

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

The Council's Operations and Assets 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 devices with virus checking software and should check how long downloads will take. If in doubt, employees should check with the Business team.

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 devices with appropriate virus checking software. If in any doubt about whether it is safe and permissible to use these devices, employees should ask the Business team.

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 devices 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 sends 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 HR team. If they do not have any questions, the Council assumes that the employee understands and accepts 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 from the first day of their employment.

A maximum of two flexible working requests can be made within any twelve month period. Only one request for flexible working may be live at any one time.

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 2 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 Operations and Assets 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 date of the request;
- the change the employee is requesting to the terms and conditions of their employment in relation to their hours, times or place of work;
- the date the employee would like the change to come into effect;
- if and when the employee has made a previous request for flexible working to the employer.

8 Meeting to Consider the Request

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.

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

When considering a request, the Line Manager and Business Manager should:

- Consider the request fairly;
- Consider the potential benefits and/or impacts that the change would have for the employee and the organisation;

- Consider any scope for compromise.

Flexible working requests will be agreed where possible. Requests may, however, be refused where there is a genuine business reason to do so.

Employers can reject an application for any of the following reasons:

- Burden of additional 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; or
- The proposal does not fit in with planned structural changes.

9 Consultation Meeting to Consider the Request

Where a request cannot be agreed in full without further information or discussion, the employee will be invited to a consultation meeting with the Line Manager and Business Manager.

The purpose of this meeting will be to discuss the request, obtain additional information where needed and fully explore the benefits/impact of the requested changes. Where there are concerns that the request may not be able to be granted in full, alternative arrangements can be discussed with a view to securing some of the benefits of the application.

The employee will be given 5 working days' notice of the meeting and will have the right to representation. A written record will be made of the meeting.

10 Making the Decision

After the meeting, the Business Manager (or Leader if in relation to the Town Clerk) 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.

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, or 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 of the reasons why the request cannot be accommodated at this time. The grounds on which a request may be refused are set out in the section above entitled 'Considering the Request.'

Regardless of whether or not an application is approved, a maximum of two flexible working requests can be made within any twelve month period. Only one request for flexible working may be live at any one time.

11 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.

The employee will be given 5 working days' notice of the meeting and will have the right to representation. A written record will be made of the meeting.

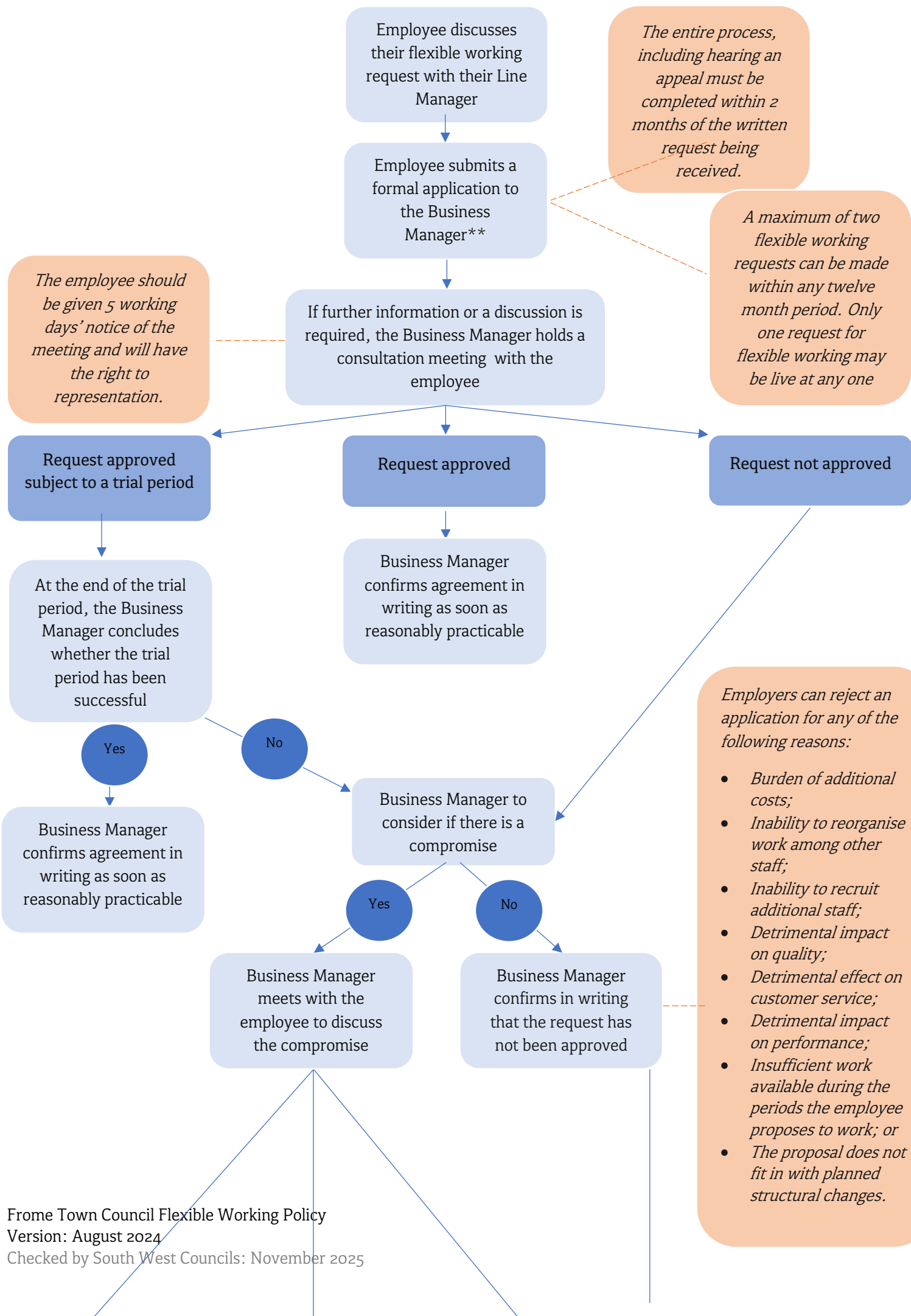
Appeals will be heard by a Panel of the Operations and Assets Committee who will notify the employee of the outcome, following the meeting.

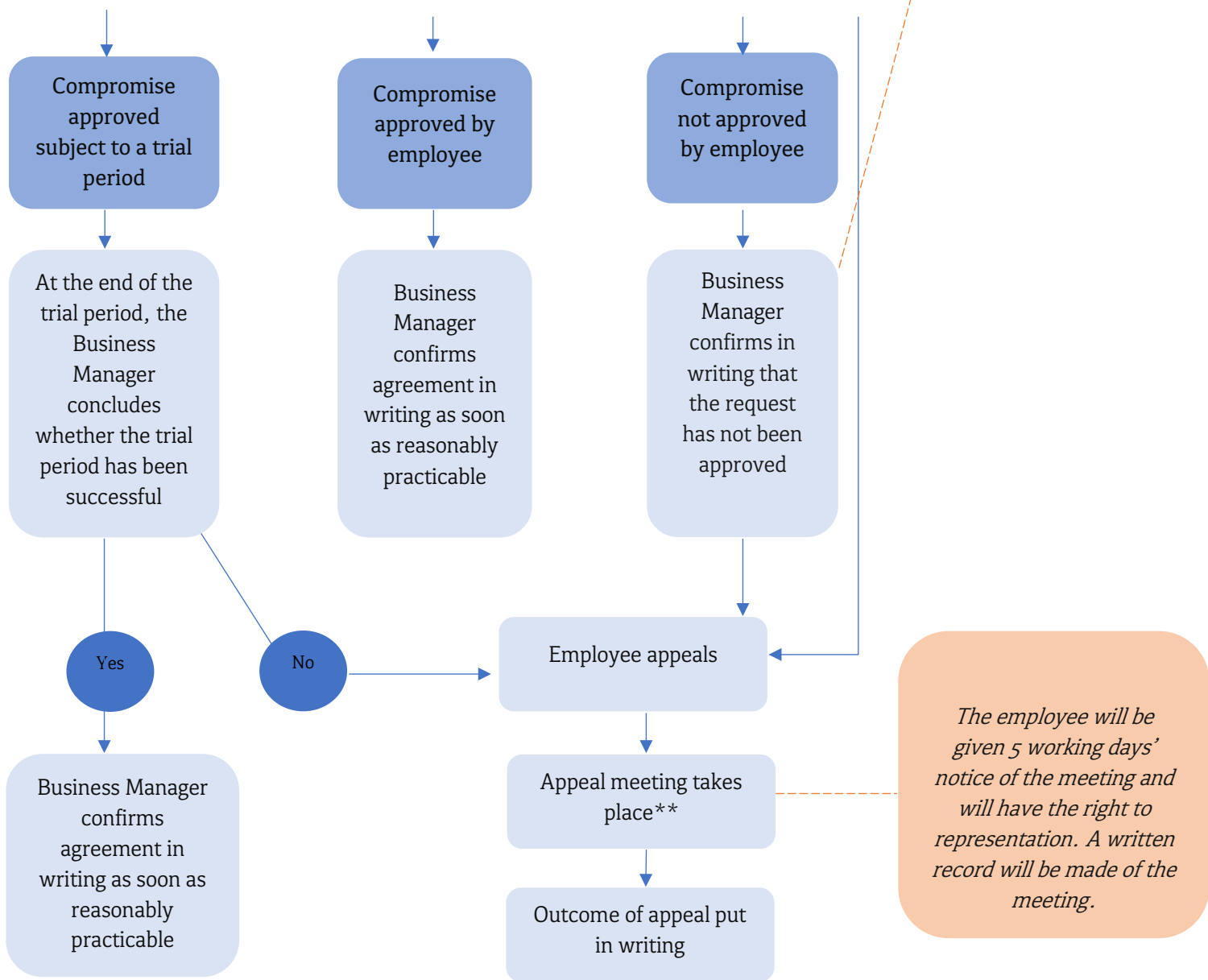
12 Review

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, a further meeting will be set up with the employee to consult them before a decision is made either to continue, 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 in working pattern will be made permanent. If it may not continue, notice will be given that the working pattern 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.





***Normally, the Business Manager will consider flexible working requests and appeals will be heard by a Panel of the Operations and Assets 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.

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, honesty, 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.

1 Policy Statement

The Council recognises that individual employees or groups of employees may, from time to time, feel they have been treated unfairly and wish to raise a concern about an aspect of their employment. The Council accepts that each employee has the right to raise a 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 encourage communication between employees and managers to ensure that problems arising during the course of employment can be expressed and resolved at the earliest opportunity and minimise the need for escalation to formal stages of this process.

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:

- Matters that have already been considered in accordance with this procedure;
- Matters arising from a disciplinary or capability process in which the employee is already involved and where there is an appeals procedure in place;
- Matters in respect of issues over which the Council has no control. e.g. external legislation;
- Matters that are already the subject of a collective grievance or dispute; and
- Matters relating to Councillors who have allegedly breached the Council's Code of Conduct. (See section 2 for further information regarding how these matters should be addressed).

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

This policy and the following procedure will be the subject of periodic review. Responsibility for conducting this review will rest with the Business Manager.

2 Grievances Relating to Breaches of the Council's Code of Conduct by Councillors

A grievance or complaint which relates to a breach of the Council's Code of Conduct by one or more Cllrs of Frome Town Council can initially be addressed informally as described in 3.2. below. However, if this is not possible/successful then a complaint should be made to the Monitoring Officer at Somerset Council rather than being addressed via the formal stages of

this Grievance Procedure. As a matter of courtesy the Town Clerk and the Leader of the Council should be informed if the matter has been raised with Somerset Council.

Where only part of a grievance or complaint relates to a Code of Conduct complaint, consideration should be given to which part(s) can be addressed under the Council's Grievance Procedure and which must be referred to Somerset Council.

A copy of the Councillor Code of Conduct (Chapter 9) may be accessed here on the Frome Town Council website www.frometowncouncil.gov.uk/council/frome-town-council/publications-strategic-documents/

3 Procedural Guidelines

3.1. General Principles

The grievance procedure should not be used as a substitute for constructive dialogue between employees or difficult conversations between employees and managers.

Grievances will be handled as quickly and fairly as possible.

Throughout any investigation that takes place, the Business Manager or other nominated point of contact will ensure that any employees affected by this process are informed of likely timescales.

All employees involved in a grievance process should respect confidentiality and the privacy of others at all times. Confidentiality breaches may result in disciplinary action being taken.

The Council will take all grievances seriously. However, where there is evidence to suggest that a grievance has been raised in bad faith and/or is malicious or vexatious this may be addressed as a disciplinary matter.

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Employees may wish to seek the advice of a trade union representative or work colleague when considering raising a grievance or when doing so.

3.2. Informal Resolution

In many cases the most effective way to resolve a grievance is to do so quickly and informally. Employees are encouraged to try to do this wherever possible.

Grievances should be raised informally as soon as possible and, other than in exceptional circumstances, within twenty working days of the incident or event. However it is recognised

that in some cases a recent grievance can include a series of directly related incidents which have had a cumulative effect and have happened over a longer time period.

Options include:

- The employee can discuss their grievance with the person/people who are the subject of those concerns in order to resolve the situation.
- The employee can have an informal discussion with their line manager to explain their grievance and ask them to assist in resolving it.
- The employee can have an informal discussion with the Business Manager to explain their grievance and ask them to assist in resolving it.
- In a situation where the grievance relates to the Town Clerk, the employee can have an informal discussion with the Leader to explain their grievance and ask them to assist in resolving it.
- Mediation (see below).

Where the employee approaches their line manager, the Business Manager or the Leader for assistance, those individuals should consider and seek to resolve the grievance within ten working days. Whether or not informal resolution proves possible, the employee should in every case be given relevant feedback.

3.3. Mediation

Workplace mediation is a voluntary and confidential process that can be used to attempt to resolve workplace conflict.

This option is available to the Council as a means to resolve the grievance informally, although mediation may also be used at any stage of the grievance process.

During mediation a trained, impartial mediator works with the parties to try to:

- clarify each person's concerns, perspectives and desired outcomes;
- support them to express this to the other party/parties in a safe and controlled environment;
- facilitate further discussion to explore the issues and reach a shared understanding;
- reach agreement about how things will work in future to resolve their differences and avoid future conflict.

3.4. Formal Resolution

If the aggrieved 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 of receiving feedback on the informal process.

3.4.1 Review of grievance

Upon review of the formal written grievance submission, the Town Clerk will decide whether further investigation is needed or whether the grievance can proceed straight to a meeting.

Should the Town Clerk be unable to investigate or respond to a grievance, e.g. because they have been named as a witness, then the grievance should be sent to the Leader as in Section 5 below.

3.4.2 Investigation

If it is decided that an investigation is needed, then the Town Clerk will appoint an appropriate investigator. This may be the Business Manager, another manager or someone external to the Council.

The investigation may involve interviewing other parties. All evidence collected during the investigation may be collated into a report, which would then be presented at the meeting.

The investigation will be concluded as soon as reasonably practicable.

3.4.3 The Grievance Meeting

The Town Clerk will arrange a meeting with the employee to discuss the grievance as soon as possible and normally within five working days of receiving the formal written grievance. If this is not possible, for example because an investigation is being carried out, the employee should be informed of the reason for any delay.

It is not expected that other parties, such as those named within the grievance, would attend the meeting. 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 to respond to any matters raised by the aggrieved employee during the course of the meeting.

When an investigation has not been carried out in advance it is still possible that, during the meeting, the Town Clerk may decide that it is necessary to adjourn the grievance meeting to conduct an investigation. This would be undertaken as set out in 3.4.2 above.

When an investigation has been carried out in advance, it is still possible that the Town Clerk may decide during the meeting that further investigation is needed. The meeting would be adjourned to enable this to be undertaken, usually by the original investigator.

In either of these situations where the meeting has been adjourned to enable investigation, once this has been completed the Town Clerk will decide whether to:

- reconvene the meeting to confirm the outcome and follow up in writing as set out below

or

- confirm the outcome in writing as set out below without reconvening the meeting.

3.4.3 The outcome

A formal written response to the grievance should be issued within 5 working days of either the initial or the reconvened grievance meeting taking place or following the conclusion of an investigation, as appropriate.

4 Appeal

If the employee is still aggrieved, there is a right of appeal to a panel of three Cllrs including the Leader and the Chair of Operations and Assets Committee. The 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.

5 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 oversee the investigation process and respond to the grievance as outlined above. This will also be the case if the Clerk is unable to investigate or respond to a grievance, e.g. because they have been named as a witness.

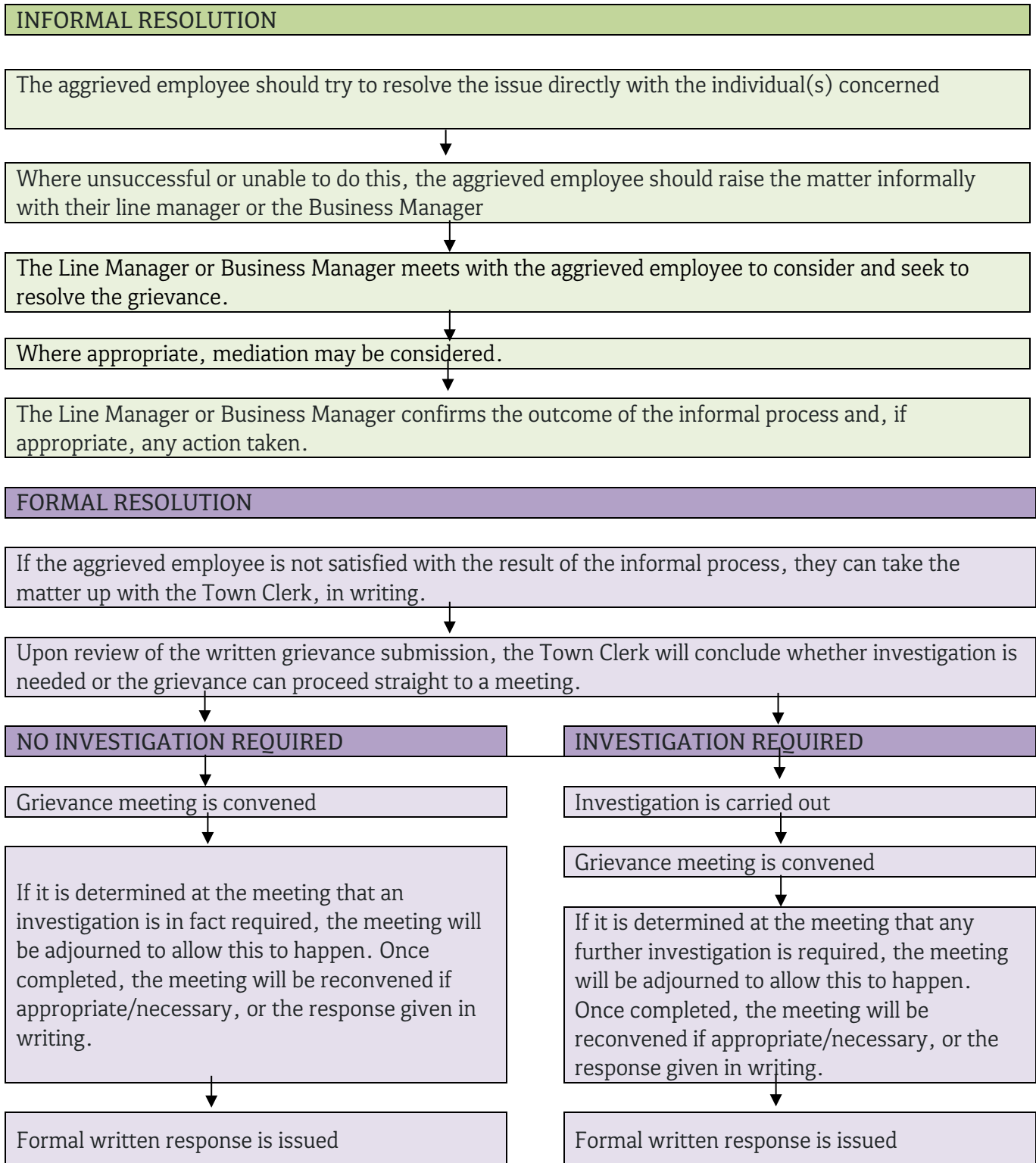
If the grievance is being raised by the Town Clerk the grievance should be submitted in writing to the Leader as above.

6 Representation

An individual raising a formal grievance may be accompanied throughout the formal stages of the process by a trade union representative or work colleague of their choice.

Grievance procedure flow chart

If the grievance relates to the Town/Parish Clerk, See Section 5



APPEAL

If the employee is still aggrieved, they can appeal to a panel of of three Cllrs including the Leader and the Chair of the Operations and Assets Committee



The Appeal Panel shall arrange for a meeting to consider the appeal.



A formal written response to the appeal is issued.



There is no further right of appeal.

1 Introduction

Frome Town Council are committed to promoting equality, diversity and inclusion for all our employees and for everyone who uses our services. This includes taking positive action to support individuals experiencing physical and mental health challenges.

This policy does not form part of an employee's contract of employment, and the organisation reserves the right to amend it at any time.

This policy should be used in conjunction with the organisation's other relevant policies including the Absence Management Policy.

2 The Law

2.1. Definition of a Disability

Under the Equality Act 2010, a person is considered to be disabled if they have a physical or mental impairment that has a 'substantial' and 'long-term' impact on their ability to carry out day-to-day activities.

'Substantial' is more than minor or trivial e.g. it takes much longer than it usually would to complete a daily task like getting dressed.

'Long-term' means the impairment must last for at least 12 months or has been diagnosed as likely to last for at least 12 months e.g. a breathing condition that develops as a result of a lung infection, or its likely to last for the rest of their life.

'Day-to-day activities' includes anything someone would normally be able to do if they did not have a health condition e.g. getting dressed, shopping, reading or writing.

Mental health can affect how individuals think, feel and behave and can:

- happen suddenly, because of a specific event in someone's life
- build up gradually over time
- be hard to spot because everyone has different signs and signals
- be hidden because many people find it difficult to talk about their mental health
- fluctuate over time which means that an employee's ability to cope with the demands of the job might change

2.2. Definition of Reasonable Adjustments

Reasonable adjustments are changes that an employer makes to remove or reduce a disadvantage related to someone's disability. Reasonable adjustments are specific to an individual person. They can be for physical or mental health conditions. They can cover any area of work (see section 4.4).

2.3. Employers' responsibilities

The Equality Act 2010 says that employers must make reasonable adjustments for:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

The Equality Act 2010 also says that employers are required to make reasonable adjustments when:

- they know, or could reasonably be expected to know, someone is disabled
- a disabled staff member or job applicant asks for adjustments
- someone who's disabled is having difficulty with any part of their job
- someone's absence record, sickness record or delay in returning to work is because of, or linked to, their disability

Employers must also:

- make reasonable adjustments for anything linked to someone's disability
- make sure other people do what's needed for a reasonable adjustment to work.

Frome Town Council is aware that not all physical and mental health conditions will be classed as a disability. Where the condition does not constitute a disability, the employer is not legally required to make reasonable adjustments.

However, Frome Town Council is committed to creating a work environment that supports the wellbeing of its employees and as such it aims to consider requests for support from all employees experiencing physical and mental health challenges.

3 Examples of Reasonable Adjustments

Reasonable adjustments are specific to an individual person. However, they can cover:

- changes to someone's physical working environment e.g. changing someone's work base, allowing someone to work from home to manage distractions or engage in activities that allow them to manage their mental health or relocating someone's workspace to a quieter area to reduce sensory demands
- changing someone's working arrangements e.g. changing someone's working pattern or contracted hours
- finding a different way to do something e.g. giving someone more time to undertake a piece of work or test during an interview, providing accessible formats
- providing equipment, services or support e.g. providing adapted equipment such as chairs or phones.
- changing someone's roles and responsibilities e.g. reviewing tasks or deadlines to help someone have a reasonable workload while managing their mental health or breaking

down work into short term tasks to reduce the complexity of someone's work and to provide structure to the working day

- reviewing working relationships and communication styles e.g. agreeing a preferred communication method to help reduce anxiety.

4 Implementing Reasonable Adjustments

4.1. Requesting a meeting

Frome Town Council recognises that everyone's experience of physical and mental health is different and can fluctuate over time. This means that identifying, agreeing, and monitoring reasonable adjustments can take time. It also relies on employers and employees talking openly so that everyone's needs are met.

If an employee wishes to discuss any reasonable adjustments, they should arrange to meet with their line manager. If the individual feels unable to talk to their line manager they should speak to a member of the HR team.

If a request for reasonable adjustments has arisen during an absence review process, then the monitoring periods set out in the Absence Management Policy would continue to apply, unless otherwise agreed. Any requests for reasonable adjustments would then be considered alongside any absence reviews being carried out.

4.2. Preparing for the meeting

Frome Town Council understands that some people may find it hard to talk openly about their health. Therefore, prior to the meeting the employee may find it helpful to:

- think carefully about what they want to disclose about their health
- consider how their health affects their work
- think about what reasonable adjustments may help them
- write down notes which can be referred to during the conversation

4.3. During the meeting

During the meeting, the line manager and the employee should discuss any proposed reasonable adjustments and agree a plan.

The meeting might include:

- the employee explaining why they are requesting reasonable adjustments
- the employee explaining which reasonable adjustments they want to make
- discussing whether the suggested adjustments are reasonable (see section 4.4)
- agreeing the reasonable adjustments or adjourning to enable the adjustments to be considered further
- discussing the length of time the reasonable adjustments may be needed
- agreeing a plan to review and monitor the reasonable adjustments
- look at what ongoing support is available.

Where possible, notes should be taken during the meeting and kept as a record for both parties to refer back to.

4.4. Deciding what is 'reasonable'?

The test of whether the requirements requested by a disabled employee/applicant are reasonable is an objective test. It is not about what an individual might personally think is reasonable.

When deciding if an adjustment is reasonable, the Equality Act 2010 sets out the following factors which the organisation must take into consideration:

- Will the adjustment remove or reduce the disadvantage?
- Is the adjustment practical to make?
- Is the adjustment affordable?
- Could the adjustment harm the health and safety of others?

4.5. After the meeting

After the meeting has taken place, the line manager should put in writing to the employee details of what was discussed during the meeting. This should include details of any plan / agreements made and a date for monitoring.

4.6. Monitoring

Frome Town Council recognises that an employee's health can change over time. Therefore, the line manager will regularly monitor any agreed reasonable adjustments whilst considering the needs of the employee and the organisation in case anything needs to change.

The line manager will also keep a record of any changes made over time and keep the HR team informed.

4.7. Permanent Changes

Employees who require a permanent change to their working arrangements, such as changing contracted hours, should refer to the organisation's Flexible Working Policy.

5 Occupational Health

At any stage of discussing reasonable adjustments for an employee's health the employer may seek support from an occupational health professional who may be able to give advice on what adjustments might be suitable.

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 (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, 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 probationary period of employment with the Council.

8.1 Stage 1: The Capability Review

Frome Town Council Capability Procedure

Version: July 2020

Checked by South West Councils: November 2025

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:

1. the standards of work required;
2. what improvement is necessary;
3. how the employee can be helped to achieve them; and
4. how improvement will be assessed and the timescale which must be reasonable.

To allow the employee to:

1. obtain a clear understanding of what is expected of them;
2. give an explanation or comment on their work; and
3. 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: 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:

1. the timescale for improvement;
2. how and by whom their work will be monitored during the review period; and
3. 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 Operations and Assets 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	Operations and Assets 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 organisation 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). The organisation is also legally obliged to take reasonable steps to prevent sexual harassment of their employees in the course of their employment.

Frome Town Council believes that all its employees have the right to be treated with dignity and respect, and that victimisation and all forms of harassment is totally unacceptable and unlawful. We therefore adopt a zero-tolerance approach to instances of bullying or all forms of harassment. This applies to everyone in the organisation, regardless of role or status. You should take the time to ensure you understand what types of behaviour are unacceptable under this policy.

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 policies and procedures of the organisation, such as the Equal Opportunities Policy, Disciplinary Procedure and Grievance Procedure, all of which are within Chapter 4 - Staff Handbook.

The policy covers harassment and bullying by staff, Cllrs and volunteers. It does not cover harassment and bullying from the public or contractors, except for sexual harassment. However, the organisation has a duty of care towards its employees. Therefore, in all cases of bullying or harassment, 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 organisation and demonstrates the need for a policy.

The aims of having a bullying and harassment policy are as follows:

- To ensure that all the organisation's employees are treated with dignity and respect.
- To ensure that harassment and bullying, including sexual harassment, 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 the organisation's employees know what harassment and bullying are and what the organisation's policy is.
- To explain the responsibilities of Cllrs, management, employees and volunteers.
- To explain the procedures for dealing with harassment and bullying.

4 Harassment

4.1 Who is protected from harassment?

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- age
- disability
- gender reassignment
- race (including ethnic origin, skin colour, nationality and national origin)
- religion or belief
- sex
- sexual orientation

Pregnancy, maternity, marriage and civil partnership are not specifically protected under the legal provisions on harassment. However, the organisation also considers harassment on these grounds to be unacceptable. Any such harassment will be dealt with in the same way as for the characteristics above.

4.2 Definition of harassment

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.'

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 their colleagues believe they are homosexual).

4.3 Examples of harassment

Harassment can, for example, take place:

- in a work situation.
- during any situation related to work, such as at a social event with colleagues.
- against a colleague or other person connected to the employer outside of a work situation, including on social media.
- against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.

Harassment can also occur in many forms. Examples include:

Sexual orientation harassment:

- Homophobic remarks, innuendos, jokes. – anything that could be a micro aggression
- Offensive actions.
- 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 due to the individual's age.

4.4 Sexual Harassment

Harassment may be sexual in nature. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Examples of sexual harassment include:

- asking questions about someone's sex life or discussing their own sex life.
- making sexual remarks about someone's body, clothing or appearance
- telling sexually offensive jokes.
- making sexual comments or jokes about someone's sexual orientation or gender reassignment.
- overt staring, leering, whistling or making sexually suggestive gestures.
- displaying or sharing pornographic or sexual images, or other sexual content.
- making propositions and sexual advances.
- making promises in return for sexual favours.
- unwelcome touching or touching someone against their will, for example hugging, kissing or massaging.
- sexual assault or rape.

Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted.

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; this is not bullying. It is also the manager’s role to ensure that corrective processes are put in place when individuals do not reach targets. 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 their authority.

It should be noted that bullying does not only 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. elected Cllrs.

Examples of bullying behaviour can include:

- Spreading malicious rumours.
- Making the employee the butt of jokes.
- Aggressive, insulting and unco-operative attitude.
- Destructive innuendo and sarcasm.
- Constant unjustified criticism.
- Unjustifiably removing responsibilities and replacing them with trivial tasks to do instead.
- Shouting at employees.
- Unreasonable 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 Victimization

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 Line Managers, Business Manager, employees, Cllrs and Third Parties

7.1 Line Managers

Managers will have the following responsibilities:

- Compliance with this policy.
- Creating/ensuring that there is a supportive working environment.
- Ensuring employees comply with this policy.
- Making sure that their employees know the details of this policy and the consequences of breaching this policy.
- Making sure that their employees know how to report bullying and harassment, including sexual harassment.
- 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 Business Manager

In addition to the above, the Business Manager will have the following additional responsibilities:

- commitment to analysing data around allegations of bullying or harassment; reviewing this policy at regular intervals; monitoring its effectiveness; and implementing any changes that may be required.
- monitoring workplace culture to identify and address any issues in relation to bullying and/or harassment.
- undertaking regular risk assessments to determine reasonable measures that can be implemented to minimise the risk of exposure to sexual harassment in the workplace and by third parties with whom you may have contact.
- ensuring that the organisation's zero approach to all forms of discrimination, and bullying and harassment, is communicated to all workers and to third parties with whom you may have contact.
- reviewing this policy regularly and, if necessary, amending to ensure that it remains effective.

7.3 Employees

Employees will have the following responsibilities:

- Compliance with this 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.
- Intervening to stop harassment and/or bullying and give support to victims.

7.4 Cllrs

Cllrs will have the following responsibilities:

- Compliance with this policy.
- Treating employees with dignity and respect.

7.5 Third Parties

Third parties will have the following responsibilities:

- Compliance with this policy.
- Treating employees with dignity and respect.

Bullying and Harassment Complaints Procedure

1 Introduction

No employee need put up with bullying or harassment. Frome Town Council recognises that making a complaint may be a distressing experience. However, 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.

Some acts of harassment may also amount to a criminal offence; in this situation we will speak to you about whether you wish for the matter to be reported to the police and support you to do so.

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 Business Manager (or in the case of the Town Clerk to the Leader of the Council), giving details of the specific actions/incidents about which you are complaining.

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

The Business Manager (or in the case of the Town Clerk the Leader of the Council) will discuss your complaint with you. In line with the informal resolution stage set out in the Grievance Procedure, the Business Manager 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 Business Manager (or in the case of the Town Clerk the Leader of the Council), or more structured mediation.

The formal process must, however, be followed if the particular concern brought to the organisation's attention is serious. For example, where the offence could be considered a criminal matter.

If informal measures are not appropriate/successful or you wish to proceed straight to the formal process, the Business Manager (or in the case of the Town Clerk the Leader of the Council), or their representative, will thoroughly investigate the complaint in accordance with the appropriate procedure which could be Grievance or Disciplinary Procedure.

Decisions made in accordance with the relevant policy could include:

- taking disciplinary action against the alleged bully/harasser;
- issuing management instructions;
- arranging mediation if both parties are willing to participate;
- making changes to working arrangements;
- or taking no further action.

In cases where there has been abuse of power over more junior staff by the alleged bully/harasser, consideration will be given to this when deciding what disciplinary action will be taken.

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 alleged bully/harasser 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 the Town Clerk

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

6 Complaints About Cllrs

If the matter involves a complaint in relation to a Cllr's conduct, you should inform the Town Clerk, and consideration should be given regarding the need to consult the Monitoring Officer to establish the most appropriate way to deal with this matter.

7 Complaints involving Third Parties

Bullying and harassment by third parties, such as customers, clients, suppliers and/or contractors, will not be tolerated.

If a matter involving a third party does occur, you should inform the Town Clerk who will determine the most appropriate means of dealing properly with the complaint.

Action may include warning the third party about their behaviour, banning a customer, reporting any criminal acts to the police or sharing information with other branches of the business.

8 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.

9 Support and Advice for Employees Affected by Bullying and Harassment, Including Sexual Harassment

If you would like further information about support and advice services available to you as the complainant or alleged harasser, you can contact:

Frome Town Council Bullying and Harassment Complaints Procedure

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Checked by South West Councils: November 2025

- Our HR advisors South West Councils.
- Your trade union if you are a member

You can also access external support and advice such as:

- the Equality Advisory and Support Service (EASS).
- ACAS www.acas.org.uk/discrimination-and-bullying - For information and advice on all aspects of workplace relations and employment law.
- Rights of Women - [Sexual harassment at work advice | Rights of Women](#).
- Protect (the whistleblowing charity).
- helplines which have been set up to deal with specific forms of harassment (such as the helplines provided to deal with sexual harassment and Rights of Women in England and Wales).
- the EHRC (Equality and Human Rights Commission) have produced technical guidance in this area: [Sexual harassment and harassment at work: technical guidance | EHRC](#).

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 their 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. It is important that employees read and understand this document. If employees are not sure about any part of it, they should ask their line manager, who will provide the necessary clarification.

3 Roles and Responsibilities

It is advisable to determine the roles and responsibilities of those potentially involved in the disciplinary procedure at the earliest opportunity so that those roles are not compromised.

3.1 Line Manager

The Line Manager is normally responsible for considering minor disciplinary issues and resolving them, if they can, without recourse to the formal procedure. The Line Manager could also be the Town Clerk.

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 Business Manager.

3.2 Business Manager

The Business Manager is normally responsible for managing the formal disciplinary procedure including appointing an appropriate Investigating Officer. Alternatively, they may appoint another individual to manage the process, if required.

3.3 Town Clerk

For misconduct which relates to the Town Clerk a panel of three Cllrs including the Leader and Chair of the Operations and Assets Committee will be responsible for managing the disciplinary process and appointing an appropriate Investigating Officer.

3.4 Investigating Officer

The Investigating Officer is responsible for collecting evidence and gathering all documentation in relation to the allegation. The Investigating Officer need not be the employee's supervisor or Line Manager, although this would normally be the case. Where appropriate, an external investigating officer may be used. The Investigating Officer who carries out an investigation should not participate in any subsequent decision to take action under the procedure.

3.5 Hearing Panel

The Panel for a hearing will normally comprise of the Business Manager or Town Clerk. For matters concerning the Town Clerk then a panel of three Cllrs including the Leader and Chair of the Operations and Assets Committee would be appointed. The responsibilities and objective of the panel is set out in section 7.4.

The panel members hearing a case should not have been involved in the investigation beforehand. The panel must not include the Investigating Officer. An independent HR representative can be called upon to advise the panel, if appropriate.

3.6 Appeal Panel

The Appeal Panel will normally comprise of three Cllrs including the Leader and Chair of the Operations and Assets Committee. The responsibilities and objective of the appeal panel is set out in section 7.4.

The appeal panel members should not have had any previous involvement in the matter. An independent HR representative can be called upon to advise the panel, if appropriate.

3.7 Note Taker

During each stage of the disciplinary procedure, it is recommended that a note taker is present to capture the context of the meetings.

3.8 Authorisation to Issue Sanctions

Outcome	Who is authorised to issue sanction
Oral Warning	Line Managers and Business Manager
First Written Warning	Line Managers and Business Manager (or a panel of three Cllrs including the Leader and Chair of Operations & Assets in relation to matters concerning the Town Clerk)
Final Written Warning	Business Manager (or a panel of three Cllrs including the Leader and Chair of Operations & Assets in relation to matters concerning the Town Clerk)
Dismissal with notice	Business Manager (or a panel of three Cllrs including the Leader and Chair of Operations & Assets in relation to matters concerning the Town Clerk)
Dismissal without notice	Business Manager (or a panel of three Cllrs including the Leader and Chair of Operations & Assets in relation to matters concerning the Town Clerk)

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

Where a minor breach of acceptable/established standards of conduct occurs, which does not justify formal disciplinary action, the Line Manager (who could also be the Town Clerk) 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 to the employee 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.

6 The Formal Procedure

The formal procedure will apply when:

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

7 Suspension

In some circumstances, the Business Manager (or a panel of three Cllrs including the Leader and Chair of the Operations and Assets Committee in relation to matters concerning 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 in writing. 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.

7.1 Determining roles and responsibilities

Ahead of any investigation commencing, it is advisable to determine the roles and responsibilities of those involved. This would normally include:

- Appointing an investigating officer
- Appointing the person / panel who would hear the disciplinary if later required.
- Appointing the panel / panel who would hear the appeal, if later required.

Further guidance regarding roles and responsibilities is set out in section 3.

7.2 Investigation

Before any decision can be made about whether or not a disciplinary hearing is necessary, an investigation must take place.

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 Business Manager 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.

7.3 Arranging a Hearing

If, following the recommendations of the Investigating Officer, the Business Manager concludes that a hearing is required then the necessary arrangements should be made by the Business Manager.

The employee will be given at least 5 working days' notice in writing. The letter to the employee should include a clear written statement of the allegation, state the potential outcome of the hearing and a reminder of the employee's right to be represented. Enclosed with the letter should also be the investigation pack which would normally include a copy of the investigation report, supporting appendices and the relevant policy.

The Investigating Officer is responsible for presenting the case and making arrangements for any witnesses that they rely upon to attend the hearing.

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 Hearing Chair at least 3 working days prior to the hearing.

7.4 Conducting a hearing

The objective of the Hearing panel 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(s).
- 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.

7.5 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
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Stage 1	Oral Warning	For a minor offence, a formal verbal warning (confirmed in writing) making it clear that further misconduct will render the employee liable to further disciplinary action including more severe consequences.
Stage 2	First Written Warning	For a more serious offence or where a previous warning to the employee has not resulted in the required improvement to their conduct.
Stage 3	Final Written Warning	For a sufficiently serious offence, which might warrant only one written warning but is insufficiently serious to justify dismissal, or where previous warnings have been ineffective.
Stage 4	Dismissal with notice	For an act or acts of misconduct, other than gross misconduct, by an employee who is under a written or final written warning. The employee will be liable to dismissal with notice or pay in lieu of notice.
	Dismissal without notice	In cases where gross misconduct is established, the employee will be liable to summary dismissal, i.e. without notice or pay in lieu of notice.

7.6 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, written warnings for 12 months and final written warnings will be live for 2 years from the date of the disciplinary hearing.

8 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 Business Manager (or Leader 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.

8.1 Arranging an Appeal

The date and time of the appeal will be organised by the Business Manager (or a panel of three Cllrs including the Leader and Chair of the Operations and Assets 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.

8.2 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.

9 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.

10 Disciplinary Rules

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

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

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

10.1 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.

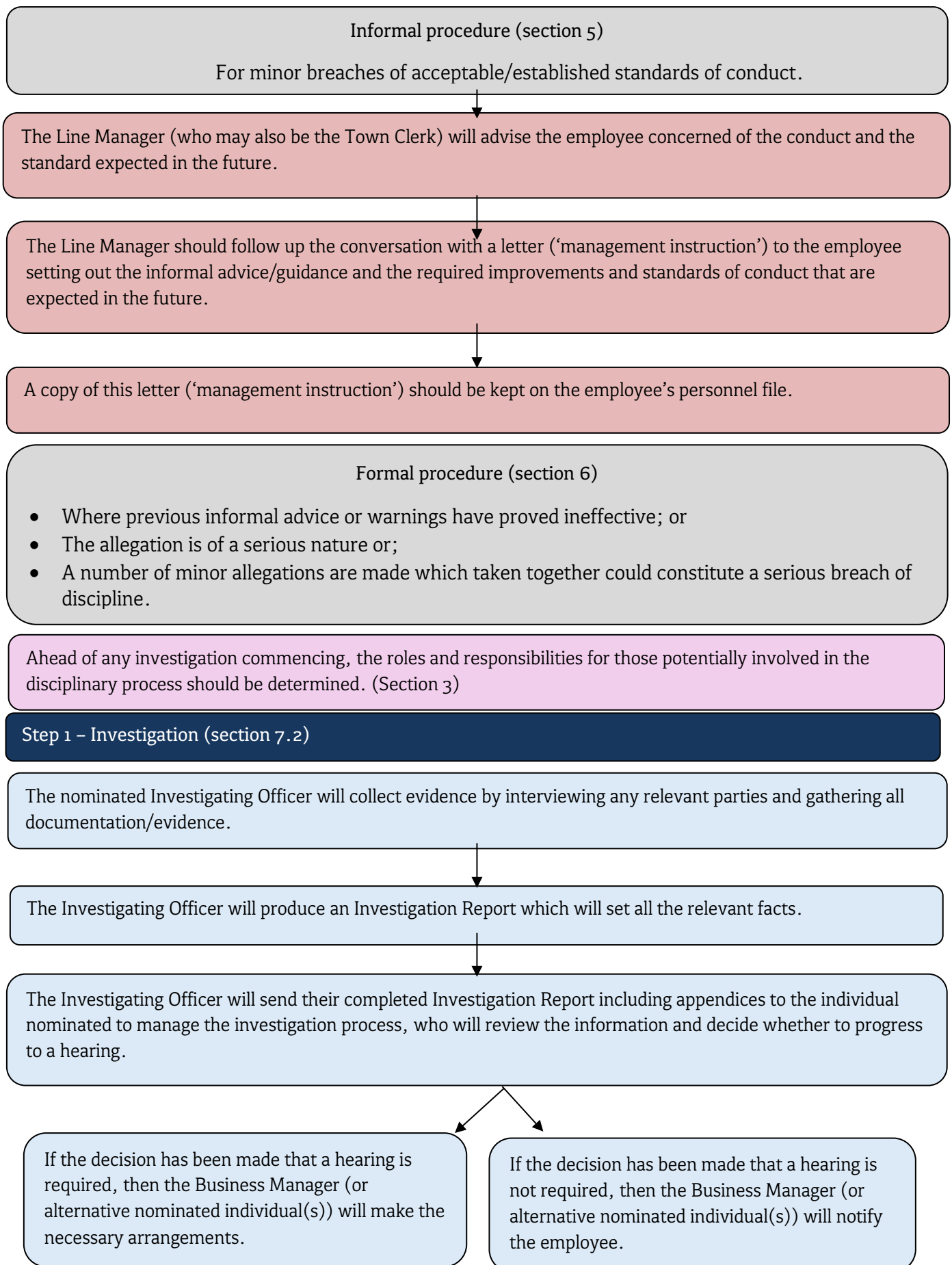
The list below gives examples of matters likely to be regarded as gross misconduct and is not exhaustive.

- 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.
- Covert recording.
- 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.

11 Training

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

Disciplinary procedure flow chart



Step 2 – Hearing (section 7.3 & 7.4)

The Business Manager (or alternative nominated individual(s)) will send a letter to the employee, inviting them to the disciplinary hearing with at least 5 working days' notice. This will include a clear statement of the allegation(s), details of the potential outcome and a reminder of the employee's right to be represented. A copy of the Investigation Pack should also be enclosed.

The objective of the hearing is:

- To hear the evidence in respect of the allegation and the employee's response;
- 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.

Following the hearing, the decision of the Panel will be confirmed to the employee in writing within 5 working days. This letter will also inform the employee of their right of appeal and identify to whom any appeal letter should be addressed.

Step 3 – Appeal (section 8)

An employee who wishes to appeal must do so in writing to the person nominated in the disciplinary outcome letter, within 10 working days of the notification of the outcome of the disciplinary hearing. The appeal letter must set out the grounds of the appeal.

The appeal hearing will be organised by the nominated person. The employee should be given at least 5 working days' notice in writing of the appeal hearing. The employee must submit any additional papers/evidence to the Chair of the Appeal Panel no later than 5 days prior to the hearing. Papers will be prepared and sent to all parties.

The objective of the appeal hearing is:

- To review the grounds of the appeal in order to determine if the outcome of the hearing was correct; and
- If the decision is overturned, to determine what action is appropriate.

The decision of the Appeal Panel will be confirmed to the employee in writing within 5 working days.

There is no further right of appeal.

Absence Management Policy

Frome Town Council

1 Introduction

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

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

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

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

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

It is important that employees read and understand this document. If employees are not sure about any part of it, they should ask their line manager, who will provide the necessary clarification.

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

1.3 Miscellaneous

It is important that employees comply with this procedure so that:

- The Council can monitor sickness absence across the workforce and identify any intervention/support needed;
- The Council can provide assistance to individual employees where necessary; and
- Any sick pay to which the employee would otherwise be entitled is not withheld or refused.

If an employee wilfully abuses the sickness absence/payments provisions or absented themselves without permission, then this will be dealt with in accordance with the Council's disciplinary process.

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.

2 Absence Reporting

Employees who are unable to work due to illness/injury must telephone their Line Manager. This should be done before their expected start time or, if this is not possible, within 30 minutes of this time. If the employee is unable to speak to the appropriate person, then they should leave a message for their Line Manager to phone them back.

When reporting absent, 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 employee is unable to report themselves absent, they must arrange for someone else to do this on their behalf.

The employee must maintain contact with their 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.

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

3 Certification

3.1 Absence Period of up to Seven Days

Where the absence is for a period of up to seven days (including weekends) and not covered by a statement of fitness to work (“fit note”), the employee will be asked to complete a self-certification form on their return to work.

3.2 Absence Period Exceeding Seven Days

If the absence exceeds seven days and the employee has not already done so, they must provide medical evidence in the form of a fit note for the remainder of the absence. If the absence continues, the employee will need to ensure that the employer is always provided with a current fit note.

All fit notes must be certified by a healthcare professional who has assessed the employee’s fitness for work. Healthcare professionals who are eligible to issue fit notes are doctors, nurses, occupational therapists, pharmacists, and physiotherapists. The fit note should state whether or not the employee needs to see a doctor or other healthcare professional again before returning to work.

If the fit note states that the employee "may be fit for work", the employee should inform their Line Manager immediately. They will refer to the fit note and 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 or healthcare professional’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.

4 Return to Work Meetings

When the employee returns to work after any period of absence, the Line Manager will arrange to meet with them. This meeting will occur on the first day back or as soon as possible.

The sickness and return to work declaration form is available to staff on TEAMS.

The purpose of the return-to-work 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
- To fill out the Sickness and return to work declaration form

Return to Work interviews should still be carried out following any absences that occur during any formal monitoring periods as set out below.

5 Short-Term Frequent Intermittent Absence

5.1 Absence Triggers

The Council will instigate 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 working days' short-term sickness absence within any period of 12 months.

The number of days of sickness absence which constitutes the absence trigger point will be reduced pro rata for employees who work less than 5 days per week as follows:

Normal Days Worked Per Week	Absence Trigger – Total No. of Working Days
5	10
4	8
3	6
2	4
1	2

5.2 Action When Absence Triggers are Reached

The guidance in the following sections sets out the procedure for addressing short term absence when absence triggers are reached. A flow chart to support the guidance can be found at Appendix 1.

If an employee's level of attendance improves satisfactorily during a period of monitoring, then at the end of the monitoring period they will be informed that no further action will be taken.

There is, however, an expectation that a satisfactory level of attendance will then be sustained. If the employee's absence meets a trigger in situations where absence monitoring has recently ended or where an employee has repeatedly been subject to absence monitoring, consideration can be given to picking up the procedure at the next or most recent stage rather than starting the process from the beginning.

5.3 Stage 1 – Short-Term Absence Review Meeting

The relevant manager will arrange an absence review meeting with any employee whose absence record matches or exceeds the above criteria set out in 5.1 above. The employee will be invited in writing to attend the review meeting and notified of their right to be accompanied by a Trade Union Representative or colleague. The employee should be reminded that the aim of the meeting is to find ways to improve their attendance.

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. The manager and the employee should also consider any steps that can be put in

place to help the employee to improve their attendance as well as signposting them to any additional support that can be accessed such as employee assistance programmes.

During the meeting, if the employee discloses an underlying health condition, then the advice in section 9 should be followed.

At the meeting, the employee will normally be advised that:

- They are being issued with a Stage 1 Short-Term Absence Warning, to inform them that if they are unable to sustain an improved level of absence then this procedure will continue to be followed.
- A 6-month monitoring period will be put in place.
- During that time, their absence is not expected to exceed half the annual triggers set out in 5.1 above.
- The manager will meet them at the end of the 6-month period to review their absence levels.
- If they exceed the half-year triggers before the end of the 6-month monitoring period, the review meeting should take place at this point.
- If the half-year triggers are exceeded during the monitoring period, then a decision may be taken to move to Stage 2, as set out below.

This will be confirmed in writing and the employee will be notified of their right to appeal.

5.4 Stage 2 – Further Short-Term Absence Review Meeting

If the employee reaches the absence trigger set for their stage 1 monitoring period, the relevant manager will arrange a further absence review meeting. The employee should be reminded that the aim of the meeting is to find ways to improve their attendance. The employee will be invited in writing to attend the further review meeting and notified of their right to be accompanied by a Trade Union Representative or colleague.

During the meeting, the manager should remind the employee of the problems caused by their absences. The manager and the employee should also review any steps that may have been put in place to help the employee to improve their attendance and consider any further support that may be needed. The employee should also be reminded of any additional support that they can access such as employee assistance programmes.

During the meeting, if the employee discloses an underlying health condition which hasn't previously been raised then the advice in section 9 should be followed.

The employee will normally be advised that:

- They are being issued with a Stage 2 Short-Term Absence Warning, to inform them that if they are unable to sustain an improved level of absence then this procedure will continue to be followed, and their employment may be terminated.
- A further 6-month monitoring period will be put in place.
- During that time, their absence is not expected to exceed half the annual triggers set out in 5.1 above.

- The manager will meet them at the end of the 6-month period to review their absence levels.
- If they exceed the half-year triggers above before the end of the 6-month monitoring period, the review meeting should take place at this point.
- If the half-year triggers are exceeded during the monitoring period, then a decision may be taken to move to Stage 3, as set out below.

This will be confirmed in writing and the employee will be notified of their right to appeal.

5.5 Stage 3 – Final Short-Term Absence Review Meeting

Where an employee's attendance has still not improved to the required level, the relevant manager will arrange a final absence review meeting. The employee should be made aware that the aim of the meeting is to review and discuss their attendance and for the manager to decide whether a Short-Term Attendance Hearing should be held to consider dismissal.

Although there is no statutory right of being accompanied at this meeting, the relevant manager may extend this offer to the employee as a supportive measure.

During the meeting, the manager should review the employee's absence record and remind the employee of the problems caused by their absences. The manager and the employee should also review any steps that may have been put in place to help the employee to improve their attendance and consider any further support that may be needed. The employee should also be reminded of any additional support that they can access such as employee assistance programmes.

During the meeting, if the employee discloses an underlying health condition which hasn't previously been raised then the advice in section 9 should be followed.

The manager should then inform the employee whether the decision has been made to proceed to an Attendance Hearing or not. Alternative options made include a further period of monitoring or a review of the trigger levels.

5.6 Attendance Hearing for Short-Term Absence

Where the decision is made to proceed to an Attendance Hearing, 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 normally be comprised of the Town Clerk, who will make the decision. The relevant manager / Business Manager will attend to outline the history of absence; details of absence monitoring carried out; support given; and other relevant information, including, where applicable, any medical 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 to terminate the employee's employment may take place where the organisation can no longer tolerate the high level of absence.

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 stage 3 warning has been issued, the timescale for this (normally 6 months), the level of improvement required, and any other measures/support put in place;
 - b. 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.

6 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.

6.1 Long-Term Absence Review Meetings

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 regular Absence Review Meetings with the employee during their absence, as appropriate. The purpose of the meetings is to keep the employee up to date, review the on-going absence, and offer support to the employee where appropriate.

Where an employee remains absent and a return to work is not foreseeable within a reasonable timescale, the line manager will arrange a Final Absence Review meeting which may lead to an Attendance Hearing to consider dismissal.

6.2 Final Long-Term Absence Review Meeting

Prior to an absence hearing being arranged for an employee on long-term sickness absence, the relevant Line Manager will normally meet with the individual for a final absence review meeting.

The purpose of the meeting is to provide a final opportunity to review and discuss the employee's current situation and for the Line Manager to decide whether an Attendance Hearing should be held. Alternative outcomes from the final absence review meeting could include seeking further medical advice or setting a date for a further absence review (e.g. where a medical appointment is due).

In order to decide whether to proceed to an Attendance Hearing, the relevant Line Manager will make sure that they have fully explored all the relevant information relating to the

employee's absence. This would also be provided to the Attendance Hearing Panel if a decision is made to proceed to an Attendance Hearing.

This will depend upon the individual case, but may include:

- Relevant absence history and the date on which the current absence started;
- The reason for the employee's current absence;
- Details of absence review meetings and other communications during this absence;
- Any treatment/investigations being undertaken and the timescales for these to be completed;
- Whether there has been any recent improvement in the employee's condition and whether this is expected to continue;
- Whether there is any prospect of them returning to work within a reasonable timescale;
- Any reasonable adjustments or other support which would enable the employee to return to work within a reasonable timeframe;
- Any vacant roles within the organisation which the employee would be capable of performing and, where applicable, whether they would wish for this to be considered.

It is usually advisable to seek up to date medical reports from an Occupational Health provider or the employee's medical professional prior to an Attendance Hearing.

6.3 Long-Term Absence Hearing

Where the decision is made to proceed to a Long-Term Absence Hearing, 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 normally be comprised of the Town Clerk, who will make the decision. The relevant manager / Business Manager will attend to outline the history of absence and relevant information described in Section 6.2 above.

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 to terminate the employee's 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 has not been found;
- The service can no longer support the employee's continued absence for operational/financial reasons.

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:

- 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

- If the decision is to dismiss the employee, inform them of their relevant notice period and provide them with any relevant pension information; and
- The employee's right of appeal.

7 Appeals

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

Appeals will be heard by a separate person/panel. For warnings short of dismissal, the appeal will normally be heard by another manager or the Town Clerk. For warnings issued at a Short-Term Attendance Hearing or Long-Term Absence Hearing, the appeal will normally be heard by three Cllrs including the Leader and Chair of the Operations and Assets Committee.

Once the person/panel hearing the appeal has considered both the employee's appeal and the original Hearing Chair's case, and considered all other relevant information, the meeting will be adjourned to make a decision.

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

8 Occupational Health

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 cases of absence, employees may be referred to the Council's Occupational Health Advisor.

Examples of when an employee may be referred to occupational health include to:

- establish when the employee might be able to return to work;
- ask for guidance on an employee's health condition;
- discuss any adjustments that could be considered in order to support the employee.

Where the Occupational Health Advisor makes a recommendation that might affect the employee's continued employment, the relevant manager will discuss the advice and options going forward at an Absence Review Meeting with the employee. 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.

In certain cases, the Occupational Health Advisor 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 a return to work following a period of prolonged absence might be facilitated by temporary redeployment or phased re-introduction (e.g. reduction in hours) 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.

9 Underlying Medical Conditions

Where an employee and/or their manager identifies that the employee's attendance may be affected by an underlying medical condition, the Line Manager will give consideration whether to request that an Occupational Health referral is arranged.

This process would involve discussing with the employee the proposal to undertake a referral to the Council's Occupational Health Service. 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.

Where appropriate, an employee may be referred to Occupational Health on more than one occasion e.g. when there has been a change to an employee's underlying health condition or prior to an attendance hearing.

10 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, a member of the HR Team 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.

11 Alcohol/Drug Dependency

Where an employee discloses that their absences are a consequence of alcohol- or drug-related problems, they will be encouraged to seek help and treatment voluntarily through the Council's Occupational Health Service or through resources of their own choosing. Employees

may be granted, if necessary, leave to undergo treatment and any such leave will be regarded as sick leave within the terms of the Council's sick pay scheme, with the monitoring of progress by the Occupational Health Service.

Should an employee refuse or discontinue 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.

12 Welfare

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

13 Monitoring of Absence Records

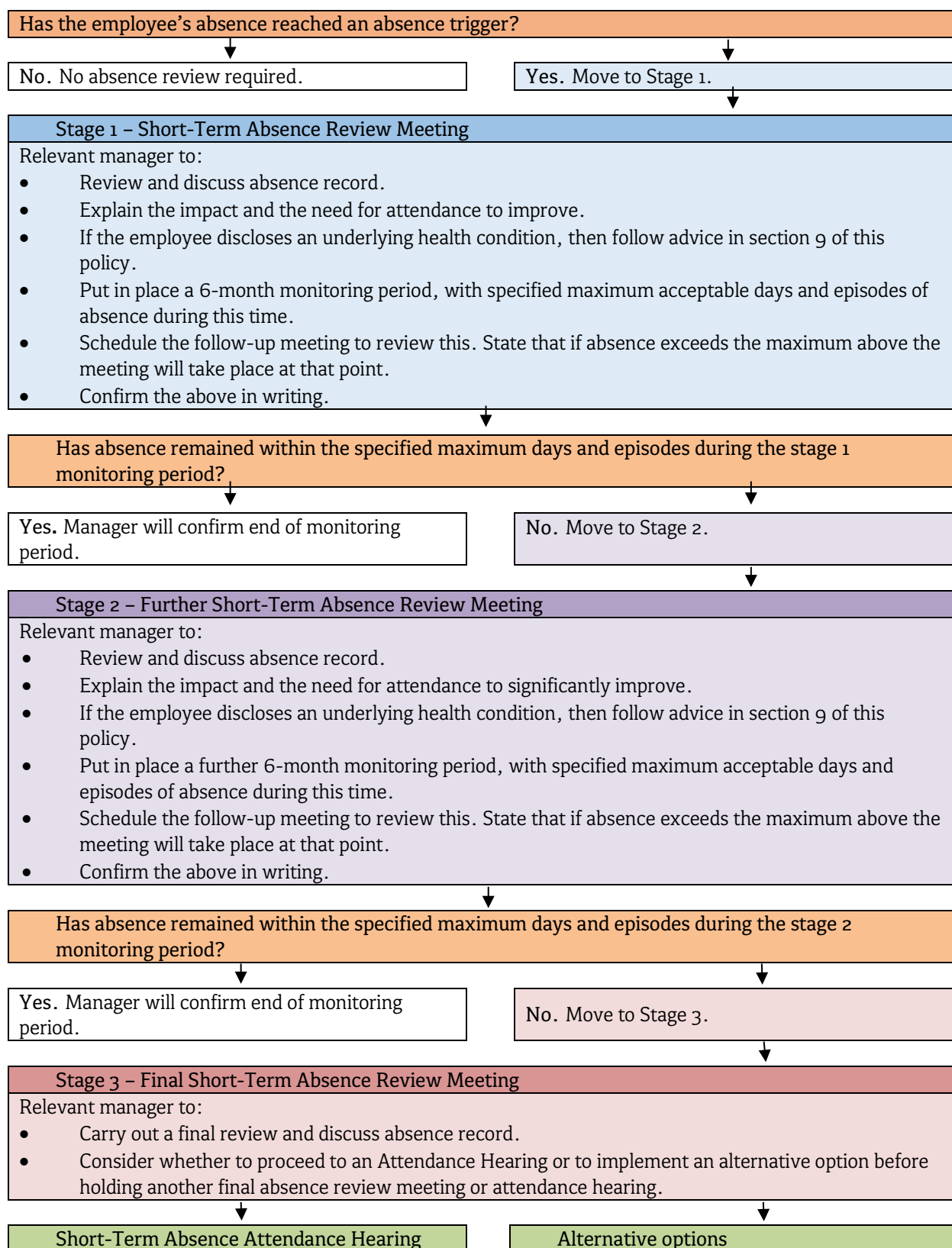
Monitoring is an important part of sickness absence management. In order for this to take place, it is important that all absence from the workplace is reported and recorded. All signed Return to Work Forms should be returned as soon as possible after the employee's Return to Work Interview has been conducted.

The Business Manager will ensure that absence records are maintained for all employees. These records will provide the base data for the compilation, as required, of statistics showing the level of sickness absence across the Council.

The absence 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 not rely on this as a substitute for pro-actively identifying and addressing problems or potential problems.

Managers should ensure that records of contact during and after absence are completed thoroughly and correctly stored on the employee's personnel record. These could include Return to Work forms, return to work meeting records, fit notes, notes of absence review meetings, correspondence, and medical reports. These should be treated with sensitivity and confidentiality at all times. Employees will be entitled to access these records on request.

APPENDIX 2 – MANAGING SHORT-TERM ABSENCE – FLOW CHART



- Invite employee, giving 5 working days' notice and the right to be accompanied.
- Review and discuss absence record.
- Panel will consider outcome including dismissal.
- If the panel decides to dismiss, the employee will be issued with notice of dismissal and offered the right of appeal.

- Other outcomes could include:
- Seeking further medical advice.
 - Amending the absence triggers.
 - Issuing a stage 3 warning with an additional period of monitoring.

Menopause Policy

Frome Town Council

1 Introduction

Frome Town Council are committed to creating an open and supportive culture in which employees feel comfortable to talk openly and without embarrassment about how menopause-related symptoms may be affecting them at work.

This is not just an issue for women. It will affect trans men and some non-binary people, and men will be affected by it indirectly.

Most individuals experience symptoms during perimenopause and menopause due to changes in hormone levels. With the right support and medical treatment for their symptoms, their experience at work will not be affected.

This policy sets out the guidelines for members of staff and managers on providing the right support to individuals to help them manage perimenopause and menopause symptoms at work.

In this policy, any reference to menopause also includes the perimenopause.

2 Symptoms of menopause

The menopause is a natural event during which a person stops having periods and experiences hormonal changes such as a decrease in oestrogen levels. Over 80% of women, trans men and some non-binary people experience symptoms due to changes in hormone levels. 25% of these experience symptoms which could be classed as severe and have a significant impact on their daily life.

There are four key stages:

1. Pre-menopause: the time in life before any menopausal symptoms occur.
2. Perimenopause: when menopausal symptoms occur due to hormone changes, but periods still happen (even if irregular).
3. Menopause: when there has been no period for 12 consecutive months. The menopause usually occurs between the ages of 45 and 55 but can happen earlier. Menopause typically lasts between four and eight years.
4. Post menopause: the time in life after 12 months with no periods.

While menopausal symptoms vary greatly, they commonly include:

- hot flushes;
- night sweats;
- anxiety;
- dizziness;
- fatigue & trouble sleeping;
- memory loss;
- depression;
- headaches or migraine;
- recurrent urinary tract infections;
- joint stiffness, aches and pains;
- reduced concentration and brain fog;
- heavy periods;
- loss of confidence and self-esteem.

3 Requesting support

Employees who are finding it difficult to manage at work because of menopausal symptoms are encouraged to speak to their line manager to discuss what support may be available. This could include temporary changes to an employee's working arrangements or working environment, or seeking external support, as set out below. Any health-related information disclosed by employees during discussions will be treated sensitively and in confidence.

Frome Town Council encourages employees to be as open as possible about any particular issues that they are experiencing or adjustments that they might need to ensure that they are provided with the right level of support to improve their experience at work.

If for any reason employees feel unable to approach their line manager, they can speak to a member of the HR Team.

3.1 Working arrangements

Employees who require a permanent change to working arrangements, such as changing contracted hours, should refer to the Flexible Working Policy. However, the Council recognises that for individuals affected by menopausal symptoms, the option to work flexibly on a temporary (rather than permanent) basis may be appropriate. For example, this could include working from home, changing start and finish times, or taking more frequent breaks. This is not a definitive list.

Employees who feel that they would benefit from a temporary change to their working arrangements on an ad hoc basis because of sleep deprivation or other symptoms that may be impacting on their performance, should discuss and agree these with their line manager.

The organisation will try to facilitate temporary flexible working arrangements wherever this is possible and will continue to review these to ensure that they meet the employee and the Council's needs.

3.2 Working environment

If an employee feels that their working environment is exacerbating their menopausal symptoms, they should raise this with their line manager.

There are a range of practical adjustments that the organisation may be able to consider in order to help make employees' working life easier, such as moving workstations to a cooler area, providing a fan or relaxing the uniform policy.

3.3 Employee assistance programme

Help and support is also available through our employee assistance programme (EAP). Employees can use the organisation's EAP to speak to an independent adviser on a confidential basis about any issue that is troubling them. To access this support, go to www.zurich.co.uk/news-and-insight/das-counselling-services-to-help-our-customers.

4 Sickness Absence relating to the menopause

If you are sick and unable to work, you should follow the procedure set out in the organisation's Absence Policy.

In some cases, the Council may refer an employee to Occupational Health so that they can advise on how the employee's symptoms are impacted at work and make recommendations on the types of adjustments that may be appropriate, where reasonably practical.

5 External Sources of help

There are various organisations that provide help and support on the menopause including the [NHS](#) where you will find a range of further information and advice.

The following organisations and websites also provide advice and guidance:

- [Balance by Newson Health](#)
- [The British Menopause Society](#)
- [Women's Health Concern](#)
- [Menopause Matters](#)
- [Daisy Network for premature menopause](#)
- [Menopause Cafe](#)
- [Queer Menopause for people who identify as LGBTQ+](#)

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 them 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 their Line Manager in writing at least 28 days before their absence begins or as soon as is reasonably practical:

- That they are pregnant;
- Of the EWC, providing a copy of form MATB₁ as supplied by a registered medical practitioner; and
- The date on which they intend to start their maternity leave.

The employee may vary the date on which they intend to start their maternity leave provided that they notify their employer of the revised start date. To start the leave sooner, the employee must tell the employer at least 28 days before the new start date. To start the leave later, the employee must tell the employer at least 28 days before the old start date. If either of these are not reasonably practicable, the employee must tell the employer as soon as is reasonably practicable.

4 Health and Safety

On receipt of written notification from an employee that they are pregnant, the Line Manager should carry out a risk assessment. The employee should be fully informed of any risks identified. The 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 antenatal 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 pregnant employees, 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, an employee's maternity leave may be triggered if they are 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 lower SMP rate or 90 per cent of the average weekly earnings whichever is the lower.

Employees who do not qualify for Statutory Maternity Pay may be entitled to Maternity Allowance, 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 service with a body listed on the Redundancy Modification Order (which includes local government) at the 11th week before the EWC shall be as follows:

First six weeks of absence:

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

Weeks 7 – 52 of absence:

An employee who declares in writing that they intend to return to work will, for the subsequent 12 weeks' absence, receive half a week's pay. They will also receive SMP (or MA and any dependent's allowances if the employee is not eligible for SMP), if eligible to do so. 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 their 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 employer 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 they do not do so, they will be required to refund the monies paid. This may be varied at the discretion of the employer 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 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 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 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 employees' 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. 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 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 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 an Employee Changes Their 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 their employer that they are returning to work if they are going to do so before the end of their maternity leave. Otherwise, the employee simply returns at the end of their 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

An employee can work up to 10 days' during their maternity leave, in agreement with their manager, without bringing their maternity leave to an end. Working for part of a day will count as one day and the employee 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 the employee does not wish to be contacted, then they should notify their Line Manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on maternity leave.

Appendix A

Example:

An employee working full-time (37 hours per week) and entitled to 24 days' annual leave per year takes maternity leave.

They request to reduce their hours to 20 hours per week on their return to work and their employer agrees.

The employer's annual leave year runs from 1 April to 31 March. Although they had used all the previous annual leave year's entitlement before taking maternity leave, they have not taken any of the current annual leave year's entitlement.*

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

1 April to 30 June (when their 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 their average working day will be 4 hours)

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 which is free from discrimination and harassment
- For staff who are breastfeeding, provide reasonable break times to express
- Where possible, dependent on room availability at the Town Hall, provide a private and clean space for staff and visitors to breastfeed or express.
- 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.



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.

2 Paternity Leave (PL)

2.1 Eligibility Criteria

To qualify for paternity leave an employee must satisfy the following:

In the case of a birth child, the employee must be:

- the biological father of the child; or
- the mother's spouse, civil partner or partner.

In the case of an adopted child, the employee must be:

- the spouse, civil partner or partner of an individual who has adopted a child.
- Where a couple adopt a child jointly, one may take adoption leave and the other paternity leave.
- The employee must have or expect to have responsibility for the upbringing of the child.
- The employee must have complied with the relevant notification requirements and, where requested, have produced evidence to support their claim for paternity leave.
- The employee must have 26 weeks' continuous service with their current employer.

For the purposes of this policy, continuous service is calculated as follows:

- In the case of a birth child, the employee must have 26 weeks' continuous service with their current employer by the end of the 15th week before the week in which the child is expected to be born.
- In the case of a child adopted within the UK, the employee must have 26 weeks' continuous service with their current employer by the end of the week in which the adoption agency formally notifies the adopter that they have been matched with the child.
- In the case of a child adopted from overseas, the employee must have 26 weeks' continuous service with their current employer by the end of the week in which the adopter receives the official adoption notification from the relevant domestic authority

or starting with the week in which the employee's employment began. The latter option allows for the possibility that the official notification may be received a year or more before the child enters the UK, and the employee may have changed employer in this time.

2.2 Paternity Leave (PL)

An employee who meets the qualifying criteria is entitled to two weeks' paternity leave. The entitlement is up to two weeks' leave even where more than one child is born.

An employee can take either two separate blocks of one week or two consecutive weeks. An employee cannot choose to take odd days of paternity leave and paternity leave cannot be used before the birth.

An employee is not entitled to take paternity leave if they have already taken any shared parental leave in respect of the child.

Paternity leave must be taken within 52 weeks of the birth or placement with their adoptive parent, or in the case of a child adopted from overseas, within the period of 52 weeks beginning with the date the child entered Great Britain.

If the child is born prematurely, paternity leave must be taken during the period that begins with the birth of the child and ends 52 weeks after the week in which the child was expected to be born.

Where the child is born late, the 52-week period runs from the date of the actual birth. An employee cannot start a period of paternity leave before the child is born.

3 Paternity Leave Pay

Any periods of Paternity Leave taken will be paid at the current Statutory Paternity Pay (SPP) rate.

Employees may be eligible to receive Statutory Paternity Pay if they:

- have 26 weeks' continuous service with their current employer by the end of the 15th week before the child is due. In the case of adoption, it is at least 26 weeks by the relevant or matching week;
- have average weekly earnings of over the lower limit for National Insurance contributions;
- are still employed at the time of taking paternity leave.

4 Notification Requirements for Paternity Leave

4.1 Before Paternity Leave starts

In the case of a birth child, 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:

- Confirmation that they are planning to take paternity leave in order to care for the child and/or the child's birth parent (and the date(s) they wish to take their leave, as discussed with their manager, if known);
- The expected week of childbirth (EWC);
- Confirmation that the employee is the biological father of the child or the mother's spouse, civil partner or partner;
- Confirmation that the employee will be responsible for the child's upbringing and will take time off work to support the mother or care for the child;
- If requested, the employee must also provide a copy of the mother's MATB1.

In the case of an adopted child from with the UK, the employee must provide the following in writing no more than seven days after the date on which the adopter is notified by an approved adoption agency. If this is not possible, notice must be provided as soon as is reasonably practical:

- Confirmation that they are planning to take paternity leave in order to care for the child (and the date(s) they wish to take their leave, as discussed with their manager, if known);
- they have been matched with a child for adoption;
- the date on which the adopter was notified of having been matched with the child;
- the date when the child is expected to be placed with the adopter (or, if placement has already occurred, the date of the placement);
- a declaration that they are married to or the civil partner or partner of the child's adopter and that they expect to have main responsibility for the child's upbringing apart from any responsibility of the adopter.

In the case of an adopted child from with overseas, the employee must provide the following in writing no more than seven days after the date on which the adopter is notified by an approved adoption agency. If this is not possible, notice must be provided as soon as is reasonably practical:

- Confirmation that they are planning to take paternity leave in order to care for the child (and the date(s) they wish to take their leave, as discussed with their manager, if known);
- the date on which the child's adopter received the "official notification";
- the date on which the child is expected to enter Great Britain (or the date on which the child entered Great Britain where this has already occurred); and
- a declaration that they are married to or the civil partner or partner of the child's adopter and have or expect to have main responsibility for the child's upbringing apart from any responsibility of the child's adopter.

4.2 Notice to take Paternity Leave

An employee must give at least 28 days' notice before any period of paternity leave. If this is not possible, notice must be provided as soon as is reasonably practical.

An employee must put their notice to take paternity leave in writing, if requested.

4.3 After the birth or adoption

The employee must also inform the employer of the date the child was born or placed for adoption, as soon as is reasonably practical after the child's birth or placement.

4.4 Varying dates of Paternity Leave

If an employee wants to cancel a period of paternity leave or they change their mind about the date on which they intend to start a period of paternity leave, then they must inform the employer of the cancellation or revised start date at least 28 days before the earlier of the original or revised date (or as soon as is reasonably practicable, if not in a position to do so within the prescribed period, e.g. if the child is born prematurely).

If an employee wants to start their paternity leave on a predetermined date and the child has not been born or placed with the adopter by then, the employee must give their employer a notice of variation selecting a later date as soon as reasonably practicable.

An employee must put their notice of a cancellation or variation of leave in writing, if requested.

5 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.

Maternity Support Leave is provided, for the child's father or the partner or nominated carer of an expectant mother, to be used at or around the time of the birth.

To be eligible for Maternity Support leave, the employee must therefore be the child's father, or the partner or nominated carer of an expectant mother. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the 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).

An employee who wishes to request or vary a period of MSL must provide the same notification requirements as set out in section 4 above.

6 Ante-natal Care Appointments

Expectant fathers, or spouses, civil partners or the partner of the child's mother 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.

7 Adoption Appointments

In accordance with the Adoption Policy, 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.

8 Pension

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

Employee Contributions During Paternity Leave

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

Employer Contributions During Paternity 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 pay. If, however, the employees' pay during their leave is higher than APP, the Town Council will pay contributions based on this higher amount.

9 Continuous Service

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

10 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

1 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 employees (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.

2 Adoption Leave

All employees, regardless of their length of service, are entitled to 26 weeks of Ordinary Adoption Leave and 26 weeks of 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.

3 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

4 Eligibility Criteria

To qualify for adoption pay an employee must:

- Have 26 weeks' service with their employer 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.

5 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 Line 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.

6 Evidence

In order to receive adoption pay and leave, the employee must provide the Line 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).

7 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.

8 Leave During Adoption Leave

8.1 Annual Leave

Annual leave continues to accrue during adoption leave.

8.2 Bank/Public Holidays

Bank/public holidays continue to accrue during adoption leave.

8.3 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.

9 Continuous Service

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

10 Pension

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

Employee Contributions During 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 Adoption Leave when the employer continues to make pension contributions.
- Periods of unpaid 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 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 employees' 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 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 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 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.

11 Returning to Work

11.1 Notification Requirements

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

11.2 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.

11.3 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 the employee does not wish to be contacted, then they should notify their 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

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

2 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

3 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.

4 Shared Parental Leave

4.1 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.

4.2 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 'Curtailment 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

5 Shared Parental Pay

5.1 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.

5.2 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 their 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.

6 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)

6.1 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.

6.2 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.

6.3 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.

6.4 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.

6.5 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.

6.6 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.

7 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.

8 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 HR Team.

If the employee notifies the 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 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.

9 Continuous Service

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

10 Leave During Shared Parental Leave

10.1 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.

10.2 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.

10.3 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.

11 Returning To Work

11.1 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 person working full-time (37 hours per week) and entitled to 24 days' annual leave per year takes maternity and then shared parental leave. They request to reduce their hours to 20 hours per week on their return to work and their employer agrees. The employer's annual leave year runs from 1 April to 31 March. Although they had used all the previous annual leave year's entitlement before taking maternity and shared parental leave, they had not taken any of the current annual leave year's entitlement.*

Their shared parental leave ends on 30 June. If their hours are changed with effect from 1 July, their 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 their 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 they will be reducing the length of their working day to 4 hours, this will equate to 29.1 days on their 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 person takes their compulsory 2 weeks' statutory maternity leave following the birth of their child. They then take a further 25 weeks' maternity leave before returning to work. Their partner takes their 2 weeks' paternity leave directly following the birth of the child. They then takes 25 weeks' shared parental leave starting from the point that their partner 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 person takes their compulsory 2 weeks' statutory maternity leave following the birth of their child. They then remain on maternity leave for a further 6 weeks during which time their partner takes SPL.

They then return to work and their partner takes a further 6 weeks' shared parental leave. Their partner then returns to work, and they takes the next 10 weeks' leave. They then return to work, and their partner takes the next 10 weeks' leave. Together they then split the remaining 10 weeks by both having 5 weeks off together.

Appendix C

Curtailement 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 Curtailement 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: <i>(Note: It will usually be helpful to answer this in a "From... To..." format)</i>

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

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.

Neonatal Leave Policy

Frome Town Council

1 What is Neonatal Care?

Babies may receive neonatal care for a variety of reasons. This can include because they have been born prematurely (before 37 weeks of pregnancy), they have a low birth weight, they are born with, or develop shortly after birth, a medical condition which needs treatment, or they experience a difficult birth.

2 Definitions

For the purposes of this policy, the term 'neonatal care' includes:

- medical care that a child receives in a hospital;
- medical care that a child receives in any other place providing:
 - the child was previously admitted to a hospital as an inpatient and needs continuing care after leaving the hospital;
 - the care is under the direction of a consultant; and
 - the care involves ongoing monitoring and visits from healthcare professionals arranged by the hospital where the child was an inpatient; or
- palliative or end-of-life care.

In this policy, the term 'partner of the child' can include someone, of whatever sex, who lives with the mother or the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

3 To Whom This Policy Applies

This policy applies to employees employed by Frome Town Council. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.

4 Neonatal Care Leave (NCL)

4.1 Entitlement to NCL (birth)

An employee has a statutory right from day one of their employment to take neonatal care leave if at the date of the child's birth:

- they are the child's parent and have responsibility for the upbringing of the child;
- they are the intended parent; or
- they are the partner of the child's mother and have main responsibility for the upbringing of the child (apart from the mother).

Additionally, the following conditions must be satisfied:

- the child was born on or after 6 April 2025;
- the child started receiving neonatal care within 28 days after the date on which they were born (the 28 days are counted from the day after the child is born);
- the neonatal care has lasted seven days or longer without interruption (the seven days are counted from the day after the neonatal care started);
- the employee is taking the leave to care for the child; and
- the employee has complied with the relevant notice and declaration requirements set out in this policy.

4.2 Entitlement to NCL (adoption)

In cases specifically related to adoption, an employee's entitlement begins either after the child has been placed for adoption (for adoptions within the UK) or after the child has entered Great Britain (for adoptions from overseas).

An employee has a statutory right from day one of their employment to take neonatal care leave if at the date the child is placed for adoption:

- They are the child's adopter and have or expect to have responsibility for the upbringing of the child;
- They are the child's prospective adopter (in a 'foster to adopt' arrangement) and have, or expect to have, responsibility for the upbringing of the child; or
- They are the partner of the child's adopter or prospective adopter and have main responsibility for the upbringing of the child (apart from your partner).

For adoptions from overseas, employees are entitled to neonatal care leave if at the date the child enters Great Britain:

- They are the child's overseas adopter and have or expect to have responsibility for the upbringing of the child; or
- They are the partner of the child's overseas adopter and have or expect to have main responsibility for the upbringing of the child (apart from their partner).

If the employee is having a child through a surrogacy arrangement, they are entitled to neonatal care leave if at the date of the child's birth:

- they have applied or intend to apply for a parental order within a period of six months;
- they expect the parental order to be granted; and
- they have or expect to have responsibility for the upbringing of the child.

Additionally, the following conditions must be satisfied:

- the child was born on or after 6 April 2025;
- the child started receiving neonatal care within 28 days after the date on which they were born (the 28 days are counted from the day after the child is born);
- the neonatal care has lasted seven days or longer without interruption (the seven days are counted from the day after the neonatal care started);
- they are taking the leave to care for the child; and
- they have complied with the relevant notice and declaration requirements set out in this policy.

4.3 Amount of NCL

Employees are entitled to one week of neonatal care leave for each qualifying period of one week that a child spends in neonatal care without interruption.

A 'week' is defined as a period of seven days.

The first qualifying period starts the day after the day on which neonatal care begins. For example, if the child started receiving neonatal care on 7 April, the seven-day count begins on 8 April. This means that the employee can start their neonatal care leave on any day from 15 April.

Subsequent qualifying periods start the day after the end of the preceding qualifying period. For example, if a child went into neonatal care on day one, the first qualifying period would start on day two and end on day eight, and the next qualifying period would start on day nine.

The minimum number of weeks that an employee can take as neonatal care leave is one week and the maximum number of weeks that an employee can take as neonatal care leave is capped at 12 weeks.

Employees can take only up to 12 weeks' neonatal care leave, even if multiple children from the same pregnancy require neonatal care.

Both parents of a child are entitled to neonatal care leave, including if they both work for Frome Town Council.

4.4 How and When NCL Can Be Taken

Neonatal care leave is available to take in two tiers:

Tier 1

The tier 1 period runs from when the child starts receiving neonatal care until the seventh day after the day the baby stops receiving neonatal care.

Tier 1 NCL can therefore be taken from any point after the first week that the child has been in neonatal care until the seventh day after the neonatal care ends.

Tier 1 NCL can be taken in one continuous block or a number of non-continuous blocks of a minimum of one week at a time during this period. A maximum of 12 weeks in total can be taken.

Tier 2

The tier 2 period starts from the eighth day after the neonatal care ends and must end within 68 weeks of the child's date of birth.

Tier 2 NCL, consists of any remaining NCL that was not taken during the tier 1 period.

Tier 2 NCL must be taken in one continuous block.

4.5 Notice to Take NCL

Frome Town Council understands that having a child in neonatal care is an incredibly difficult time for parents. Please be assured that if it is not possible to meet the timeframes for giving or withdrawing notice as set out in this policy, the organisation will accept later notice than this and, in some cases, we may waive the requirement to give notice altogether.

4.5.1 Notice during the tier 1 period

The employee must notify the Business Manager for each week of tier 1 NCL that they wish to take. This can be done verbally or in writing.

Preferably the Business Manager should be notified before the first day of absence in that week or as soon as is reasonably practicable to do so.

Following the initial request, the employee should then complete the Intention and Entitlement to Take Neonatal Care Leave form, which can be requested from the HR team.

There is no expectation that an employee should complete this form straight away while the child is receiving neonatal care. However, the organisation does request that the form is sent to the Business Manager within 28 days of the first day of neonatal care leave, or if this is not possible, as soon as reasonably practicable.

4.5.2 Notice during the tier 2 period

The employee must notify the Business Manager if they wish to take any remaining NCL not taken during the tier 1 period. This must be done in writing, using the Neonatal Care Leave form, which can be requested from the HR team.

If the employee wishes to take only a single week of neonatal care leave, then their notice should be received by the Business Manager at least 15 days before the first date that they have chosen for their leave to start, or if this is not possible as soon as it is reasonably practicable.

If the employee wishes to take two or more consecutive weeks of neonatal care leave, their notice should be received by the Business Manager at least 28 days before the first date that they have chosen for their leave to start, or if this is not possible, as soon as reasonably practicable.

4.5.3 Amending notice to take NCL

If an employee has submitted a notice of intention and entitlement to take neonatal care leave during the tier 2 period but wish to cancel their leave, they must inform the Business Manager as soon as reasonably practicable.

5 Neonatal Care Leave and Other Types of Parental Leave

Parents will have 68 weeks to take their neonatal care leave entitlement from the baby's date of birth, which means that they will be able to take their full entitlement to neonatal care leave in addition to other types of parental leave.

If an employee has already started a period of statutory leave, but subsequently becomes eligible for neonatal care leave, they can take their neonatal care leave after completing the other statutory leave, provided that their neonatal care leave is taken within 68 weeks of the child's birth date.

If the employee has already started a period of neonatal care leave during the tier 1 period but needs to begin another type of statutory leave (e.g. shared parental leave), their neonatal care leave will be temporarily paused immediately before the other statutory leave begins. They can then resume the remaining weeks of their neonatal care leave in one of two ways:

- if they are still within the tier 1 period - immediately after the end of the other period of statutory leave; or
- if they have transitioned into the tier 2 period - immediately after any other neonatal care leave taken during the tier 2 period.

Employees cannot take neonatal care leave in the tier 2 period if, at the time of giving notice, they are aware that the leave will overlap with another type of statutory leave.

5.1 Maternity Leave

Employees who qualify for maternity leave will need to take their neonatal care leave after their maternity leave ends, as maternity leave will be automatically triggered by the birth of the baby or babies and cannot be paused and restarted.

5.2 Adoption Leave

Employees who qualify for adoption leave will need to take their neonatal care leave once adoption leave has ended. Adoption Leave cannot be paused and restarted.

5.3 Shared Parental Leave

If an employee wishes to take shared parental leave then they can choose to take neonatal care leave either:

- straight after their maternity or adoption leave ends but before their shared parental leave starts; or
- in between/after periods of shared parental leave provided that their neonatal care leave is taken within 68 weeks of the child's birth date.

5.4 Paternity Leave

Employees who qualify for paternity leave can be take their neonatal care leave either before or after their paternity leave, provided that their neonatal care leave is taken within 68 weeks of the child's birth date.

6 Adoption Placement Disrupted

Employees who have accrued entitlement to neonatal care leave may still be entitled to take their neonatal care leave if their adoption placement is disrupted.

A placement is disrupted where:

- the child is returned after having been placed for adoption,
- ceases to live with the overseas adopter, or
- in the case of a surrogacy arrangement, the parental order does not proceed.

Employees should refer to the Adoption Policy and seek advice from the HR Team regarding entitlement to leave and other support that may be available.

7 Bereavement

Employees who have accrued entitlement to neonatal care leave can still take the neonatal care leave that they have accrued if their child passes away.

Employees may also be entitled to parental bereavement leave in these circumstances as set out in the organisation's Leave Policy.

In such cases, employees should speak to the HR Team so that their entitlement to leave and other support can be discussed.

8 Neonatal Care Pay (NCP)

The maximum number of weeks for which an employee can receive neonatal care pay is capped at 12 weeks.

Any periods of NCL taken will be paid at the current Statutory Neonatal Care (SNC) rate or at 90% of the employee's average weekly earnings (whichever is lower).

Employees may be eligible to receive Statutory Neonatal Care Pay if:

- They are entitled to take neonatal care leave;
- They have at least 26 weeks' continuous employment with the organisation at the end of the relevant week;

They are still employed at the time of taking NCL

- Their average weekly earnings are not less than the lower earnings limit for national insurance contributions;
- they have complied with the relevant notice and evidential requirements and are able to provide the declarations as set out in this policy; and
- they have confirmed when they wish to start receiving statutory neonatal care pay using the appropriate paperwork.

In this policy "relevant week" means the 15th week before the expected week of childbirth if you are entitled to statutory maternity or paternity pay. In all other cases, it means the week before the neonatal care begins.

9 Keeping In Touch and Returning To Work

Employees should refer to the relevant parental leave policy (maternity, paternity, shared parental, adoption, and parental bereavement leave) for further details on keeping in touch days and returning to work.

10 Pension

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

Employee Contributions During NCL

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, 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 NCL

The 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 Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of NCL. 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 Business Manager 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 Business Manager of this decision later than 30 days after returning to work then the whole cost will be borne by the employee unless the Council voluntarily agrees to contribute to the APC.

11 Continuous Service

Neonatal care leave counts as continuous service for statutory and contractual purposes.

12 Leave During Neonatal Care Leave

12.1 Annual Leave

Annual leave continues to accrue during neonatal care leave.

12.2 Bank/Public Holidays

Bank/public holidays continue to accrue during neonatal care leave.

13 Requesting Support

Employees finding it difficult to cope at work because their child is in neonatal care, are encouraged to speak to their line manager or the HR Team.

Frome Town Council realise that this may not be an easy subject to talk about. However, we urge you to be as open as possible about any particular issues that you are experiencing to ensure that you are provided with the right level of support.

Any information disclosed by you during discussions will be treated sensitively and in strict confidence.

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, worker and volunteers are required to work alone.

2 Definition

Lone Working includes employees, workers and volunteers working alone in the Town Hall, Key Centre, Cabin, outside where there is no close, frequent, or regular contact with other colleagues and in residential settings.

3 Policy

Frome Town Council considers lone working as a high-risk activity and will strive to ensure such working environments are as safe as is practicably possible. The Council will, so far as is reasonably practicable, ensure that employees, workers and volunteers who are required to work alone are protected from risks to their health, safety, and welfare. Any risks to employees, workers or volunteers should be identified in discussion beforehand with their Line Manager or Council contact 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 the lone worker may come into contact
- Equipment that may be used
- Worse case foreseeable scenarios

4 Responsibilities

Line Managers' or Council contact Duties

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

Line Managers or Council contact must also ensure employees, workers or volunteers 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, workers and volunteers Duties

- All employees, workers and volunteers have a responsibility to take care of their own safety and comply and cooperate with Frome Town Council's health and safety procedures.
- Employees, workers and volunteers should not knowingly place themselves in situations which expose them to additional risk by working alone.
- Employees, workers and volunteers should ensure their whereabouts are known to their Line Manager or Council contact and colleagues before they leave their workplace and undertake lone working. Employees should ensure that their outlook calendars are updated with location, who they are meeting along with a contact number for that person.
- When lone working out of office hours employees, workers and volunteers should ensure that their next of kin knows when they are lone working, when to expect them to be home and share the contact information of their line manager or Council contact, along with Frome Town Council's emergency contacts (Town Clerk, Environment Manager, Marketing and Communications Manager, Business Manager and Town Hall Steward) with their next of kin.
- Employees, workers and volunteers should carry out their own 'Personal Risk 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 or Council contact.
- If an employee, worker or volunteer thinks they have any medical conditions which may make them unsuitable for lone working they should inform their Line Manager or Council contact.
- Employees, workers and volunteers should ensure they are carrying a mobile phone, and their contact details are kept up to date and known by their Line Manager/Council contact.

Loan workers at the Key Centre, Cabin and gardens should ensure they

- Key Centre employees, workers and volunteers should ensure they have a mobile phone and wearable personal alarm on them when leaving the Key Centre to go to the Cabin and gardens, including taking the refuse to the bins or to the kerbside collection point
- Check the mobile and personal alarm are charged and working at the start of their loan working and what to do if either is faulty

- Know how to use the personal alarm and keep it with them as appropriate
- Know how to access and lock the back office should they need a refuge point

Appendix 1 should be signed and returned to the HR Lead and Executive Assistant to the Town Clerk or Business and HR Administrator.

5 Risk Assessment

The risk assessment process will be undertaken by the Line Manager or Council contact and that the agreed safe working procedures are recorded and communicated to all employees, workers and volunteers who may be required to work alone and any other employees, workers and volunteers 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 or Council contact. Risk assessments should be reviewed if any significant changes take place following an accident/incident or following any concerns being raised by the employee, worker, volunteer, Line Manager or Council contact.

Appendix 1

I have read and understood the Lone Working policy. I understand that I am responsible for ensuring that my next of kin is aware when I am lone working out of office hours and is responsible for contacting my Line Manager, Council contact or one of the emergency contacts listed in the policy in case of emergency.

I agree to share the contact information of my Line Manager, Council contact and the emergency contacts for Frome Town Council with my next of kin. I am aware that some of these numbers are personal numbers and therefore will not share them for any other reason than Lone Working emergency purposes.

Signed:

1 Annual Leave

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

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, inclusive of two extra statutory holidays per year. Those employed part-time will be entitled to leave on a pro-rata basis.

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

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

2 Bank/Public Holidays

All employees are entitled to paid bank/public holiday leave. The Council recognises eight bank holidays during the calendar 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 employees are encouraged to take all annual leave in the leave year during which it is accrued. Where this is not possible, a maximum of five days' leave can be carried over into the next leave year in agreement with the 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 their:

- Husband, wife, or partner;
- Parent;
- Child, including any adopted child; and
- Sibling

A further day may be granted for attending the funeral.

Employees may also wish to consider taking a period of parental bereavement leave following the loss of a child under the age of 18. See parental bereavement leave.

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

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

5 Parental Bereavement Leave and Pay

Parental Bereavement Leave provides up to two weeks' leave for employees following the loss of a child who was under the age of 18 or a stillbirth after 24 weeks of pregnancy.

5.1 Parental Bereavement Leave

In order to qualify for parental bereavement leave and pay, the employee must be either:

- the child's legal parent; or
- a parent's partner, in an enduring family relationship with the child who has passed away and their parent; or
- an individual with a caring relationship to the child, such as a "parent in fact", who are defined as a person who for a continuous period of at least four weeks before the child's death has lived with the child in the person's home, and had day to day responsibility for the child's care (provided they are not paid for that role, foster payments excepted);
- the "intended parent" of a child who has passed away, i.e. a parent using a surrogate; or
- the "natural parent" of a child who has passed away who is named in a court order, i.e. where a court orders some contact for an adopted child's birth parent; or
- the adopter of a child who has passed away.

All employees, who are eligible as above, are entitled to 2 weeks' parental leave regardless of their length of service.

The two weeks' leave can be taken, either as one block or in two one-week blocks. The leave may be taken at any time within 56 weeks of the child's death.

5.2 Notification requirements

If the employee wishes the leave to start within 56 days of the child's death, notice must be given to the Line Manager before the day the employee wishes the leave to start, or where that is not possible as soon as is reasonably practicable.

Employees must give their Line Manager at least one week's notice if they wish the leave to start after the 56-day period.

When giving notice the employee must specify, ideally in writing, to the Line Manager:

- the date of the child's death,
- the date on which the employee intends the leave to start, and
- whether the period of absence is for one week or two weeks.

5.3 Cancellation of Parental Bereavement Leave

If an employee has asked to begin parental bereavement leave within the first 56 days of the date of the child's death, they can cancel the parental bereavement leave, as long as they inform their Line Manager prior to when they would have been due to start work.

If an employee has asked to begin parental bereavement leave more than 56 days after their child's death, then they can cancel their request for parental bereavement leave, as long as they inform their Line Manager at least one week in advance.

Employees cannot cancel any week of parental bereavement leave that has already begun.

5.4 Parental Bereavement Pay eligibility

In order to qualify for parental bereavement, pay employees must meet the eligibility criteria as above and also have:

- at least 26 weeks' continuous service by the week before the week in which their child passes away, and still be employed by the Council on the day on which the child passed away;
- weekly average earnings over the lower earnings limit for National Insurance contributions in the eight weeks prior to the week before the child's death.

5.5 Parental Bereavement Pay

Parental bereavement leave will be paid at the Statutory Parental Bereavement Pay (SPBP) rate or 90 per cent of the average weekly earnings, whichever is the lower.

In order to receive parental bereavement pay, an employee must notify the Line Manager or Business Manager in writing within 28 days of the start of the week's (or weeks') leave or, if that is not reasonably practicable, as soon as is reasonably practicable.

Notice must include the parent's name and the date of the child's death. Furthermore, on the first occasion leave is taken, the employee must also provide a written declaration that they meet one of the qualifying conditions in terms of their relationship with the child.

Parental bereavement leave for employees who are not eligible for parental bereavement pay will be unpaid.

5.6 Continuous Service

Parental Bereavement Leave counts for the purpose of continuous service.

5.7 Returning to work following parental bereavement leave

Employees have the right to resume working in the same job when returning to work from parental bereavement leave if the period of leave, when added to any other period of statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child, is 26 weeks or less.

Employees are entitled to return to an alternative job that is suitable and appropriate, rather than the same job, if:

- the period of leave taken is more than 26 weeks, when added to other statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child; and
- it is not reasonably practicable for them to return to the same job.

6 Parental Leave

6.1 Introduction

Parental Leave applies to all parents (birth or adoptive) and those people with parental responsibilities and allows for them to take up to 18 weeks' unpaid leave for each child. Each parent and person with parental responsibility are entitled to take 18 weeks' parental leave for each child.

Parental leave may be particularly useful if you require time off to care for your child but have used up, or are not entitled to, other types of family-friendly leave.

Employees who are considering taking parental leave following the birth of a child or the placement of the child for adoption, should bear in mind that they may also be entitled to paid maternity / paternity / adoption / shared parental leave. Further information can be found in the Councils relevant policies.

6.2 Eligibility and notification

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

- The rights are acquired after one year's continuous employment with the Council and applies to both parents.
- The employee must provide evidence of parenthood or parental responsibility where requested i.e. a birth certificate or adoption papers.
- The employee must give their Line Manager at least 21 days' notice in writing to take leave. The notice must specify the dates on which the period of leave is to begin and end.
- Where an employee requests parental leave to begin when their child is born, their notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give this notice to their Line Manager at least 21 days before the expected week of childbirth. If the child is born earlier/later than expected, the employee should agree any changes to the start of the leave with their Line Manager.
- Where the ordinary parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's notice must be given to their Line Manager at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of ordinary parental leave requested.
- The employee can only take leave in blocks of one or more weeks except where the child is disabled, in which case it may be taken one day at a time.
- The employees may not take more than four weeks' leave in respect of any individual child in any year. For these purposes, a year is the period of 12 months beginning when the employee first becomes entitled to ordinary parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

The Line Manager may postpone the leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) 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.

If an employee falls ill during parental leave, the absence will be treated as sick leave for those periods covered by a doctor's certificate.

Line Managers should keep a record of leave taken under this entitlement, so that it is clear when the entitlement is exhausted.

6.3 Continuous Service

Parental leave counts for the purpose of continuous service.

6.4 Returning to work following parental leave

An employee who returns to work after a period of parental leave is entitled to return to the job in which they were employed prior to the absence if it was an isolated period of leave lasting four weeks or less. If the period of parental leave followed on immediately from another period of statutory leave, the employee's right to return depends on the total length of leave taken.

7 Emergency Time Off For Dependants

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

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

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

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

7.1 Pay During Emergency Time Off for a Dependiant

This leave is unpaid. All employment rights, including accrual of annual leave, continue during the period of leave.

7.2 Pension During Emergency Time Off for a Dependant

Employees who are members of the Local Government Pension Scheme may 'buy back' pension lost during authorised unpaid leave, as set out in this policy. See the section entitled 'Implications of Authorised Unpaid Leave and Industrial Action for Local Government Pensionable Service.

8 Carer's Leave

8.1 Who Can Take Carer's Leave?

All employees (regardless of their length of service) have entitlement to unpaid leave to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability (as [defined in the Equality Act 2010](#))
- care needs because of their old age

A dependant is:

- a spouse, civil partner, child or parent;
- A person who lives with the employee (other than as a lodger, tenant, boarder or employee); or
- any other person who would reasonably rely on you to provide or arrange care.

Employees are entitled to carer's leave from their first day of work for their employer.

8.2 Pay During Carer's Leave

Carer's leave is unpaid. All employment rights, including accrual of annual leave, continue during the period of leave.

8.3 How Long Employees Can Take

Employees can take up to one week of leave every 12 months. A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.

They can either take a whole week off or take individual days or half days throughout the year.

If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant. They can only take one week every 12 months. They can use the week of leave on more than one dependant.

8.4 How to Take Carer's Leave

Employees need to give their employer notice before they want their leave to start.

If the request is for half a day or a day, the notice period must be at least 3 days.

If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days.

The notice period needs to be in full days, even if the request includes half day amounts.

Any request should be addressed to the Line Manager.

Employees do not need to give evidence of their dependant's care needs.

8.5 When the Town Council Can Delay Carer's Leave

If the absence would cause serious disruption to the Town Council, the employee can be asked to take the leave at a different time.

If they delay it, the employer must:

- agree another date within one month of the requested date for the leave
- put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave

8.6 Pension During Carer's Leave

Employees who are members of the Local Government Pension Scheme may 'buy back' pension lost during authorised unpaid leave, as set out in this policy. See the section entitled 'Implications of Authorised Unpaid Leave and Industrial Action for Local Government Pensionable Service

9 Public Duties

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

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

10 Jury Service

When on jury service, employees are required to claim an allowance for loss of earnings, which is available from the court. Frome Town Council will pay the difference between the

amount of this allowance and the employee's normal contractual pay. Employees will receive a certificate of loss of earnings form along with their invitation to jury service, which the Business Manager will arrange to complete for them in order to enable the allowance to be claimed.

The Council undertakes to make this 'top up' payment for a period of up to four weeks. If jury service is likely to extend beyond this time, consideration will be given on a case-by-case basis whether to extend the payment for an additional period.

If the employee's absence is likely to cause substantial damage to the business then the Town Clerk and Business Manager will discuss this with them. The employee can, if they choose to do so, ask the court to be excused, or to have their participation deferred. They are not obliged to request this, but if they do then the Town Clerk may write a letter in support of their application.

11 Leave Without Pay

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

12 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 Finance Officer within 30 days of their return to work indicating their decision. After that time, the 'lost' pension can be bought back, but the whole cost will be borne by the employee. Details of the cost of buying back the 'lost' pension can be obtained from the Pension Scheme; please ask the 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 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

1 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.

2 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.

2.1 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.

2.2 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.

2.3 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.

2.4 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.

Criminal Record Checks Policy

Frome Town Council

1 Aims of the policy

The aim of this policy is to set out Frome Town Council's approach to carrying out Criminal Record Checks.

The Council recognises that although criminal record checks are important to make safe recruitment decisions, the check only forms one part of the process. Therefore, any decisions which the Council makes will be made on the balance of what a criminal record check provides against all other evidence presented.

2 Basic Disclosure Checks - For Jobs Covered by the Rehabilitation of Offenders Act 1974

The Council has discretion to request a Basic Disclosure for any role.

3 Standard and Enhanced Disclosure Checks - For Jobs That Are Exempt From the Rehabilitation of Offenders Act 1974

The Council will only carry out standard or enhanced disclosure checks for roles which are defined as exempt from the Rehabilitation of Offenders Act 1974.

4 Disclosure procedure

If the Council concludes that to assess an applicant's suitability for a post a criminal record check is required then this will be processed through the Disclosure and Barring Service (DBS). The Council ensures that they comply fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.

The Council will only make an application for a criminal record check to the DBS after due consideration has been given and a decision has been reached that one is both proportionate and relevant to the position concerned.

The nature of the post will determine which level of disclosure check is required: basic, standard, enhanced or enhanced with barred list(s).

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For those positions where a criminal record check is identified as necessary, the relevant recruitment documents, such as the job advert, will state that an application for a DBS certificate will be submitted in the event of the individual being offered the position. The Council will make every job applicant who will need a criminal record check submitted aware of the existence of the [code of practice](#) and will make a copy available on request.

If the applicant declares any spent or unspent convictions on their application form then the Council will consider their application alongside others. If they meet the criteria to be interviewed an open and measured discussion will be arranged with the job applicant. This may take place at the interview or in a separate discussion. The Council will discuss with the job applicant any offences or other matters declared which may be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

Once the Council has selected the person to whom it wishes to offer employment, the Council will seek the applicant's agreement to make a joint application to the Disclosure and Barring Service (DBS).

If the post requires a Basic check then, once the Council has selected the person to whom it wishes to offer employment, the Council may ask the individual to do make the request for a check themselves via www.gov.uk/request-copy-criminal-record. Alternatively the Council may arrange this through a responsible organisation.

If the post requires a Standard or Enhanced check then, once the Council has selected the person to whom it wishes to offer employment, the Council will seek the applicant's agreement to make a joint application to the Disclosure and Barring Service (DBS). This may be arranged through a responsible organisation.

Where the individual is a member of the DBS update service, the Council may instead, with their permission, carry out a status check on any current certificate.

The Council will meet the cost of obtaining the appropriate DBS certificate, regardless of the level of the check.

The DBS check will provide the Council with documentary evidence about the person's criminal convictions. The Council will undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before deciding whether or not to withdraw a conditional offer of employment.

5 Subsequent checks

For roles which require a criminal records check, the Council will usually carry out a new check every three years, if not already signed up to the update service.

6 Training for employees

For posts which require a DBS check, the Council will ensure that the HR Team have received or have access to appropriate advice and guidance on the criminal record check process.

7 Data protection

The Council processes information about an individual's criminal convictions in accordance with its data protection policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

8 Record keeping

a. General principles

As an organisation using the DBS checking service to help assess the suitability of applicants for positions of trust, Frome Town Council complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

b. Storage and access

The Council will ensure that DBS certificate information should be kept in a secure and confidential folder in the Council's digital storage. No paper copies will be stored. Access is strictly controlled and limited to those who are entitled to see it as part of their duties.

c. Handling

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. The Council will maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

d. Usage

DBS certificate information will only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

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e. Retention

Once a recruitment decision has been made, the Council do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints or be for the purpose of completing safeguarding audits.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

f. DBS logo

The DBS logo is protected by crown copyright; the copying and use of the DBS logo is not permitted without prior approval of the DBS.

	<h1>Policy on the Rehabilitation of Offenders</h1> <h2>Frome Town Council</h2>
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1 Aims of the policy

The aim of this policy is to set out the Council's approach towards employing people who have criminal convictions.

Frome Town Council is committed to being an effective Equal Opportunities employer. This means that the Council will provide equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

The Council will consider ex-offenders for employment, taking into account the criteria above as well as the facts and circumstances relating to their criminal record.

2 Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act (1974) was introduced to support the rehabilitation into employment of reformed offenders who have stayed on the right side of the law. It enables many offences to become 'spent,' or disregarded, after a set rehabilitation period has been completed.

For most purposes the Act treats a rehabilitated person as if they have never committed an offence and, as such, they are not obliged to declare their caution(s) or conviction(s), for example when applying for employment.

However, some jobs are exempt from the Rehabilitation of Offenders Act, due to the nature of the role: for example jobs working with children or vulnerable individuals. In this situation the individual is required to disclose both spent and unspent convictions.

3 Establishing Whether Jobs Are Exempt From the Rehabilitation of Offenders act 1974

The Council will determine which, if any, of its jobs are exempt from the Rehabilitation of Offenders Act. Using this information, a decision can be made:

- Whether to ask prospective employees to disclose spent and/or unspent convictions on their job application documents.

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- Whether to request a Disclosure and Barring Service check for the successful applicant and, if one is requested, what category of check should be made.

4 For Jobs That Are Not Exempt from the Rehabilitation of Offenders Act 1974

During the application process, the Council may ask applicants for these jobs to disclose any unspent convictions but will not ask about spent convictions.

The Council may decide on this basis whether to proceed with the application. See section 7 below.

Once the Council has selected the person to whom it wishes to offer employment, it may also seek the applicant's agreement to make a joint application to the Disclosure and Barring Service (DBS) for a basic disclosure check.

The DBS basic check will provide the Council with documentary evidence about the individual's convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974.

If the Council undertakes Disclosure and Barring Service checks at any level then further information regarding this process can be found in the Council's Criminal Records Check Policy.

5 For Jobs That Are Exempt from the Rehabilitation of Offenders Act 1974

If the job into which the Council is seeking to recruit is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the Council will require the job applicant to disclose all convictions, whether spent or unspent (other than where protected cautions and protected convictions do not need to be disclosed, depending on the job concerned).

The Council may decide on this basis whether to proceed with the application. See section 7 below.

Once the Council has selected the person to whom it wishes to offer employment, it may also seek the applicant's agreement to make a joint application to the Disclosure and Barring Service (DBS) for a standard, enhanced or enhanced with DBS barred lists check (as appropriate). The DBS check will provide the Council with documentary evidence about the person's criminal convictions. Further information regarding this process can be found in the Council's Criminal Records Check Policy.

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6 Training for Recruiters

The Council will ensure that the HR Team has the required knowledge to identify and assess the relevance and circumstances of offences. The Council will also ensure that they have received or have access to appropriate advice and guidance on the relevant legislation relating to the employment of ex-offenders.

7 Consideration of Applicants With Criminal Convictions

In accordance with the Rehabilitation of Offenders Act 1974 the Council will not automatically refuse to employ an individual just because they have a previous criminal conviction.

If the applicant declares any convictions on their application form and they meet the criteria to be interviewed then the Council will arrange for an open and measured discussion with the job applicant. This may take place at the interview, or in a separate discussion. This discussion will cover any offences or other matters declared which may be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of any offer of employment.

After considering the information provided the Council will decide whether or not to proceed with the application process.

Further information regarding the DBS process can be found in the Council's Criminal Records Check Policy.

8 Data Protection

The Council processes information about an individual's criminal convictions in accordance with its Data Protection Policies and, where these are undertaken, as set out in the Criminal Records Check Policy. In particular, data collected during recruitment is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the recruitment process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported immediately in accordance with the Council's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under the Council's disciplinary procedure.