



ALCOHOL AND DRUG ABUSE POLICY

The council's policy is that the working environment should be free from the influence of substances. This policy will help to ensure the health and safety of its staff, and others with whom they come into contact, to maintain the efficient and effective operation of the council.

Contravention of these rules is a very serious matter and the council will take disciplinary action against employees in the event of an infringement under the council's disciplinary procedures, which may include dismissal.

The council recognises that the misuse of alcohol and drugs can seriously damage the physical, mental and social well-being of an individual and can affect their behaviour, work performance, attendance, conduct and relationships at work.

The council is committed to providing a safe working environment for its employees, customers and visitors and understands that an individual's use of either prescribed / non-prescribed drugs or alcohol can impair their decision making and may also risk the health, safety and welfare of work colleagues or third parties.

Employees may be subject to random tests, subject to direction of the Council.

The council recognises that in some cases drug or alcohol dependency/addiction is an illness which may have an adverse effect on an individual's performance and behaviour whilst at work. The council will, wherever possible, support any employee who is seeking rehabilitation for medically diagnosed drug or alcohol related dependency/addiction. We wish to promote a culture which understands the problems associated with alcohol and drug misuse in which staff with dependency problems are encouraged to seek help and are supported.

For those reasons the following rules will be strictly enforced:

No member of staff shall:

1. Report or try to report to work whilst Impaired through alcohol or drugs (whether illegal or not).
2. Be in possession of opened/unsealed alcohol or illegal drugs on council premises.
3. Consume alcohol, illegal drugs or take any substances in an unsanctioned way whilst at work. Attempt to sell, distribute or supply Drugs which contravene the Misuse of Drugs Act 1971 and the Medicines Act 1968, whilst on council premises or whilst representing the council.

4. If you are prescribed medication, you must seek advice from your GP or pharmacist about the possible effect on your ability to carry out your job and whether your duties should be modified or you should be temporarily reassigned to a different role. If so you must tell your line manager without delay.
5. Any employee who is found consuming alcohol on the Council's premises or the premises of its customers and clients or is found to be intoxicated at work will normally face disciplinary action on the ground of gross misconduct under the Council's disciplinary procedure.
6. Existing and prospective employees may be asked to undergo a medical examination, which will seek to determine whether he/she has taken a controlled drug or has an alcohol abuse problem.
7. A refusal to give consent to such an examination or a refusal to undergo the screening will result in the immediate withdrawal of any offer made to prospective employees and will normally be treated as gross misconduct for employees.
8. If, having undergone a medical examination, it is confirmed that you have been positively tested for a controlled drug, or you admit there is a problem, the Council reserves the right to suspend you from your employment (with or without pay) to allow the Council to decide whether to deal with the matter under the terms of the Council's disciplinary procedure and/or to require you to undergo treatment and rehabilitation.
9. The Council reserves the right to search you or any of your property held on Council premises at any time if there are reasonable grounds to believe that this policy is being or has been infringed or for any other reason. If you refuse to comply with these search procedures, your refusal will normally be treated as gross misconduct.
10. The Council reserves the right to inform the police of any suspicions it may have with regard to the use of controlled drugs by its employees on the Council's premises.

Reviewed by F&P Comm	July 2022
Adopted by FC	Sept 2022
Review date	Sept 2026



BAYSTON HILL PARISH COUNCIL ANNUAL LEAVE POLICY

Annual leave entitlement	2
Working part-time	2
Leave year	2
Carrying over leave	2
Requesting leave	2
Sickness during leave	3
Payment of annual leave	3
Payment in lieu	3

Annual leave entitlement

Your paid leave entitlement is set out in your contract of employment. The basic leave entitlement for a full-time member of staff is 22 days plus 2 additional statutory days per annum in addition to 8 Bank holidays. Part time employees receive a pro-rated entitlement according to their hours of work. Leave entitlement will increase to 25 working days per year (pro rata for part time employees) when you have five years' continuous service immediately prior to the commencement of the leave year.

Working part-time

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

Leave year

The leave year runs from 1st April to 31st March. It is your responsibility to manage your leave in such a way that you are able to take it all during the leave year. Your annual leave entitlement will be pro-rated in your first and last year of employment with the council. Deductions from your final salary payment will be made for any leave taken in excess of your entitlement.

Carrying over leave

Where it has not been possible to take all your leave in the current leave year, in exceptional circumstances, and only with prior consent from the Clerk (or the Council in the case of the Clerk), you will be permitted to carry forward up to 5 days leave. This must be taken within the first two months of the new leave year.

Requesting leave

You should request leave from the Clerk (or the Council in the case of the Clerk), by calling into the Parish Office to complete a leave form. You should provide the Council with as much notice as possible. This will allow the council to plan workloads. The following notice minimum notice periods apply when requesting leave.

Period of leave requested	Period of notice required
A week or more (five days or more)	2 weeks
Less than a week (one to four days)	1 week

Before granting leave we will consider;

- The team's workload,
- The need for office or team cover, and,
- Whether other staff have or are likely to ask for the same time off (e.g. a popular holiday time).

The council will balance your needs against the needs of other staff before agreeing to leave. If you take leave without such permission it will be treated as unauthorised absence and dealt with under the Disciplinary Procedure.

Sickness during leave

If you become ill during a period of paid annual leave, you must comply with the requirements of the sickness reporting and certification procedure, if you wish to have this sickness period discounted from the period of paid leave taken. It is important that you contact the Clerk (or the Council in the case of the Clerk), on the first day of sickness and keep the council up to date during the period of sickness.

Payment of annual leave

The council does not offer payment in lieu of leave entitlement unless you are leaving the council and have not taken leave entitlement that you have accrued at the time of leaving.

Payment in lieu

If you leave during the course of a leave year, and cannot take any outstanding accrued leave before your last day, you will receive a payment in lieu of any outstanding accrued leave. In such a case, a calculation will be made of the amount of paid leave due to you, on a pro rata basis, for that part of the leave year up to the date of termination of the contract. Holiday pay will be based on your current rate of pay including any regular overtime.

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

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

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Approving committee: Full Council
Date of committee meeting: 21st March 2022
Supersedes: Nil
Policy effective from: 1st April 2022
Date for next review: Sept 2026

— policy ends here —

Notes

1. Annual leave entitlement

The statutory minimum leave entitlement for full time workers is 21 days in addition to 8 Bank Holidays. This should be pro-rated for part time workers. If your Clerk works three full days a week, their entitlement will be 3/5ths of the full-time entitlement (i.e. 12 days leave in addition to 4.8 days Bank Holidays).

2. Green Book terms

If the council adopts Green Book terms and conditions of employment, staff receive an additional 5 days entitlement after 5 years of continuous service. Furthermore, employees have an entitlement to two extra statutory days leave which may be taken on specific days, or added to the annual entitlement.

Public and Extra Statutory Holidays

Employees required to work on a public or extra statutory holiday shall, in addition to the normal pay for that day, be paid at plain time rate for all hours worked within their normal working hours for that day. In addition, at a later date, time off with pay shall be allowed as follows:

- Time worked less than half the normal working hours on that day — half day
- Time worked more than half the normal Working hours on that day — full day

3. Carrying over leave

It is important that staff take their statutory annual leave in order to ensure the council complies with working time legislation. The council has a responsibility to support staff to take their annual leave. If the council offers leave entitlement in excess of the statutory minimum, you may wish to allow staff to carry over unused entitlement from one year to the next. The following text can therefore replace the relevant section above.

Where it has not been possible to take all your leave in the current leave year, and only with prior consent from the Clerk (or the Council in the case of the Clerk), you will be permitted to carry forward up to 5 days leave. This must be taken within the first two months of the new leave year.

4. Rolled-up holiday pay

It is not permissible to "roll-up" holiday pay into basic pay, i.e. pay an employee a higher hourly, daily or weekly wage, part of which is designated as holiday pay, with the result that, when the employee goes on leave, they receive no pay.

5. No normal working hours

If an employee does not have normal working hours, for example if the amount of work fluctuates from week to week, then the amount payable during statutory annual leave must be calculated as an average of the employee's actual pay during the 12 weeks that preceded the start of the leave period. If, during the preceding 12 weeks, there was one or more weeks during which the employee did no work (and hence received no pay), that week must be discounted and an earlier week counted instead.

6. Religious festivals

Refusal of annual leave on a day that has religious significance for a particular employee may amount to indirect discrimination under legislation.

Guidance

Where there is text in [square brackets] this part may be updated or be deleted if not relevant. An alternative option may have been provided.

Important notice

This is an example of an employment policy designed for a small council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This document was commissioned by the National Association of Local Councils (NALC) in 2019 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC

cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

This document has been written by the HR Services Partnership – a company that provides HR advice and guidance to town and parish councils. Please contact them on 01403 240 205 for information about their services.



ANTI-HARASSMENT AND BULLYING POLICY

Introduction	2
Policy	2
What type of treatment amounts to bullying or harassment?	2
Reporting concerns	3
Informal resolution	4
Raising a formal complaint	4
During the investigation	5
Hearing	5
Victimisation	6
False allegations	6
Disclosure and confidentiality	6
Use of the disciplinary procedure	6

Introduction

All staff should be able to work in an environment free from harassment and bullying and be treated with dignity and respect regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, or disability.

This policy and procedure provide guidance on what to do if you are concerned about bullying or harassment and what to expect if you raise concerns. It applies to all staff (whether permanent, fixed term, or casual), contractors and agency staff.

Policy

The Council does not tolerate bullying or harassment in the workplace. This is the case for work-related events that take place within or outside of normal working hours; on council property or elsewhere; whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not.

The Council does not tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal. You should also be aware that if a court or tribunal finds that you have bullied or harassed someone, in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

The council will take appropriate action if any of our staff are bullied or harassed by staff, councillors, members of the public or suppliers.

What type of treatment amounts to bullying or harassment?

Bullying is offensive, intimidating, threatening, malicious or insulting behaviour, and/or an abuse or misuse of power that undermines, humiliate or injure the person on the receiving end.

Harassment is unwanted conduct related to relevant 'protected characteristics', which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Harassment amounts to unlawful discrimination if it relates to a 'protected characteristic'.

Examples of bullying and harassment include:

- Verbal abuse or offensive comments, jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Lewd or suggestive comments
- Deliberate exclusion from conversations or work activities
- Withholding information, a person needs in order to do their job



- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Subjecting a person to humiliation or ridicule, belittling their efforts, often in front of others
- Abusing a position of power

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

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

Reporting concerns

What you should do if you witness an incident you believe to harassment or bullying

If you witness such behaviour you should report the incident in confidence to the Clerk or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you feel you are being Bullied or Harassed by a member of the public or supplier (as opposed to a colleague)

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

What you should do if you feel you are being Bullied or Harassed by a councillor

If you are being bullied or harassed by a councillor, please raise this with the Clerk or the Chair of the Council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of Code of Conduct breaches will be investigated by the Monitoring Officer.

What you should do if you are being Bullied or Harassed by another member of staff

If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal resolution

If you are being bullied or harassed you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to our



policy and must stop. Alternatively, you may wish to ask the Clerk, a colleague or another councillor to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own manager, you should raise the issue with the Chair of the Council. The Chair (or another appropriate individual) will discuss with you the option of trying to resolve the situation informally by:

- Telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a member of staff;
- That such behaviour is contrary to our policy;
- That for employees, the continuation of such behaviour could amount to a serious disciplinary offence.

It may be possible to have the conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party to facilitate a resolution of the problem. The Chair will discuss this with you if it is appropriate.

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

Raising a formal complaint...

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about the harassment or bullying to the Clerk or the Chair of the Council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The Clerk or the Chair of the Council will appoint someone to investigate your complaint. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred
- The names of any witnesses and
- Any action taken by you to resolve the matter informally

... against a colleague or contractor

The alleged perpetrator(s) would need to be told your name and the details of your complaint for the issue to be investigated properly. However, we will carry out the investigation as



confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to separate you whilst the matter is being investigated.

... against a member of the public or supplier

We will investigate the complaint as far as possible by contacting the member of public or the supplier's employer and asking for a response to the allegations.

... against a councillor

Formal concerns regarding potential breaches of Code of Conduct breaches will be investigated by the Monitoring Officer.

During the investigation

Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. If, after an investigation, we decide that an employee has harassed or bullied another employee, then the employee may be subject to disciplinary action, up to and including dismissal.

The Council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to better understand your complaint. Whilst there is no Statutory right to be accompanied at investigation meetings, the Investigator will consider your request if you want to have a work colleague or union representative with you at that meeting.

Hearing

After the investigation, a panel will meet with you in a Grievance Hearing (following the Grievance Procedure) to consider the complaint and the findings of the investigation. At the meeting you may be accompanied by a fellow worker or a trade union official.

After the meeting the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the Grievance Procedure.

Victimisation

Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False allegations



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

Disclosure and confidentiality

We will treat personal data collected during this process in accordance with the data protection policy. Information about how data is used and the basis for processing data is provided in the employee privacy notice.

Use of the disciplinary procedure

Harassment and bullying constitute serious misconduct. If, at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. Any employee found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal.

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

Date of policy: July 2022

Approving committee: Full Council

Date of committee meeting: 11th July 2022

Date for next review: Sept 2026

— policy ends here —

Notes

1. Protected characteristics

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

Discrimination includes treating people differently because of a protected characteristic. Harassment is unwanted conduct related to a 'protected characteristic'. Employees can complain of harassment even if the behaviour in question is not directed at them. This is



because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related to someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

2. Legal risks

An employee does not need to be employed to make a discrimination claim at a tribunal.

- Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.
- New or established employees who are dismissed because of a health condition can make a discrimination claim at a tribunal.
- An employee in their probationary period may claim discrimination if their employment has been ended for no credible reason.
- An employee subjected to harassment can make a discrimination claim at a tribunal.
- An employee asked to retire can make a discrimination claim at a tribunal.

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

3. Culture and behaviour

Modern day workforces are eclectic, and a positive culture throughout the council enables staff with different backgrounds and beliefs to share ideas and shape how the council achieves what councillors decide for the community.

Different people find different things acceptable. It may not be obvious that some behaviour would be unwelcome or could offend a person. Those in positions of 'power' over an employee may not always understand how words or actions are received. An employee may not always find it easy to communicate how they really feel. 'Banter' that on the face of it is reciprocated may nonetheless be unwelcomed and damaging. Others who overhear comments, or learn of them third hand, will form judgements about the culture.

Whilst both staff and councillors jointly determine what the working culture is like, councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies. Examples of unacceptable behaviour at work include (but are not limited to):

- physical conduct ranging from touching to sexual advances and serious assault;
 - the offer of rewards for going along with sexual advances, e.g. promotion, access to training;
 - suggestions that refusing sexual advances will adversely affect aspects relating to employment (such as pay, promotion, training, work opportunities, or any other condition of employment or development);
 - comments about a person's appearance;
 - jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
 - questions about a person's sex life;
 - unwanted nicknames, especially related to a person's age, race or disability;
 - the use of obscene gestures;
 - excluding an individual for a non-work reason
 - treating an employee differently because they have, or are perceived to have, a 'protected characteristic' or are associated with someone who does;
 - the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person;
 - spreading malicious rumours or insulting someone;
 - picking on someone or setting them up to fail;
 - making threats or comments about someone's job security without good reason;
 - ridiculing someone;
 - isolation or non-cooperation at work; and
 - excluding someone from social activities.
4. During the investigation

Employers have duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it's important to consider their wellbeing and mental health.

Ensure that you regularly communicate with both parties.

5. Victimisation

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they



have made a complaint, cancelled a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

6. False allegations

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would be potentially Gross Misconduct.

7. Complaints against councillors

Following the Ledbury case, the law is clear that any formal complaint regarding a breach of the Code of Conduct must be referred to the Monitoring Officer for investigation. During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council agrees with the employee reasonable measures to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person to whom the complaint has been made etc.

Guidance

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Bereavement policy

Bayston Hill Parish Council acknowledges the personal nature of bereavement and grief and is committed to supporting employees in practical and reasonable ways.

Leave entitlements

All allowances will be pro rata in the case of part time staff

Paid leave

Bereavement leave is paid leave that allows an employee time off to deal with their personal distress and related practical arrangements, primarily, but not limited to, when a member of their family dies.

Bayston Hill Parish Council acknowledges that bereavement impacts all individuals differently and the guidelines below are intended to show the minimum paid leave an employee is entitled to in different circumstances. Bayston Hill Parish Council acknowledges that not all employees will need to take the full allowance, and some employees will need additional time, depending on their relationship with the person who has died and the circumstances of the death.

In the event of the death of an immediate relative,

Up to 10 working days paid leave will be granted and a day off for the funeral.

An immediate relative includes a spouse, civil partner or partner (including same sex partners),* child,** parent, stepparent, sibling or a person with whom the employee is in a relationship of domestic dependency.

*Partner includes someone with whom the employee is co-habiting but is not the employee's spouse or civil partner.

**Child includes children in respect of whom the employee is the adoptive parent and legal guardians and carers.

2 days leave will be allowed on the death of a mother/father-in-law, grandparents, grandchildren, son/ daughter-in-law.

1 day of leave will be allowed on the death of an uncle/aunt to facilitate attendance at the funeral.

In exceptional circumstances, 1 to 5 days leave may be granted on the death of someone outside the immediate family – at the discretion of the Chair of the Council. These circumstances would include (but are not limited to) situations where the employee is responsible for funeral arrangements or has to travel abroad to attend the funeral.

An employee should notify their line manager of their need to take leave as soon as possible or, at latest, on the first day of absence. In exceptional circumstances, applications for leave will be considered after the first day of absence. Line managers have the right to exercise discretion in exceptional circumstances as outlined above. Leave days do not have to be taken consecutively.

Annual leave

In the event of a bereavement, an employee will be able to take unpaid leave or annual leave at short notice to supplement their bereavement leave. Requests should be directed to the employee's line manager. An employee who suffers a family bereavement while on

annual leave can convert their annual leave into bereavement leave and take their annual leave at a future date.

Unpaid leave

Unpaid leave on compassionate grounds at the discretion of the Chair of the Council may be granted after bereavement. An employee must consult with their line manager before starting unpaid leave.

Return to work

In certain circumstances a full return to work may not be possible for an employee following the death of an immediate relative – for example, when the employee's grief is likely to impact on their ability to perform their role, or where new child care arrangements have to be sourced or responsibility for the care of an elderly parent has transferred to the employee.

In such instances Bayston Hill Parish Council will allow a phased return to work on a part-time or reduced hours basis where practicable. Alternative duties may also be considered. Any such arrangement would need to be agreed in advance by the line manager, would be subject to an agreed maximum number of days and would be managed in line with Bayston Hill Parish Council flexible working/part-time working policy.

Employee support

Bayston Hill Parish Council acknowledges that bereavement leave is intended to support employees in the immediate period around the death of a relative. However, the process of grief, the natural reaction and adjustment to loss and change may take a significant time and will be personal to each individual.

An employee with any concerns about the grieving process impacting on their work performance should discuss this in confidence with either their line manager or the Human Resources Department, to ensure that any reasonable adjustments that may be necessary are discussed and put in place and that the employee is supported in their return to the full range of duties and responsibilities that they had prior to the bereavement or their duties and responsibilities are adjusted (as necessary) with the prior agreement of line manager.

Health and safety

Any employee who is concerned about their ability to conduct their duties safely in the weeks following a bereavement must discuss this with their line manager.

Bayston Hill Parish Council reserves the right to request an employee to meet the organisation's doctor before resuming full duties.

Culture and Diversity

Bayston Hill Parish Council recognises that different cultures respond to death in significantly different ways.

Line managers will check whether the employee's religion or culture requires them to observe any particular practices or make special arrangements which would necessitate them being off work at a particular time. Employees should not assume that their line manager is aware of any such requirements and should draw this to their line manager's attention as soon as possible.

Line managers who are unsure of how to respond to a bereaved employee from a different culture should ask the bereaved employee or someone else from their cultural group about what is appropriate.

Date of policy: July 2022

Approving committee: Full Council

Date of committee meeting: 12th July 2022

Policy effective from: July 2022
Date for next review: Sept 2026

Bayston Hill Parish Council Employee Handbook



Introduction

This handbook provides a guide to the employment policies of Bayston Hill Parish Council to which additions or alterations may be made from time to time.

All employees are required to read this booklet carefully and to understand its contents fully. Should clarification of any point be required, please take the matter up with the Clerk. This handbook should be read in conjunction with reference to Staff Policies.

General Employment

This handbook provides details of the Council's HR policies and procedures and how they will be implemented. It is for use by all employees, and the Council and its Committees in making decisions with respects to personnel matters. All day-to-day employee management decisions on personnel matters are delegated to the Line Manager. Day to day matters relating to the Clerk will be dealt with by the Chairman, or (where applicable) the Chairman of the Staffing Committee on the Council's behalf. Procedures in the law also exist for the review of problem cases for all staff by the Council and its Committees. These procedures are detailed within this handbook.

The handbook is supplementary to your written statement of particulars of employment (contract). The written statement of particulars of employment indicates the specific provisions relating to your post particularly where there are a variety of contracts in operation simultaneously.

Equal Opportunities Statement

Bayston Hill Parish Council is committed to maximising the effective use of people in Bayston Hill Parish Council's and its employees' best interests and will pursue equality of opportunity as a means of achieving this objective.

Therefore, Bayston Hill Parish Council's policy requires that employment and progression within it will be determined solely by personal merit and the application criteria which are related to the effective performance of the job and the needs of the business.

No applicant or employee will be treated less favourably than any other on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (which includes colour, nationality and ethnic or national origins), religion or belief, sex or sexual orientation.

Section 1. Conditions of Employment

Probationary Period

Employees will initially be engaged for a probationary period, details of which will be given in individual Statements of Terms and Condition of employment. Performance and conduct factors will be reviewed during the probationary period, resulting in either confirmation of your employment, an extension of the probationary period or termination of your employment. Any additional areas over and above the job description will be set out in writing at the start of the probationary period.

Documentation

It is a criminal offence to employ someone who is not entitled to be in the UK or to do the work Bayston Hill Parish Council is offering. Therefore, as a matter of course we will ask all employees to provide proof of eligibility to work.

On starting work with Bayston Hill Parish Council, each employee must present:

- A. National Insurance Number
- B. P45
- C. Birth Certificate or other proof of age
- D. Job related qualifications when requested.
- E. Passport/work permit/ biometric immigration document / national identity card
- F. Driving Licence when requested.
- G. Bank/Building Society details for payment of wages by credit transfer directly into employees. account.
- H. Any other proof of eligibility to work as requested by Bayston Hill Parish Council.

References

References from previous relevant employers will be requested in respect of all employees. Continued employment is subject to receipt of replies which are satisfactory to Bayston Hill Parish Council. Should satisfactory references not be received, Bayston Hill Parish Council reserves the right to terminate your employment. All references must state whether candidate have been subject to any disciplinary/capability/management action investigations or procedures and whether the employer would re-employ.

Your Salary

All salaries are paid monthly (as detailed in your Statement of Main Terms and Conditions), by direct transfer into your bank account. Therefore, it is in your interest to make sure that you keep us informed of any changes to your bank account.

You will receive a confidential payslip which will be given to you every month or every week (as detailed in your Statement of Main Terms and Conditions), detailing your gross pay, statutory deductions, net pay and other deductions made with your written approval. Where for any reason you have been overpaid, the amount will normally be deducted from your salary the following month. If the overpayment is a large amount the arrangement to repay can be negotiated.

Should you leave Bayston Hill Parish Council, all monies owed to you will be paid into your bank account at the expiry of your notice period / on the next available pay day. If your salary and other monies have already been paid, or credited to your account, any overpayment will have to be reimbursed.

Salary Deductions

Deductions made from your salary may be contractual, statutory or with your agreement e.g.

- Income Tax;
- National Insurance;
- Pension Scheme;
- Union Dues;
- Student Loan Repayments; or
- Any overpayments in salary

Any salary enquiries should in the first instance be taken up with the Clerk.

Taxation

P45

On starting you should hand in your Income Tax Form P45 to the Clerk to ensure that the correct income tax is deducted.

P60

At the end of each Income Tax Year, which is 5 April, you will be given a certificate of Pay, Income Tax and National Insurance Contributions (P60), which shows the total amount for income tax purposes that has been paid to you in the year.

Always remember to keep your P60 as the Inland Revenue or the Department of Works & Pensions may request them.

Tax Queries

There may be times when you need information about your tax, for instance if you get married, claim tax credits or if you have a part-time role. If so, please contact the Clerk for the address of your tax office.

You will need to quote your National Insurance number, which you can find on your payslip.

Expenses

Where an employee is required to travel as a requirement of their job, the Council will reimburse actual expense and subsistence incurred in accordance with the agreed NJC rate laid down at the time.

Bayston Hill Parish Council will reimburse you for all necessary approved travel, accommodation and other reasonable expenses incurred whilst you are engaged on authorised Bayston Hill Parish Council business.

You must check with the Clerk regarding the precise rules and your entitlements before incurring any expenses.

All expense forms must be signed and dated by you and the Clerk (or Chairman in the case of the Clerk before they are submitted for payment.

All expenses must be authorised by the line manager before they occur or payment may be withheld for those expenses not authorised.

Any abuse of the Expense System will result in disciplinary action, which could result in summary dismissal.

Own Vehicle Use

If you use your own vehicle for business use, you must ensure that it has fully comprehensive business use insurance, MOT (where applicable) and road tax. You will be asked to produce evidence of such, along with your driving licence, annually upon renewal.

If for any reason your vehicle is off the road, you must make arrangements for a replacement vehicle.

Bayston Hill Parish Council cannot, under any circumstances, accept responsibility for parking or other fines incurred by you.

If you are carrying any Parish Council document or equipment, you must ensure that it is stored out of sight and preferably in the boot.

Driving Licence

If driving is a necessary part of your role it is imperative that you maintain a valid driving licence suitable for the vehicle you operate at all times during your employment. You are required upon request to produce your driving licence to the management. If at any time your licence is endorsed, or you are disqualified from driving, your line manager must be informed immediately.

Hours of Work

Your hours of work are detailed in your main statements of terms and conditions of employment. From time to time, the way in which you work these hours may be changed and you may also be asked to work extra hours depending upon the operational requirements of the council. Actual hours worked must be recorded on a time sheet and submitted to the Clerk at the end of each month. Any additional hours will be paid as overtime/taken as agreed TOIL. Employees on part time contracts will have such benefits as pay and annual leave calculated pro rata to the standard working week.

All additional hours must be authorised by the Clerk before they are worked, or payment may be withheld for those hours not authorised.

Breaks

Your normal lunch and any other breaks you are entitled to (as applicable) are those notified to you at the time of your engagement. On days when you are scheduled to work over 6 hours, a lunch break of at least 30 minutes should be taken and this should normally be between the hours of 12 noon and 2pm. Lunch breaks are unpaid and should not be booked to your time sheet.

Additional Hours

Additional hours are those hours worked over and above the weekly total for which employees are contracted to work. You may be requested to work overtime, and you will be expected to co-operate with any reasonable request. Your entitlement to payment for overtime is determined by your contract of employment. If you are entitled to payment for overtime, no remuneration or compensation is payable for overtime not authorised.

Working on a Public/ Bank Holiday

You may be required to work on public/ bank holidays.

If you work on one of the above days, you will be paid as normal and entitled to take one day off in lieu at a mutually agreed date, which shall be taken within one month.

Time Keeping

You are responsible for attending punctually for work in accordance with the hours stipulated within your main statement of terms and conditions of employment.

Persistent lateness, unacceptable levels of absence and/or unauthorised absence will be considered to be a breach of procedure and may result in disciplinary action being taken.

Holidays

General Rules

Your holiday entitlement will be as per your Statement of Terms and Conditions of employment. The calculation of your annual leave commences from the first day of your employment. In addition you are entitled to the public/ bank holidays (pro rata for part time employees), and time off during the Christmas and New Year break when the office is closed (if office based).

For the purposes of the Working Time Regulations 1998, this Handbook and your Statement of Terms and Conditions of Employment form a 'relevant agreement' for the purposes of arrangements relating to the taking of annual leave, and take precedence over the statutory provisions for leave notification.

The holiday year commences on 1st April and ends on 31st March. Employees who join Bayston Hill Parish Council part way through the year will be entitled to holidays on a pro rata basis relative to the number of completed months service in that year.

Holidays will be taken at the discretion of Bayston Hill Parish Council to ensure effective and ongoing operation of the business. You must agree all holidays in advance with your Line Manager (in the Clerk's case with the Chairman), if you take holidays without prior authorisation, you may be subject to disciplinary action.

All holidays should be taken in the current holiday year, however by mutual agreement up to five days annual leave, which is not taken before the end of the financial year, may be carried over to the following year. In exceptional circumstances over 5 days may be able to be carried over but this will be at the discretion Finance and Personnel Committee. All carried over annual leave must be taken within the first 3 months of the new holiday year. This does not apply where a period of statutory leave of absence prevents an employee from taking leave, for example, maternity leave, but Bayston Hill Parish Council may give notice to employees to take leave either before the commencement of statutory leave or at the end of it.

If a period of sickness prevents an employee from taking the minimum leave due under European Law as implemented under the Working Time Regulations 1998, then that leave will not be forfeited unless you have had an opportunity to take leave and have elected not to do so.

If your employment terminates part way through the holiday year, your holidays during that year will be assessed on a pro rata basis. Deductions from final salary due to you on termination of employment will be made in respect of any leave taken in excess of entitlement.

Bank/ Public Holidays

There are usually 8 days public holidays each year. Part time employees receive a pro rata entitlement to public holidays by way of an addition to their leave.

Part Time Workers Entitlements

The entitlement to annual leave, bank and public holidays and additional statutory days is based on the number of contractual hours and is calculated annually.

Home Working

If not specified in your terms of employment occasional Home Working may be permitted from time to time but will require prior approval of your Line Manager.

Absence from Work – Due to Illness/ Injury Notification

If you are absent from work for any reason other than a planned holiday you must follow Bayston Hill Parish procedures as follows:

- On your first day of absence, you must report your absence personally by phone to your line manager or another member of management, as soon as reasonably practicable.

You will be asked to provide the following information:

- Name, start time, specific reason for absence and when you expect to return to work.

You must keep your manager informed of your progress during your absence by contacting him/her on the fourth day of absence and if your absence is to exceed 8 calendar days, by contacting him/her on a weekly basis thereafter.

Failure without good cause to comply with these arrangements may result in disciplinary proceedings and a loss of pay.

Any absence of seven calendar days or less should be covered by a self-certificate; absences of more than seven calendar days need to be covered by a Statement of Fitness for Work from your GP. Failure to present the relevant certificate in a timely manner may result in non-payment of sickness benefit and/or SSP.

Medical Assessment

If we have concern for an employee's health, we may require that a medical examination, by a Doctor or Occupational Health Professional appointed by Bayston Hill Council, be undertaken at Bayston Hill Parish Council's expense and with your authorisation.

We will advise the employee on the medical advice received and will consider what, if any, appropriate action is to be taken. No employee will be unlawfully discriminated against on grounds of disability.

Medical Appointments

You are normally expected to ensure that any appointments made to visit a Doctor, Dentist, Optician, Physiotherapist, etc. are made in your own time and outside normal working hours. Where this is not possible reasonable time off will be allowed provided that:

- The time of the appointment causes as little disruption as possible, i.e. at the beginning or end of the day; and
- Prior permission from your Manager has been obtained.

Time off for hospital appointments will be granted, provided that prior permission from your Manager has been obtained. You would usually be expected to make up the lost time.

Bayston Hill Parish Council Sick Pay

Your entitlement to Bayston Hill Parish Council contractual sick pay shall be as set out in your Statement of Main Terms and Conditions.

Statutory Sick Pay

If you are eligible, your entitlement to Statutory Sick Pay (SSP) commences immediately you begin employment with Bayston Hill Parish Council. It is payable for a maximum period of 28 weeks, unless you have taken some entitlement with a previous employer.

When SSP entitlement has been exhausted, new SSP entitlement totalling 28 weeks commences when an eight week (56 calendar days) period of work has been completed without any linked 'periods of incapacity for work' (PIW's).

No SSP will be payable for the first three qualifying days of any PIW. Any two PIW's which are separated by a period of no more than eight weeks will be treated as a single PIW.

The weekly rate of SSP payments is revised annually. The amount of SSP that you receive on a daily basis will vary according to the number of your normal working days. Eligibility for SSP depends upon your earnings and whether you meet other qualifying conditions.

Sick Pay during Holidays

If you fall sick immediately before or on the first working day of your holiday it may be treated as a sickness absence, enabling you to take the holiday at a later date. This will be at your Managers discretion.

This will only be considered if you: -

- Notify your Manager of the circumstances by telephone on the first working day of the absence; and
- Provide medical evidence from your doctor or hospital. This must be dated on and related to the first working day of your absence. You must then submit this to your Manager as soon as possible.

In making a decision, your Manager will also consider your attendance record. If your request is granted, you will be able to take these holidays at another mutually agreed time.

If, however, you fall sick after the first working day of your holiday, then that holiday will be deemed to have been taken, subject to your rights under the Working Time Regulations.

Conduct Whilst On Sick Leave

In all cases of sickness or injury which necessitate absence from work, it is expected that you will do your utmost to facilitate a speedy recovery and return to work. In this regard you are required to act appropriately and honestly. Bayston Hill Parish Council will not normally expect any employee who is absent from work through illness or injury to:-

- Participate in any sports, hobbies or social activities which are inconsistent with their illness or injury or which can aggravate the illness or injury or which could delay recovery;
- Undertake any other employment whether paid or unpaid; or
- Engage in any activity which is inconsistent with the nature of the illness or injury. Should your period of absence be lengthened by involvement in any of the above, Bayston Hill Parish Council may withhold sick pay and take further disciplinary action.

Returning to Work

Upon returning to work, if you are on any form of medication that could affect your ability to carry out your normal duties you must inform your Manager.

To ensure Bayston Hill Parish Council does all it can to understand the causes of absence and to facilitate your safe return to work, a return to work interview will be held with your line manager.

Leave for Family Emergencies

The Employment Relations Act 1999 gives an employee the right to take a reasonable amount of unpaid leave to deal with incidents involving a “dependant”. Therefore all requests from employees will be investigated thoroughly to ensure that legislation is followed and that requests are treated fairly and sympathetically.

A dependant is defined as the employee’s parent, partner, child or someone else who lives as part of the family, for example somebody for whom the employee is the main carer. Some examples of family emergencies could be:

- To help when a dependant falls ill or is injured;
- To cope when the arrangements for caring for a dependant unexpectedly breaks down;
- When a dependant gives birth;
- When a dependant dies; or
- To deal with an unexpected incident involving a dependent child during school hours or on a school trip.

There is no entitlement for leave to be paid. In exceptional cases, however, it may be appropriate for pay to be given. Note that it may also be appropriate for the employee to take annual leave in some cases.

During leave employees must advise their manager at the earliest opportunity if they need longer off work than anticipated to deal with the emergency.

Due to the nature of emergency leave, there are no minimum notice requirements. However, before taking leave, employees must speak to the Clerk (or in the case of the Clerk the Chair or Deputy Chair)

Bereavement / Compassionate Leave

Bayston Hill Parish Council recognises that time off work following the death of a family member for mourning, supporting other family members and/or to make funeral arrangements and to attend the funeral are necessary. Reactions to bereavement may vary greatly according to individual circumstances and the setting of fixed rules for time off is therefore inappropriate. You should discuss your circumstances with the Clerk or in the case of the Clerk the Chairman and agree appropriate time off. In situations which are similarly distressing, consideration will be given to granting paid or unpaid time off at the discretion of the Clerk in discussion with the Chairman, Vice Chairman and Chairman of the Finance and Personnel Committee.

Flexible Working

Bayston Hill Parish Council is committed to helping its employees to balance the demands between their work and home life. All employees, irrespective of their length of service or personal circumstances can request changes to their working arrangements.

The Parish Council will not always be able to agree to your request, but no request will be unreasonably refused. Approval is not automatic but is subject to Full Council discretion based on the needs and requirements of the Parish.

Part Time Working

Bayston Hill Parish Council recognises the important role that part-time employees can play in the workforce. Bayston Hill Parish Council is prepared to employ part-time employees in jobs that can be done satisfactorily on a part time basis. It will always consider requests from employees wishing to transfer from full-time to part-time work or vice versa. Approval is not automatic but is subject to Full Council discretion based on the needs and requirements of the Parish.

Jury Duty / Court Attendance

Employees summoned for Jury Service or as a witness will be granted leave of absence without prejudice to normal holiday entitlement. Time off for a witness or Jury Service is paid.

If an employee has been summonsed for Jury Service, then the employee should inform management as soon as possible. Bayston Hill Parish Council may wish the employee to request a deferral of Jury Service, if their absence is likely to cause substantial injury to the operations of Bayston Hill Parish Council.

In the case of Employment Tribunal proceedings Bayston Hill Parish Council reserves the right to determine the number of employees allowed paid absence to appear as witnesses. Employees wishing to give evidence at an Employment Tribunal other than as a witness for Bayston Hill Parish Council will be treated as witnesses in any other proceedings.

Time Off For Public Duties

Under section 50 of the Employment Rights Act 1996, Bayston Hill Parish Council is obliged to provide reasonable time off for the following public duties. The employee must seek permission from Bayston Hill Parish Council before taking time off for these duties:

- Justice of the Peace;

A member of:-

- Local Authority;
- Statutory Tribunal;
- Police Authority;
- Board of prison visitors or a prison visiting committee;
- Relevant health body;
- Relevant education body; and
- Environment agency.

Employees involved in these bodies must notify Bayston Hill Parish Council upon appointment. Time off provision will not be unreasonably withheld providing that it does not disrupt the effectiveness of the Parish.

Membership of Her Majesty's Reserve Forces

An employee who is a Member of the Reserve Forces must advise their Manager with immediate effect. Unless otherwise agreed with Bayston Hill Parish Council, time off must be taken as annual paid leave other than in times of national emergency.

In the event of mobilisation for active duty, a Reservist should inform their Manager as soon as practicable. The law gives certain rights to members of the Reserve Forces upon mobilisation, and full consideration will be given to those rights. Bayston Hill Parish Council may, dependent upon operational needs, wish to request a deferral of mobilisation.

The rights of Reservists to have their jobs kept open for them upon demobilisation will be respected.

Termination of Employment

If you wish to terminate your employment you are required to:-

Provide a written notice of resignation no later than Friday of the week preceding the notice period. The Notice you are required to give and to which you are entitled, are detailed in your main statement of terms and conditions.

Bayston Hill Parish Council reserves the right to make a payment in lieu of notice on termination of employment. In cases of termination for gross misconduct any entitlement to notice pay or payment in lieu of notice will be forfeited.

On leaving, for whatever reason, employees should return all Bayston Hill Parish Council's property, e.g. mobile phones and computer equipment. Failure to do so may incur a deduction from any final payment due.

An exit interview will be conducted with all employees who leave Bayston Hill Parish Council.

Any notice given by Bayston Hill Parish Council to an employee to terminate employment that is sent in the post will be deemed to have been received by the employee no later than two working days after it is sent

Redundancy

If and when redundancies have to be considered Bayston Hill Parish Council will endeavour to manage the process sympathetically and will offer support to affected staff during the consultation process.

Bayston Hill Parish Council will comply with all statutory obligations, as detailed by employment legislation at the time. It will investigate alternatives to limit job losses and will be open to staff suggestions.

Where employees have been selected for redundancy Bayston Hill Parish Council will ensure that the process is applied fairly and consistently and in line with legislation. All employees who are selected for redundancy will have the right to appeal against the decision. Bayston Hill Parish Council's Redundancy Policy can be found in the appendices section of this handbook.

Resignation

Bayston Hill Parish Council may at its discretion, require an employee who has resigned to take 'garden leave', i.e. not to attend the place of work for the duration of the notice period. Bayston Hill Parish Council will have no obligation to provide an employee with work during this period, but all contractual benefits will continue to apply.

Walking off the Job

You should be aware that Bayston Hill Parish Council may regard your absence as Gross Misconduct and grounds for termination without notice if you walk off the job, fail to return from scheduled annual leave or fail to attend work without notification. This would not apply to an employee who leaves the premises in circumstances of imminent personal danger, but in such circumstances, the employee would be expected to co-operate with Bayston Hill Parish Council and any emergency services or responsible persons in identifying and reducing any hazard, in so far as it may be practicable to do so.

Disciplinary Sanctions

In cases of misconduct, you may be subject to disciplinary action, which includes various levels of warning up to and including dismissal. The Disciplinary Procedure is a separate policy.

Trade Union Membership or Professional Body

The Council, as your employer, supports the system of collective bargaining in every way and believes in the principle of solving industrial relations problems by discussion and agreement. For practical purposes, this can only be conducted by representatives of the employers and of the employees. If collective bargaining of this kind is to continue and improve for the benefit of both, it is essential that the employee's organisations should be fully representative. Your Council is associated with other local authorities represented on the national and provincial Councils dealing with local authorities services.

Health & Safety

You must take care of your own health & safety at work and that of colleagues and/or other people who may be affected by your actions at work. You are expected to co-operate with management and/or other employees in observing statutory duties as well as Bayston Hill Parish Council procedures relating to Health & Safety. A copy of Bayston Hill Parish Council's policy will be supplied.

Personal Protective Clothing & Equipment

Where safety regulations require items of protective clothing or equipment to be worn or used, they will be provided and failure to conform to these regulations will result in disciplinary action and may lead to dismissal.

Manual Handling

Many injuries that occur at work are caused by failure to move or handle items safely. The two worst things you can do when manual handling are twisting and stooping and the combined effect is more than cumulative. You can protect yourself and minimise the risks by following the following guidelines:

- Assess how heavy or awkward the item is and if appropriate ask for help.
- Plan how to hold the item and get a good grip (wear gloves if necessary).
- Stand close to the item with your feet apart (one foot slightly further forward than the other) and spread your weight evenly, bend your knees and lift with your legs keeping your back in a natural line.
- Lift smoothly and keep the load close to your body. Avoid twisting your body.
- When carrying an object keep your arms tucked in and make sure you can see where you are going.
- If equipment is provided make sure you use it correctly.

Fire & Fire Evacuation Procedure

Fire can lead to loss of life, injury, loss of jobs, buildings and equipment. In the event of a fire on the premises, all employees must proceed as quickly as possible to fire assembly points. Employees should make themselves familiar with the procedure and from time to time will be involved in fire drills. All employees have a responsibility to take all possible precautions to reduce the risk of fire.

Fire Evacuation Procedure

If you discover a fire:

- Raise the alarm – Shout “Fire!” then operate the nearest break glass call point

On hearing the alarm:

- Begin evacuation to the pre-determined place of safety (Fire Assembly Point), closing doors behind you, but don't delay
- Leave by the nearest fire exit
- Walk in an orderly fashion, do not run
- Do not stop to collect belongings

- Do not use lifts

Use an extinguisher only if and when:

- The Alarm has been raised
- The Fire Emergency Procedure is under way
- The fire is no bigger than the size of a waste bin
- You are trained and confident in the use of extinguishers
- It is safe to do so

Drugs and Alcohol

It is the responsibility of Bayston Hill Parish Council to ensure, so far as is reasonably practicable the health, safety and wellbeing of all employees. Employees who are under the influence of drugs and or alcohol whilst at work may adversely influence their own safety and that of their colleagues.

Data Protection

If your job involves handling personal information, you must ensure that it is kept securely. Inappropriate use or disclosure of such information is a criminal offence. Bayston Hill Parish Council's policy on data protection can be viewed on its website.

Sole Employment/ Declaration of Other Employment

Whilst the Council would prefer that the employees of the Council are exclusively employed by just the Council, it does realise that such an exclusive contract may not be possible. In circumstances where an employee has other employment it is a condition of the Contract of Employment that the Council is informed to ensure that no tax or insurance liabilities will accrue to the Council. The Council does however, reserve the right to require that any other employment that is undertaken by an employee of the Council does not conflict with the role or standards required to be undertaken in the Public Office of your role within the Council.

Death in Service

You should notify your name of your nominated next of kin. In event of your death in service any salary, pension, or gratuities due to you will be paid to the person nominated.

Computer Usage

If you have access to a Council computer it is expected that you will comply with the Council's acceptable use policy which will be provided to you separately.

Section 2. General Information & Employee Benefits

Pension Scheme

The LGPS Scheme is open to new entrants. You are not obliged to sign up to the scheme. Dependent upon the specific Pension scheme rules, you can make contributions through PAYE or alternatively you can pay directly into the scheme if you prefer.

Change of Name/Address/Next of Kin/Bank Details

Should your personal circumstances alter whilst in employment, you must notify your line manager at the first opportunity, e.g. your name, etc.

Disclosure of Information

You will not disclose, either during or after the termination of your employment, any information of a confidential nature relating to Bayston Hill Parish Council, its customers, suppliers or any third party which may have been obtained in the course of this employment, without first obtaining the written permission of the Clerk, or in the case of the Clerk from the Chairman of the Council.

You will not make any public statement or any statement to a person employed or associated with the media or on any form of social media concerning Bayston Hill Parish Council, its employees, Councillors or its customers, suppliers or their activities without first obtaining written permission from the Chairman and the Clerk. You will not place yourself in a position in which your interests conflict with those of Bayston Hill Parish Council.

Nothing in this policy prevents an employee from giving evidence when required by a Court, or from making any Public Interest Disclosure in good faith to an appropriate person or body.

Security

Employees have a duty of care to safeguard the property and equipment of Bayston Hill Parish Council. Security regulations and arrangements should be strictly adhered to.

If you notice anything suspicious, report it to your Manager in the first instance or another member of the management team.

Right of Search

In the interests of security we reserve the right of search. Searches of employees, their bags, other possessions and vehicles may take place at any time when there are reasonable grounds to believe that Council rules have been breached. Searches will be carried out by your Line Manager and will be conducted in the presence of at least one witness, under no circumstances will a personal body search be carried out. If you refuse to allow yourself or Issue: possessions to be searched, this may result in disciplinary action being taken and a refusal to consent to a search may lead to inferences being drawn where it is reasonable to do so.

Personal Property

Bayston Hill Parish Council accepts no liability for money or personal property lost or damaged on the premises. Any property lost or found should be reported to your manager.

Personal Calls at Work

Employees should restrict personal mobile telephone calls and text messages to break times only.

Induction (applicable to new starters)

All new members of staff will receive an induction to Bayston Hill Parish Council, the individual's role and how it fits in with the business aims and goals.

Performance

Satisfactory performance is a basic contractual requirement. You have a duty to monitor your own performance and to take advantage of appropriate training opportunities as they arise. You should also seek opportunities to improve the way things are done either on your own initiative if appropriate or in conjunction with your colleagues and management. This will help to maintain the overall quality and cost effectiveness of the services offered and to ensure continued viability of the employment the Council offers.

Annual Development Reviews (Appraisal):

The Council will ask you to take part in an annual development review. We do this both to build on your strengths for your future development and that of the Council and at the same time offer support/ training in the case of any weaknesses. The reviews should be seen as a positive process, which we believe are beneficial to both the employee and the Council.

Bayston Hill Parish Council will complete a formal (at least annual) review of your work performance, which your Line Manager will discuss with you. You will have the opportunity to discuss your progress with your Manager and record any comments and discuss plans for your development. There will be regular opportunities through the year to discuss your appraisal plan and progress towards it with your line manager.

Personnel Records

You have a personnel file which contains all of the relevant information about your employment including records from appraisals/reviews, individual meetings and training and development undertaken.

You have the right to know what data is held by Bayston Hill Parish Council about you and you can request to be supplied with a copy of your file. Requests for a copy should be made to your manager. For further information relating to the protection of data see the appendices.

Training & Development

Bayston Hill Parish Council believes that it is essential that all employees understand what is expected of them and to have feedback on their performance. It is therefore important that all employees have the correct skills to enable them to undertake their role and regular reviews will enable managers and employees to identify any training needs in line with Parish requirements.

Council Property

Use of Council property for a purpose other than for business use is not permitted. No property is to be taken away from Council premises without prior explicit permission. You must notify your Line Manager of any damage to the property or premises immediately.

Section 3. Policy Documents

The following is a list of Bayston Hill Parish Councils Work place policies, you should read and familiarise yourself with these. Copies are available from the Clerk.

Annual Leave

Anti-bullying and Harassment

Bereavement

Data Protection

Disciplinary

Drug and Alcohol

Grievance

Emergency/Dependants Leave

Equality and Diversity

Expenses

Flexible Working

Home Working

IT

Lone Working

Mat leave

Paternity

Poor Performance

Sick Leave

Social Media

Training and Development

Whistleblowing

DISCIPLINARY POLICY

Introduction

- 1 This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work.

https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf

The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.

- 2 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 3 This policy confirms:
 - informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance
 - the Council will fully investigate the facts of each case
 - the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at <https://www.acas.org.uk/index.aspx?articleid=6608>
 - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
 - employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing
 - employees may be accompanied or represented by a companion – a workplace colleague, a trade union representative or a trade union official - at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case

- the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions
- if the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
- any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
- information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)
- audio or video recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- employees have the right to appeal against any disciplinary decision. The appeal decision is final
- if an employee who is already subject to the Council's disciplinary procedure raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
- disciplinary action taken by the Council can include a written warning, final written warning or dismissal
- this procedure may be implemented at any stage if the employee's alleged misconduct warrants this
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it,
- the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the consent of affected parties

Examples of misconduct

- 4 Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct: The list is not exhaustive.

- unauthorised absence
- poor timekeeping
- misuse of the Council's resources and facilities including telephone, email and internet
- inappropriate behaviour
- refusal to follow reasonable instructions
- breach of health and safety rules.

Examples of gross misconduct

- 5 Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct: The list is not exhaustive

- bullying, discrimination and harassment
- incapacity at work because of alcohol or drugs
- violent behaviour
- fraud or theft
- gross negligence
- gross insubordination
- serious breaches of council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology
- serious and deliberate damage to property
- use of the internet or email to access pornographic, obscene or offensive material
- disclosure of confidential information.

Suspension

- 6 If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.
- 7 While on suspension, the employee is required to be available during normal hours of work in the event that the council needs to make contact. The employee must not contact or attempt to contact or influence anyone connected with the investigation in any way or to discuss this matter with any other employee or councillor.

- 8 The employee must not attend work. The council will make arrangements for the employee to access any information or documents required to respond to any allegations.

Examples of unsatisfactory work performance

- 9 The following list contains some examples of unsatisfactory work performance: The list is not exhaustive.
- inadequate application of management instructions/office procedures
 - inadequate IT skills
 - unsatisfactory management of staff
 - unsatisfactory communication skills.

The Procedure

- 10 Preliminary enquiries_ The council may make preliminary enquiries to establish the basic facts of what has happened in order to understand whether there may be a case to answer under the disciplinary procedure.

If the employee's manager believes there may be a disciplinary case to answer, the council may initiate a more detailed investigation undertaken to establish the facts of a situation or to establish the perspective of others who may have witnessed misconduct.

- 11 Informal Procedures. Where minor concerns about conduct become apparent, it is the manager's responsibility to raise this with the employee and clarify the improvements required. A file note will be made and kept by the manager. The informal discussions are not part of the formal disciplinary procedure. If the conduct fails to improve, or if further matters of conduct become apparent, the manager may decide to formalise the discussions and invite the employee to a first stage disciplinary hearing.

Disciplinary investigation

- 12 A formal disciplinary investigation may sometimes be required to establish the facts and whether there is a disciplinary case to answer.
- 13 If a formal disciplinary investigation is required, the Council's staffing committee will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the staffing committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from

outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The staffing committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:

- the allegations or events that the investigation is required to examine
- whether a recommendation is required
- how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report
- who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.

- 14 The Investigator will be asked to submit their findings within 20 working days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage - the disciplinary meeting (see paragraph 22).
- 15 The staffing committee will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given sufficient notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.
- 16 Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
- 17 If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
- 18 The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the staffing committee whether or not disciplinary action should be considered under the policy.

- 19 The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
- the employee has no case to answer and there should be no further action under the Council's disciplinary procedure
 - the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
 - the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.
- 20 The Investigator will submit the report to the staffing committee which will decide whether further action will be taken.
- 21 If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

The disciplinary meeting

- 22 If the staffing committee decides that there is a case to answer, it will appoint a staffing sub-committee of three councillors, to formally hear the allegations. The staffing sub-committee will appoint a Chairman from one of its members. The Investigator shall not sit on the sub-committee.
- 23 No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The sub-committee's letter will confirm the following:
- the names of its Chairman and other two members
 - details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
 - a copy of the information provided to the sub-committee which may include the investigation report, supporting evidence and a copy of the Council's disciplinary procedure
 - the time and place for the meeting. The employee will be given reasonable notice of the hearing so that he /she has sufficient time to prepare for it
 - that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least two working days before the meeting
 - that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official

The purpose of the disciplinary meeting hearing is for the allegations to be put to the employee and then for the employee to give their perspective. It will be conducted as follows:

- the Chairman will introduce the members of the sub-committee to the employee and explain the arrangements for the hearing

- the Chairman will set out the allegations and invite the Investigator to present the findings of the investigation report (if there has been a previous investigation)
 - the Chairman will invite the employee to present their account
 - the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements)
 - any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
 - the employee (or companion) will have the opportunity to sum up
- 24 The Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.
- 25 The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be further investigated by the sub-committee.

Disciplinary action

- 26 If the sub-committee decides that there should be disciplinary action, it may be any of the following:

First written warning

If the employee's conduct has fallen beneath acceptable standards, a first written warning will be issued. A first written warning will set out:

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- the employee's right of appeal
- that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve sufficiently during the currency of a prior warning, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- the employee's right of appeal

- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Dismissal

The Council may dismiss:

- for gross misconduct
- if there is no improvement within the specified time period, in the conduct which has been the subject of a final written warning
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

- 27 The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal. If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action taken as a result of the disciplinary meeting will remain in force unless it is modified as a result of an appeal.

The appeal

- 28 An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.

- 29 The grounds for appeal include;

- a failure by the Council to follow its disciplinary policy
- the sub-committee's disciplinary decision was not supported by the evidence
- the disciplinary action was too severe in the circumstances of the case
- new evidence has come to light since the disciplinary meeting.

- 30 Where possible, the appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.

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

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

- 32 At the appeal meeting, the Chairman will:
- introduce the panel members to the employee
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the disciplinary decision
 - explain the action that the appeal panel may take.
- 33 The employee (or companion) will be asked to explain the grounds for appeal.
- 34 The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, usually within five working days of the appeal hearing.
- 35 The appeal panel may decide to uphold the disciplinary decision of the staffing committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
- 36 If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
- 37 The appeal panel's decision is final.

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Reviewed by F&P Comm	July 2022
Adopted by FC	Sept 2022
Next Review date	Sept 2026



TRAINING AND DEVELOPMENT POLICY STAFF AND COUNCILLORS

Purpose and scope

This purpose of this policy is to set out the Council's position on the provision of training and development opportunities for staff and Councillors. It applies to all staff whether full or part time, temporary, fixed term or in the case of Councillors – voluntary.

Identifying, Meeting and Evaluating Training and Development Needs

Training and development needs will be identified from a variety of sources:

- Induction and probationary periods
- One-to-ones
- Appraisal
- Workforce planning
- Team meetings
- Annual plan
- Change processes

In addition, the council will encourage staff to identify their own learning styles and will seek to provide a wide variety of learning and training methods, including:

- Attendance at conferences, seminars and short courses
- Online training
- Internal coaching
- Shared in-house learning resources (books, journals, DVDs etc.)
- In house training
- Work shadowing
- Time for self-directed research and learning

Consideration

A number of factors will be taken into account when assessing a request from an individual. This policy provides one element of the decision-making process. Other factors will include availability of finance and the individual's employment record.

In order to ensure that the council is able to consistently evaluate requests, training and development opportunities have been organised into three categories according to the degree of importance each intervention has for different roles.

Categorising training and personal development

The three categories are as follows:

1. Mandatory

Mandatory training is legally required for the post-holder, or a qualification deemed to be so fundamental to the role, that the council makes it a mandatory requirement. Any mandatory training or qualifications are to be stated on the job description. For mandatory qualifications, it is unlikely that an applicant would be recruited without having previously attained the qualification. Where a qualification becomes mandatory for the role, the council will provide reasonable assistance for the employee to attain the qualification (see the section on Guidance for Support below). Some mandatory training may be specific to a particular job role whilst other training may be a generic requirement. Examples of mandatory training include:

Generic training

- Health and Safety (Personal Safety, Manual handling, Display Screen equipment)
- Food hygiene
- Data Protection

2. Desirable

Desirable training is not legally required for the post, but it is directly relevant to the individual's job. Any desirable training or qualifications are to be stated on the job description.

For desirable qualifications or training, an individual may be recruited without having previously attained the qualification or undergone the training but may be expected to attain the qualification within a defined period of time. The need for training may also be identified through one-to-one meetings or annual appraisals. A desirable qualification is likely to enhance the skills and reputation of the council. Examples may include:

Job specific

- Certificate in Local Council Administration (CiLCA)
- Cemetery Legal Compliance
- Microsoft Excel

3. Optional

An optional qualification or optional training may not be directly linked to the individual's current job. Optional training or development is generally more beneficial to the individual's career than it is for the council.

Personal development aimed at developing the skills or knowledge of an individual in order to provide a successor for an existing job is deemed to be optional. However, depending on the circumstances, training for succession may be 'desirable'.

Job specific

- Community Governance
- Town Planning Technical Support - Level 3 Diploma

Other

Training will be reviewed in light of any changes to legislation or quality systems relevant to the council; such as new equipment, complaints received or incidents which highlight the needs for training and requests from staff and Councillors.

All councillors are required to attend the SALC course 'Councillor Fundamentals' as soon as is practicably possible after taking office.

Councillors who wish to progress to a Chairman role must attend the SALC course on Chairmanship prior to the role being secured.

Councillors should consider committee specific training eg, Planning Law for members of Planning Committee.

Guidance for support

Support for qualifications, training and personal development can include financial assistance towards the cost of tuition, examinations and resource materials in addition to half / day release and time off for study leave and taking the examination. Any financial and non-financial support to training and development is entirely at the discretion of the council.

Any financial support in excess of £500, including the offer of a loan, will always be conditional upon the employee's agreement to either a full or partial repayment of the financial support provided. The council reserves the right to reclaim financial support where the employee;

- Leaves the council during the duration of the course, or up-to 1 year following completion of the course.
- Fails to complete the training
- Fails to attend training without good reason

Study leave

Where individual requires study leave to undertake mandatory training, they will be able to take all the leave within normal working hours.

Where individuals require study leave to undertake study which is not mandatory but part of the individual's formal continuous professional development, the council will contribute up to 50% of study leave time, to a maximum of 3 days per annum.

Where individuals require study leave to undertake training which is not mandatory but part of the individual's desire for career development, the council will contribute up to 3 days study leave per annum for courses which are directly related to the individual's role.

Time off for study leave must be approved in advance. To make a request the individual is asked to write to the Clerk (or Chairman of the Council), setting out the details of the course of study, how it relates to their work, and the time being requested.

No study leave will be granted where individuals undertake study which is not required for their role, or not directly related to their role. However, the Clerk (or Chairman of the Council) will consider requests for flexible working to allow the study to take place, as long as the needs of the council can be met.

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

Adopted by FC	Dec 2022
Review date	Sept 2024
Next Review	Sept 2025

— policy ends here —

Notes

1. Green Book terms

If the council adopts Green Book terms and conditions of employment, staff attending or undertaking required training are entitled to payment of normal earnings; all prescribed fees and other relevant expenses arising. Employees are also entitled to paid leave for the purpose of sitting for required examinations. When attending training courses outside contracted daily hours, part-time employees should be paid on the same basis as fulltime employees.

2. “Being a good employer – a guide for parish and town councillors”.

The “Being a good employer guide” provides comprehensive advice and guidance around training and development, including what a policy might contain; identifying training needs, as well as information and guidance on appraisal.

Guidance

Where there is text in [square brackets] this part may be updated or be deleted if not relevant. An alternative option may have been provided.

Important notice

This is an example of an employment policy designed for a small council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This document was commissioned by the National Association of Local Councils (NALC) in 2019 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

This document has been written by the HR Services Partnership – a company that provides HR advice and guidance to town and parish councils. Please contact them on 01403 240 205 for information about their services.



EMERGENCY / DEPENDANTS LEAVE POLICY

Purpose and scope

All employees with dependants can take reasonable unpaid time off to deal with unforeseen emergencies. This is unlikely to amount to more than a day or two a year.

This policy covers all instances where you may need to take unplanned absence to attend to urgent or serious situations affecting your dependants and where no alternative provision is available.

Emergency leave is designed to provide carers with the opportunity to make alternative arrangements for the care of dependants. The Emergency leave policy is not intended to be used to allow carers to look after dependants on an ongoing basis (although time off may be available under other policies).

Taking emergency leave

Dependents include parents, husband, wife, partner, civil partner, children or individuals living as part of the family for whom you are the main carer or an individual who depends on you for care, e.g. an elderly neighbour.

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

- to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted
- to make arrangements for the provision of care for a dependant who is ill or injured,
- as a result of the death of a dependant,
- because of the unexpected disruption or termination of arrangements for the care of a dependant, or
- to deal with an incident which involves a child of the employee and which occurs unexpectedly when the child is at school

As soon as is reasonably practicable in the circumstances, contact the Clerk (or Chair of the Council) by telephone to explain the circumstances, and if possible, an

indication of the length of time-off you are likely to need in order to make alternative arrangements. If the Clerk (or Chair of the Council) is unavailable you must contact another councillor instead.

If you need to stay and care for a dependant on an ongoing basis you can agree with the Clerk (or Chair of the Council) to take annual leave; or where you have insufficient annual leave to take a period of unpaid leave. Alternatively, you may be able to take Parental Leave where the care is for your child.

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

Reviewed by F&P Comm	July 2022
Adopted by FC	Sept 2022
Next Review date	Sept 2025

— policy ends here —

Notes

The wording of this policy is based on an employee's statutory right to take unpaid time off to deal with emergency or dependants leave. Adopting and applying this policy as it stands will support the council to comply with this right.

1. Pay

Councils may decide to amend the policy to allow some or all emergency leave with pay. If the council decides to do so, we recommend the policy is clear about how much time will be with pay.

If the council uses discretion and makes a decision on a case-by-case basis, such decisions may set a precedent.

If the council regularly pays staff for emergency leave, it may then become a contractual right through 'custom and practice' even if the policy or written contract states time will not be paid.

Guidance

Where there is text in [square brackets] this part may be updated or be deleted if not relevant. An alternative option may have been provided.

Important notice

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EQUALITY AND DIVERSITY POLICY

Our commitment	2
The law	2
Types of unlawful discrimination	2
Equal opportunities in employment	3
Dignity at work	4
People not employed by the council	4
Training	4
Your responsibilities	5
Grievances	5
Monitoring and review	5



Our commitment

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

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

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

The law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

The council will not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Types of unlawful discrimination

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

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

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



with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

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

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic.

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.

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

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

Equal opportunities in employment

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

Recruitment

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



Working practices

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

Equal opportunities monitoring

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

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

Dignity at work

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

People not employed by the council

The council will not discriminate unlawfully against those using or seeking to use the services provided by the council.

You should report any bullying or harassment by suppliers, visitors or others to the council who will take appropriate action.

Training

The council will [provide training in/raise awareness of] equal opportunities to those likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The council will [provide training to/raise awareness of] all staff engaged to work at the council to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and



harassment. [The council will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.]

Your responsibilities

Every employee is required to assist the council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, the council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the council's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Grievances

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

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

Monitoring and review

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

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

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

Date of policy: July 2023

Approving committee: Full Council

Date of committee meeting: 4th September 2023

Policy version reference:

Supersedes: Nil



Policy effective from: 4th September 2023
Date for next review: Sept 2026

— policy ends here —

Notes

This is an example policy that should be adjusted to reflect the procedures and policy of the council. It is important that any commitment made in the policy is applied in practice.

1. Green Book terms

The Green Book sets out practical principles that councils can adopt and acknowledges that local councils will need to select the appropriate measures to match their circumstances.

The guidance covers:

- Developing and action plan to establish and monitor progress
- Recruitment and Selection Procedures
- Training
- Pay, Grading and Conditions of Service
- Dealing with Harassment

Guidance

Where there is text in [square brackets] this part may be updated or be deleted if not relevant. An alternative option may have been provided.

Important notice

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BAYSTON HILL EXPENSES POLICY

Purpose	2
General procedure	2
Training	3
Travel	3
Overnight accommodation	3
Meals	4
Entertainment/gifts	5
Annual events	5
Expenses that will not be reimbursed	5
False claims	5

Purpose

This policy sets out the Council's rules on how employees can claim for expenses incurred in the performance of their duties for the Council. The purpose of this policy is to ensure that employees are properly reimbursed for legitimate business expenses and to ensure that these expenses are treated appropriately for tax purposes. It does not apply to councillors.

General procedure

The Council will reimburse you for actual expenditure that is incurred wholly, necessarily and exclusively in connection with authorised duties that you undertake in the course of your employment. To claim for expenses, you must use the Council's expenses claim forms and set out the reasons why the expense was incurred on the claim form. If you are unsure whether an expense can be claimed, you must seek prior written authorisation from [the Clerk / the RFO / the Chair].

Expenses will not be paid unless supporting evidence is provided, together with a completed expense claim form. This should include original receipts or invoices with the date and time of the transaction (unless you are claiming for mileage). When claiming for travel expenses on public transport, you should enclose the tickets showing the departure point and destination of your journey, where possible. Credit and debit card statements will not be accepted. Where you are submitting a VAT receipt, you should set out:

- the name and VAT registration number of the retailer or service provider;
- the goods and services provided; and
- the amount of VAT payable.

Once completed and signed, you should submit your expense claim form to the Clerk for approval. Once approved the claim form should be sent to the Clerk for payment.

Expenses claims must be submitted within 30 days of the expense being incurred. If this is not practical, written approval for any extension will be required from [the Clerk]. The Council reserves the right to withhold any payment where prior written approval has not been given.

The Council may return an expense claim form to you without payment if it is completed incorrectly or lacks supporting evidence.

The Council will pay claims for authorised expenses by BACS transfer into the same bank account into which your salary is paid.

In general, you should not incur expenses other than in the categories listed below. However, if you have claims for expenditure other than for those categories listed below, you should seek written approval from the Clerk before incurring the expense. The Council will accept email as written approval where it is required in this policy.

Any queries in relation to this policy should be directed to the Chair.

Training

When attending training courses all employees should be able to claim travel expenses for the difference in the usual home to work costs. Where the training takes place outside contracted daily hours, part-time employees should be paid on the basis as time spent on training is working time.

Some training can be very expensive and as a condition for funding training, the council requires full repayment of all costs incurred for any training course in excess of £500 should an employee not complete the training or leave the council within a year of completion. Repayment of costs reduces to 50% reimbursement in the second year.

Travel

Employees and managers should consider whether or not travel is necessary or if there are more appropriate means (for example tele-conferencing or video-conferencing).

Rail

You may claim for standard class rail fares only. Where possible, rail journeys should be booked well in advance to benefit from any discounts for early booking.

Use of your own car

It may be appropriate and cost-effective to use your own car when travelling on business, for example if you are travelling with other staff or councillors or, where there is limited public transport to your destination, or the journey time is significantly shorter than using public transport. Any use of your own car on business is subject to you:

- holding a full UK driving licence;
- ensuring that your car is roadworthy and fully registered; and
- holding comprehensive motor insurance that provides for business use.

Prior authorisation should be sought from [the Clerk] (or the Chair in the case of the Clerk), before using your own car on business. The Council accepts no liability for any accident, loss, damage or claim arising out of any journey that you make on business. The Council will not pay for the cost of any insurance policy on your own car.

To claim for petrol expenditure, you should set out the distance of the journey undertaken on your expenses claim form. The Council will pay you a mileage allowance of 45p per mile for mileage under 10,000 miles and 25p per mile for mileage over 10,000 miles, or such other rate as set out from time to time by HM Revenue and Customs. The Council will pay for tolls, congestion charges and parking costs incurred, where applicable.

Use of bicycle or Motorcycle

If use of your bicycle or motorcycle is approved, you can claim a mileage allowance of 20p or 24p per mile respectively. Any use of your own motorcycle on business is subject the same requirements as a car (see above).

Taxis

Any use of taxis will require prior approval and only in limited circumstances. These are:

- where taking a taxi would result in a significantly shorter travel time than using public transport;
- where there are several employees travelling together; or
- where personal security and safety of employees is an issue, for example taxis may be permitted after 9.30pm.

You must obtain a receipt with details of the date, place of departure and destination of the journey.

Use of electric vehicles will be reimbursed at the recommended HMRC rate.

Overnight accommodation

As a guideline for travel on council business you should book accommodation equivalent to three-star standard or less. You may book hotel accommodation of up to [£120] maximum in a major city and [£100] elsewhere. It is your responsibility to ensure that any hotel reservations are cancelled within the required cancellation period if they are no longer required.

Meals

If you are required to be away from home on council business, you may claim up to:

- £10 for breakfast (if this is not included in the hotel room rate);
- £15 for lunch;
- £20 for dinner ; and
- a daily allowance of £5 per night for general incidental costs such as a newspaper or telephone calls.

The maximum amounts above are inclusive of drinks. Alcohol cannot be reclaimed under any circumstances.

You should supply receipts and invoices for all hotel and meal expenses other than for the daily allowance, where no receipt is required.

Entertainment/gifts

The Council has strict rules about offering or receiving both entertainment and gifts. Any gifts, rewards or entertainment offered to you should be reported immediately to the Clerk (or the Chair in the case of the Clerk). As a general rule, small tokens of appreciation, for example flowers or a bottle of wine, may be retained by employees.

Annual events

The Council may decide to hold a staff event, such as a Christmas meal or other celebration. Except where agreed to the contrary, attendance is not compulsory, and you will remain responsible for any expenses you incur.

Expenses that will not be reimbursed

The Council will not reimburse you for:

- the cost of any travel between your home and usual place of work (except in exceptional circumstances for early morning/late night transport as set out above);
- the cost of any travel undertaken for personal reasons;
- the cost of any travel for your partner or spouse;
- any fines or penalties incurred while on council business for whatever reason, including penalties for not paying for a rail ticket in advance of boarding the train and penalties or fines associated with motoring offences, including speeding or parking fines, clamping or vehicle recovery charges;
- alcohol; and
- cash advances or withdrawals from an ATM machine.

You are required to pay for any travel costs incurred by your partner or spouse in the event that he or she accompanies you on business. Your spouse or partner must have adequate travel insurance for that journey.

False claims

If the Council considers that any expenditure claimed was not legitimately incurred on behalf of the Council, it may request further details from you. The Council will thoroughly investigate and check any expenses claim as it sees fit. It may withhold payment where insufficient supporting documents have been provided. Where payment has been made to you prior to the discovery that the claim was not legitimate or correct, it may deduct the value of that claim from your salary.

Any abuse of the Council's expenses policy will not be tolerated. This includes, but is not limited to:

- false expenses claims;
- claims for expenses that were not legitimately incurred;
- claims for personal gain;
- claims for hospitality and/or gifts without them having been declared; and
- receipt by you of hospitality and/or gifts from contacts that may be perceived to influence your judgment.

The Council will take disciplinary action where appropriate and, in certain circumstances, may treat a breach of this policy as gross misconduct, which may result in your summary dismissal. In addition, the Council may report the matter to the police for investigation and criminal prosecution.

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

Reviewed by F&P Comm	Nov 2022
Adopted by FC	Dec 2022
Review date	Sept 2026

— policy ends here —

Notes

This is an example policy that should be adjusted to reflect the procedures and policy of the council. The rates are a matter for the council to decide.

Guidance

Where there is text in [square brackets] this part may be updated or be deleted if not relevant. An alternative option may have been provided.

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BAYSTON HILL PARISH COUNCIL FLEXIBLE WORKING POLICY

What is flexible working?	2
Scope	2
Policy	2
Making a request	2
Responding to your request	3
Timeframe for dealing with requests	4
Handling requests in a fair way	4
Appealing the decision	4
The effect on your contract of employment	5
Data protection	5

What is flexible working

Every staff member has a contract of employment that sets out the working hours. A request to work flexibly is a request from the employee to change either the number of working hours, when or where they are worked. Flexible working does not mean a member of staff can work the hours they wish from day-to-day, week-to-week.

Flexible working arrangements take account of employees' preferences, interests and non-work responsibilities whilst also meeting the needs of the council. Common examples of flexible working include part-time working; zero-hours / casual working; variable hours; flexitime; job-sharing; term-time working; compressed hours; career breaks; and sabbaticals.

Flexible working can result in benefits to councils, in that such arrangements can help make the most of today's diverse workforce and improve the council's ability to recruit and retain staff. It is good practice to make flexible working open to all staff.

This policy has been written to explain the process which we will use to respond to requests by staff to vary hours, pattern or place of work.

Scope

You have a statutory right to request a change to your contractual terms and conditions of employment to work flexibly provided you have been continuously employed with us for at least 26 weeks at the date the application is made, regardless of whether you work full or part-time or have a temporary contract of employment. It does not apply to agency staff.

Policy

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

Making the request

To apply for flexible working, please provide the following information in writing, and submit this to the Clerk. In the case of the Clerk, the request should be submitted to the Chair of the Council:

- The date of the application,
- A statement that this is a statutory request,
- Details of how you would like to work flexibly and when you want to start,

- An explanation of how you think flexible working might affect the council and how this could be dealt with, e.g. if you're not at work on certain days, and,
- A statement saying if and when you've made a previous application.

You can only make one statutory request in any 12-month period. You are asked to let us know if you are making the request because you consider the change could be a reasonable adjustment to support a disability. In such a case some of the requirements of this policy would not apply (i.e. the minimum period of service; one request per annum).

Responding to your request

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

Having the right to request a change to your working arrangements does not necessarily mean that your request will be accepted. Your request will be fully discussed at the meeting. We will carefully consider your request looking at the benefits of the requested changes on working conditions for you as an employee and the council and weighing these against any adverse impact of implementing the changes.

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

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

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

- The burden of additional costs is unacceptable to the council
- Detrimental effect on the council's ability to deliver for the community
- Inability to re-organise work among existing staff
- Inability to recruit additional staff

- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes to the council

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

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

Timeframe for dealing with requests

We will do what we can to respond to your request as soon as possible although the law requires the consideration process to be complete within three months of first receiving a request, including any appeal. If the request cannot be dealt with within three months, we may ask to extend the consideration process, provided you agree to the extension.

Handling requests in a fair way

We may receive more than one request to work flexibly closely together from different employees and it may or may not be possible to accept all requests. If we agree to a request for flexible working arrangements this does not mean that we can also agree to a similar change for another employee. Each case will be considered on its merits looking at the business case in the order they have been received. We may need to take others' contractual terms into account and we may ask you if there is any room for adjustment or compromise before coming to a decision.

Appealing the decision

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

There may be circumstances when the council is unable to meet within the required timeframes, in which case a meeting will be held as soon as is practically possible.

The effect on your contract of employment

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

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

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

Data protection

When managing a flexible working request, we will process personal data collected in accordance with the data protection policy. Data collected from the point at which we receive a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

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

— policy ends here —

Notes

The wording of this policy is based on an employee's statutory right to make a request to change their working arrangements. Adopting and applying this policy as it stands will support the council to comply with this right.

1. Scope

The statutory right is limited to employees with 26 weeks' service. Councils can, if they wish, extend the right to all staff.

The statutory right is limited to one request per annum. Councils can, if they wish, consider requests made more frequently.

2. Considering requests

Employers are not compelled to agree to flexible working requests. The policy sets out some reasons that may mean the request cannot be accepted. This list is based on the legislation. Employers must carefully consider the request, but if the proposal is likely to lead to difficulties with the operation of the council, you should discuss the problems, see if they can be reasonably mitigated, but if not, you can decline the request.

With the exception of a request to support an employee with a disability (see below), the reason for the request should not affect whether the council accepts or declines a request.

Important note: If a request has been made to support the health and wellbeing of a staff member, then this may be considered to be a 'reasonable adjustment'. Employers have a legal duty to consider making changes to work arrangements to prevent disadvantage to a disabled worker. If an employer does not consider making such 'reasonable adjustments', or doesn't implement such adjustments, this may lead to unlawful discrimination.

A disability is a physical or mental impairment which has a substantially adverse and long-term effect on their ability to carry out normal day-to-day activities. A 'reasonable adjustment' may be to allow an employee with long-term anxiety to arrive at work 30 minutes late to avoid rush hour.

Please refer to ACAS (www.acas.org.uk/disability) for further information.

3. Fairness

You may receive a flexible working request from one team member, agree to the request and confirm the changes to their contract. You may then receive a similar request from another team member doing the same job. Your agreement to the first request does not mean that you have to agree to the second request. Each request will need to be considered against the contractual arrangements in place.

4. Trial period

If you are not sure whether a proposed working pattern will work, you can agree to a trial period to test it out. If you do so, it will be important to put this in writing and be clear about the duration of the trial and that the working pattern will automatically revert to the previous arrangements unless the council agrees to the contrary.

5. Written outcome

If a request is agreed on a temporary or permanent basis, it will be important to confirm the outcome in writing and ensure this is placed on the HR file. If there is a change to the terms set out in the employment contract (whether temporarily or permanently), it will be important to issue a letter to confirm the changes that have been agreed.

More information

ACAS has published a statutory code of practice that lays down the principles that employers should follow when dealing with requests for flexible working.

See ACAS (www.acas.org.uk/index.aspx?articleid=1616) for more information.

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Adopted by FC	Dec 2022
Review date	Sept 2026



GRIEVANCE POLICY

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. (https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf). It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
3. This policy confirms:
 - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
 - the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
 - any changes to specified time limits must be agreed by the employee and the Council
 - an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final



- information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)
- audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure
- if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith
- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties
- Employees can use all stages of the grievance procedure If the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a councillor Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of [] council] who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (see paragraph 5)
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination
- If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with



his or her line manager at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime

Informal grievance procedure

4. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of the staffing committee or, if appropriate, another member of the staffing committee. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employee's and the councillor's consent.

Formal grievance procedure

5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the staffing committee.
6. The staffing committee will appoint a sub-committee of three members to hear the grievance. The sub-committee will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

Investigation

7. If the sub-committee decides that it is appropriate, (e.g. if the grievance is complex), it may appoint an investigator to carry out an investigation before the grievance meeting to establish the facts of the case. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, councillors or members of the public).
8. The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee.

Notification



9. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:
- the names of its Chairman and other members
 - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance
 - the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
 - a copy of the Council's grievance policy
 - confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting
 - confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice
 - findings of the investigation if there has been an investigation
 - an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The grievance meeting

10. At the grievance meeting:
- the Chairman will introduce the members of the sub-committee to the employee
 - the employee (or companion) will set out the grievance and present the evidence
 - the Chairman will ask the employee questions about the information presented and will want to understand what action does he/she wants the Council to take
 - any member of the sub-committee and the employee (or the companion) may question any witness
 - the employee (or companion) will have the opportunity to sum up the case
 - a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.
11. The Chairman will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the



employee of the action, if any, that the Council will take and of the employee's right to appeal.

The appeal

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the staffing committee. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.
13. Appeals may be raised on a number of grounds, e.g.:
 - a failure by the Council to follow its grievance policy
 - the decision was not supported by the evidence
 - the action proposed by the sub-committee was inadequate/inappropriate
 - new evidence has come to light since the grievance meeting.
14. The appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the staffing committee. The appeal panel will appoint a Chairman from one of its members.
15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.
16. At the appeal meeting, the Chairman will:
 - introduce the panel members to the employee
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee
 - explain the action that the appeal panel may take.
17. The employee (or companion) will be asked to explain the grounds of appeal.
18. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.



19. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.
20. The decision of the appeal panel is final.

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Review date	Sept 2026



BAYSTON HILL PARISH COUNCIL HOMEWORKING POLICY

Policy	2
Scope of this policy	2
Safe working environment	2
Facilities and equipment	3
Hours of work	3
Potential conflicts of interest	4
Data protection	4
Visits to work premises	4
Insurance, mortgage or rental agreements	4

Policy

The Council recognises the advantages of home-based working although it doesn't suit everyone, and some job roles may not be appropriate to undertake at home.

This policy describes the working arrangements and expectations that will apply if you work from home.

Scope of this policy

It applies to all staff who are home-based whether full time, part time or fixed term. It does not apply to office-based staff who work from home on an ad-hoc basis. If you are considering whether to request home-based working, please refer to the Flexible Working Policy.

Safe working environment

Health and safety for home-based staff applies in the same way as office-based staff, insofar as is reasonably practicable, that you work in a safe manner and that you follow all health and safety instructions issued by us.

You must complete and submit a 'Home Based Workers Risk Assessment' to the Clerk. This is a checklist for you to identify any possible hazards in your home working area. Following completion of the checklist, measures may need to be taken to control any risks identified. This checklist should be completed annually, or more frequently if there are any changes to your arrangements such as new equipment or changes to your home-office space.

You must complete and submit a workstation risk assessment and ensure that this remains up-to-date. If you have any questions about the risk assessment, or if you identify any potential risks when carrying out the assessment, you should refer these to the Clerk in the first instance.

Some of the most important considerations include: -

- If possible, an area should be set aside from the rest of your living space to ensure that you are able to work from home without distractions,
- Your home office should have adequate space for you to work safely and comfortably,
- Your desk should be large enough to accommodate your equipment and paperwork,
- You should have sufficient storage and your workspace should be organised so equipment is close to hand,
- Your work area should be well lit, with natural lighting if possible,
- Equipment and sockets should be situated to avoid potential trip hazards, and,

- You must also ensure that you visually check the cables of any electronic equipment supplied to you regularly (and at least every 6 months) and report any defects.

We reserve the right to visit you at home at agreed times for work-related purposes, including health and safety matters and to inspect, service or repair equipment (e.g. for PAT testing).

Facilities and equipment

The council will provide you with the following equipment for you to work from home and we will maintain and replace these items when necessary.

- Desk,
- Office chair
- Filing cabinet (which will be lockable for those staff who hold personal data)
- Printer/scanner
- Laptop computer
- Photocopier
- Mobile telephone

It is your duty to ensure that proper care is taken of the equipment provided to you and to let the Clerk know of any need to maintain or replace the equipment. Should the risk assessment identify any further equipment that is necessary, please discuss this with the Clerk.

All equipment provided by the council is for you to work safely and effectively at home and cannot be used for personal use by you or your family.

All equipment will belong to the council and you will be required to return it to us promptly should you leave our employment. If we are unable to make suitable arrangements, we may collect the equipment and any documents before your last day.

Hours of work

As a home-based worker, your contract of employment will specify the hours when we expect you to be at work and contactable by telephone or email. There may be times during the working day when you are not available in which case these should be flagged to the Clerk (or the Chair of the Council) with prior authorisation.

You must be mindful to take adequate rest breaks which should be, as a minimum:

- A break of at least 20 minutes during each working day over 6 hours,
- A daily rest break of at least 11 continuous hours, i.e. the time between stopping work one day and beginning work the next day, and,

- At least one complete day each week when no work is done.

Potential conflicts of interest

During your hours of work, the council expects that your work environment enables you to work effectively and that you are not distracted by domestic matters. It is not appropriate to combine homeworking with caring for a dependant.

If there is an emergency and you need to attend to a non-work matter, then you should notify the Clerk (see the Dependant Leave Policy).

Data protection

As a home-worker you are responsible for keeping all documents and information associated with the council secure at all times. Specifically, homeworkers are under a duty to:

- Keep filing cabinets and drawers locked when they are not being used,
- Keep all documentation belonging to us in the locked filing cabinet at all times except when in use,
- Set up and use a unique password for the laptop computer, and,
- Ensure that documents are saved to the server rather than the laptop computer's hard drive.

Furthermore, the laptop computer and other equipment provided by us must be used only for work-related purposes and must not be used by any other member of the family at any time or for any purpose.

If you have a telephone conversation where you are discussing confidential work matters, you should ensure that such calls take place in privacy to avoid inadvertent breach of confidentiality.

Visits to work premises

On occasions you may need to attend council offices for training, performance assessment meetings, team briefings etc. This will normally not be frequent, and the dates and times of such visits will be agreed in advance.

Insurance, mortgage or rental agreements

Whilst our Employer's Liability Insurance extends to home based staff, and any council equipment installed in your home will also be covered, you should ensure that any agreement with your landlord or mortgage lender allows you to work from home, and that your house buildings and contents insurance will not be invalidated by you working from home.



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

— policy ends here —

Notes

The Good Councillor's guide to being a good employer provides advice and guidance around how to manage a homeworker.

Important notice

This is an example of an employment policy designed for a small council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This document was commissioned by the National Association of Local Councils (NALC) in 2019 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

This document has been written by the HR Services Partnership – a company that provides HR advice and guidance to town and parish councils. Please contact them on 01403 240 205 for information about their services.

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