section D above.
- I consent to my partner's employer processing the information I have provided.
- The information provided in this declaration is accurate and meets the notification requirements for SPL.

The following points only apply if Section E has been completed:

- I am entitled to SMP/MA/SAP, and I have reduced (or will reduce) the SMP/MA/SAP period and the remainder will be available as Shared Parental Pay (ShPP).
- I consent to my partner's intended ShPP as set out in Section E above.
- I will immediately inform my partner if I revoke the reduction of my SMP/MA/SAP.
- I consent to the person who will pay ShPP to my partner or the child's father processing the information I have provided.
- The information provided in this declaration is correct.

Signed.....

Print.....

Date.....

Appendix F

Period of Shared Parental Leave Notice

1. This form must be completed in conjunction with the 'Notice of entitlement and intention to take Shared Parental Leave' form.
2. This form must be submitted to the Town Clerk at least eight weeks before the date on which you wish to start a period of leave and (if applicable) receive ShPP.
3. Please note that you are only able to submit your period of leave notice (including any variations) a maximum of 3 times.

Section A – Your entitlement

How many weeks Shared Parental Leave do you have available?		
A	How many weeks of Statutory Maternity Leave will you/your partner have not used at the point when the maternity/adoption leave is curtailed (i.e. ended)?	
B	How many weeks of Shared Parental Leave have you taken in total to date since maternity / adoption leave was curtailed?	
C	How many weeks of Shared Parental Leave has your partner taken in total to date since maternity / adoption leave was curtailed?	
D	No. of weeks of Shared Parental Leave still available (A – B – C = No. of weeks leave available)	
How many weeks Shared Parental pay do you have available?		
E	How many weeks of Statutory Maternity Pay will you/your partner have not used at the point when the maternity/adoption leave is curtailed (i.e. ended)?	
F	How many weeks of Shared Parental Pay have you received in total to date since maternity / adoption leave was curtailed?	
G	How many weeks of Shared Parental Pay has your partner received in total to date since maternity / adoption leave was curtailed?	
H	No. of weeks of Shared Parental Pay still available (E – F – G = no. of weeks pay available)	

Section B – Your request

I intend to take the following number of weeks' Shared Parental Leave (ShL) (Total available = D):

--

I intend to take these ShL weeks on the following dates:

From	To	Do you wish to be paid your available ShPP during this date? (total available = H)

Signed.....

Print.....

Date.....

Office use only:

Date request received:		Request number (max 3):	
Is the request continuous or discontinuous?		If request discontinuous, was it approved?	
Amount of SPL remaining:		Amount of ShPP remaining:	

Appendix G

Shared Parental Leave – Checklist for Line Managers

Early discussions regarding SPL

- Line Manager to have an informal discussion with the employee regarding intention to take SPL
- Line Manager to draw the employee's attention to this policy
- Line Manager to refer the employee to the Gov.uk website for the employee to check their own eligibility and entitlement
- Line Manager to provide the employee with 'Curtailed Maternity/Adoption Leave and/or Pay' form (appendix C) (if the employee is the mother/primary adopter)
- Line Manager to provide the employee with 'Notice of Entitlement and Intention' form (appendix D) (if the employee is the mother/primary adopter)
- Line Manager to provide the employee with 'Notification that Partner is intending to take SPL' form (appendix E) (if the employee is the partner of the mother/adopter)
- Line Manager to provide the employee with 'Period of Shared Parental Leave Notice' form (appendix F)

Before SPL can be taken

To be submitted before or at the same time as any request for a period of SPL:

- Employee to submit 'Notice of Entitlement and Intention' form to their Line Manager (appendix D) (if the employee is the mother/primary adopter)
- Employee to submit 'Notification that Partner is intending to take SPL' form to their Line Manager (appendix E) (if the employee is the partner of the mother/adopter)
- If relevant, the Line Manager to request further evidence from employee (to be done within 14 days of receiving the 'Notice of Entitlement and Intention' form)

To be submitted after or at the same time as the 'Notice and Entitlement and Intention' form:

- Employee to submit 'Curtailed Maternity/Adoption Leave and/or Pay' form (appendix C) (if the employee is the mother/primary adopter)
- Employee to submit 'Period of Shared Parental Leave Notice' form (appendix F) to their Line Manager at least eight weeks before the date on which they wish to start the leave and, if applicable, receive ShPP
- Line Manager to check request to ensure each period of leave consists of either a) a single period of weeks of leave; or b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave
- Line Manager to arrange a meeting with the employee to discuss leave requests
- Line Manager to review any requests for discontinuous leave and either:
 - Consent to the pattern of leave requested;
 - Propose an alternative pattern of leave; or

- Refuse the pattern of leave requested.

During periods of SPL

- Line Manager to have regular contact with the employees throughout the duration of Shared Parental Leave
- Line Manager and employee to discuss any potential SPLIT days
- If relevant, employee to submit a request to their Line Manager to vary or cancel an agreed and booked period of SPL. Request must be in writing at least eight weeks before the date of the variation

Lone Worker Policy

Frome Town Council

1 Introduction

The purpose of this policy is to describe the measures that Frome Town Council considers necessary to manage the risk present when employees are required to work alone.

2 Definition

Lone Working includes employees working alone in the Town Hall and those whose duties involve working outside where there is no close, frequent, or regular contact with other colleagues.

3 Policy

Frome Town Council considers lone working as a high risk activity and will strive to minimise such working instances. The Council will, so far as is reasonably practicable, ensure that employees who are required to work alone are protected from risks to their health, safety, and welfare. Any risks to employees should be identified in discussion beforehand with their Line Manager and assessed, and where appropriate, maintain control measures to reduce the risk to an acceptable level.

When assessing lone working it is important to consider:

- The work activity
- The location and environment
- Persons with whom employees may come into contact
- Equipment that may be used
- Worse case foreseeable scenarios

4 Responsibilities

Line Managers' Duties

- The Line Manager will complete a risk assessment of the activity, location, and equipment and ensure appropriate procedures are prepared and communicated to the employee.
- They will monitor the effectiveness of the control measures.
- They will maintain lists of up to date contact details.

Line Managers must also ensure employees that are Lone Workers:

- Are not deployed in situations where violence or aggression is reasonably foreseeable without appropriate control measures being in place.
- Have been assessed, taking into account their capabilities and health condition.
- Are competent through experience and by receiving adequate information and training about safe working practices and have access to the appropriate equipment and supervision.
- Have suitable systems for them to report incidents or raising concerns.

Employees' Duties

- All employees have a responsibility to take care of their own safety and comply and cooperate with Frome Town Council's health and safety procedures.
- Employees should not knowingly place themselves in situations which expose them to additional risk by working alone.
- Employees should ensure their whereabouts are known to their Line Manager / colleagues before they leave their work place and undertake lone working.
- Employees should carry out their own 'Personal Assessment' before undertaking lone working. If they feel something is wrong, they should not commence the task, and report their concerns to their Line Manager.
- If an employee thinks they have any medical conditions which may make them unsuitable for lone working they should inform their Line Manager.
- Employees should ensure they are carrying a mobile phone, and their contact details are kept up to date and known by their Line Manager.

5 Risk Assessment

The risk assessment process will be undertaken as a joint exercise by both the lone worker and their Line Manager and that the agreed safe working procedures are recorded and communicated to all employees who may be required to work alone and any other employees who have a role in ensuring their safety.

6 Monitoring and Review

Lone working arrangements need to be subject to a monitoring regime commensurate with the risk, by their Line Manager. Risk assessments should be reviewed if any significant changes take place following an accident/incident or following any concerns being raised by the employee or Line Manager.

Leave Policy

Frome Town Council

1 Annual Leave

Frome Town 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 25 days, rising to 28 days after five years' continuous local government service. 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 salary payment.

2 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.

3 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 permission of their Line Manager.

4 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 their Line Manager 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 Parental Bereavement Leave

Employees are entitled to statutory parental bereavement leave (SPBL) if a child for whom they have or were due to have parental responsibility has died or been stillborn after 24 weeks of pregnancy, on or after 6 April 2020.

Leave can be taken as one week, two consecutive weeks, or two separate weeks, at any time within the first 56 weeks after the child's death.

Notification

During the first eight weeks after a child has died, you, or someone on your behalf as necessary, need only give notice to the Council to take SPBL before you are due to start work on the first day of leave. If you have already started work, then officially your SPBL period will start on the following day. If you want to cancel it at any time during the first seven weeks you can do so as long as it has not started.

After eight weeks, you need to give at least a week's notice to the Council to take SPBL.

You can cancel it with a week's notice, or re-book it by giving a week's notice.

When giving notice to take SPBL, you must tell the Council: the date of the child's death; when you want your leave to begin; and whether you want to take 1 or 2 weeks leave). You can give notice by telephone or by email or by letter.

Parental Bereavement Pay

To qualify for statutory parental bereavement pay (SPBP) during such leave you must have at least six months' continuous employment and normal weekly earnings of at least

the lower earnings limit. It is paid at the same rate as other statutory family leave pay, which is subject to change every year. You can check the most up-to-date figure with your line manager.

To claim SPBP, you must confirm the following information in writing within 28 days of starting any period of SPBL: your name; your entitlement to SPBP; the dates of SPBL you want to claim the pay for; the date of the child's death; and your relationship to the child.

You can provide this information at the same time as giving notice to take SPBL, as set out above, so long as it is in writing.

Other leave entitlements

In addition to parental bereavement leave, if you qualified for:

- maternity or paternity leave and pay and your child has died or been stillborn, you are still entitled to such leave and pay.
- adoption leave and pay, then the adoption leave entitlement runs for another eight weeks from the end of the week in which the child died (unless it would already have ended sooner).

If your planned period of SPBL coincides with another statutory family leave right, your SPBL will end at the start of that other leave. If you wish to take SPBL at the end of the other statutory family leave period, then a fresh notice to take the leave will be required, as per the above notice requirements.

Compassionate or Dependants leave may be available under our Compassionate or Dependants Leave Policy at our discretion. Please speak to your manager if you require time off in addition to parental bereavement leave.

6 Public Duties

Up to 5 days' leave with pay per year may be given with the permission of the Line Manager 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.

7 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.

8 Additional Leave

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

9 Parental Leave

9.1 Introduction

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

This leave must be taken between the child's birth or placement (in the case of adoption) and their 18th birthday.

9.2 Eligibility

The right to take up to 18 weeks' unpaid leave is subject to the following conditions:

- The rights are acquired after one year's continuous employment with the Council 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 needs to give his or her manager at least 21 days' notice in writing to take leave.
- The Line Manager may postpone the leave for a maximum of 6 months if there are sound business reasons for doing so. The Line Manager should seek agreement with the employee over mutually acceptable arrangements and confirm the outcome in writing within 7 days of the request.
- Line Managers should keep a record of leave taken under this entitlement, so that it is clear when the entitlement is exhausted.
- 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 Fit Note.

10 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 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.
- 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.

11 Implications of Authorised Unpaid Leave and Industrial Action for Local Government Pensionable Service

Under the LGPS 2014 rules, if employees who are LGPS members are granted unpaid leave of absence they will have the option to buy back the 'lost' pension by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract. The Town Council will contribute towards the cost, with the split being 1/3rd employee, 2/3rds employer. If the employee wishes to buy back the 'lost' pension they must write to the Assistant Finance Officer

Frome Town Council Leave Policy

Version: March 2018

Checked by Worknest: April 2023

within 30 days of their return to work indicating their decision. Details of the cost of buying back the 'lost' pension can be obtained from the Pension Scheme; please ask the Assistant Finance Officer for details.

If employees who are LGPS members are absent from work due to industrial action they will also have the option to buy back the 'lost' pension by making an Additional Pension Contribution. In order to do so they must write to the Assistant Finance Officer as above; however, there is no time limit and the entire cost will be met by the employee.

Smoking, Alcohol and Drugs Policy

Frome Town Council

Smoking

The Council operates a smoke-free workplace. Smoking (which includes the use of e-cigarettes and personal vaporisers) is only permitted in clearly designated outside areas. Smoking in any undesignated place [for example, in front of the Council offices] or any breach of this policy may result in the disciplinary procedure being commenced and viewed as an act of gross misconduct.

Smoking during working hours

Smoking is only permitted during lunch breaks, if you require additional breaks (no more than 2 a day); these are to be no longer than 10 minutes (including walking to and from designated area or off Council premises) and this time must be deducted from your lunch break or you may work additional time at the start or end of the day to make the time up, this is to be agreed informally by your Line Manager.

Alcohol and drugs

The Council's approach to the consumption of alcohol and drugs is based on the need to ensure a safe and productive working environment. Because of the serious nature of the risks posed by the abuse of alcohol and drugs in the workplace, any breach of this policy may result in the disciplinary procedure being commenced and viewed as an act of gross misconduct.

An employee will be regarded as 'under the influence' of alcohol or drugs if their behaviour, speech, ability to concentrate or otherwise perform their duties is in any way affected. If an employee is regarded as being under the influence, the disciplinary procedure may be commenced and viewed as an act of gross misconduct.

Dependency

Employees who have a dependency on alcohol or drugs may be offered support and encouraged to seek appropriate counselling or medical help. Absence arising from treatment or counselling related to drug and alcohol abuse will be treated as sickness absence under the Council's absence management policy. However, while the Council will always try to be supportive toward employees with a drug or alcohol problem, this will not prevent disciplinary action being taken when employees act in breach of the rules laid out in this policy.

Wherever an employee informs the Council that they have a drug or alcohol problem this will, as far as possible, be treated in the utmost confidence. However, the Council may need to disclose particular circumstances to Line Managers, regulatory authorities or others should this be necessary to ensure safety or compliance with legal requirements.

Drugs

The consumption, storage, distribution or sale of illegal drugs or any other behaviour-altering substance on Council premises or during working time is strictly prohibited. The Council will report any illegal activities to the police or other relevant authorities.

You must not present yourself for work under the influence of illegal drugs or any other substance taken for non-medical purposes.

Medicines and Prescription drugs

If you are taking prescription drugs or any other medicine that may affect your performance at work or your ability to carry out any of your duties, then you must inform your Line Manager of this so that steps can be taken to ensure that the work can be done safely. It is your responsibility, when beginning any course of medication, to check whether it may adversely affect your ability to work.

Alcohol

Consumption of even a small amount of alcohol may be sufficient to adversely affect the work of an employee and could pose a risk to health and safety. Remember that alcohol remains in the bloodstream for up to 24 hours following consumption and that the consumption of a significant amount of alcohol in the evening may leave you unfit to work in the morning.

You must not present yourself for work under the influence of alcohol.

You must not consume any alcohol during working time, lunchtime or during any break unless this has been specifically authorised by the Town Clerk.

Where alcohol is available at Council organised events or occasions when you are representing the Council – even outside working hours - it is important to behave responsibly and not drink to excess. Behaviour that reflects badly on the Council will be a disciplinary matter and in serious cases may amount to gross misconduct