



# **YATE TOWN COUNCIL**

## **STAFF POLICIES & PROCEDURES**

**ADOPTED AT FULL  
COUNCIL  
20 February 2024**

Yate Town Council reserves the right to amend, update, include or remove any policies according to the needs of the Council's business.

The policies within this document are not all regarded as contractual and are largely a matter of guidance and good practice, unless where specifically noted – please see statement at top of each policy.

Yate Town Council reserves the right to amend, update, include or remove any non-contractual policies according to the needs of the Council's business without seeking staff agreement, with the exception of contractual terms (see below).

Staff are bound to follow all policies and procedures contained in this handbook, including those amended.

Some policy statements are contractual – where covered in employee contracts. Where policies refer to contractual terms, the Council will not unilaterally change these, and will only alter through consultation and agreement with staff.

Delegated powers be granted to the Clerk to review and amend any policy when deemed necessary in the context of legal changes or working practice changes. Policies to be referred back to the Staffing and Governance Committee at the Clerk's discretion when there is an issue of substance for consideration. This delegation to be added into the Terms of Reference.

Amendments made by the Clerk according to delegated powers

<b>Date</b>	<b>Policy</b>	<b>Amendments</b>
15.4.24	Flexible Working Policy	Legislation Changes

Amendments made by resolution of Council

<b>Date</b>	<b>Policy</b>	<b>Amendments</b>
20.2.24	Adoption of Full Policy	Amendment to Recruitment Policy, Probation Policy and Managing Employee Performance & Anti Fraud & Corruption policy as recommended by Staffing & Governance Sub Committee on 7.2.24



## Review Method

	<b>Contractual</b> to be reviewed when amendments in legislation dictate or due to organisational amendments. These reviews involve staff consultation so are more in depth/timely than other policy reviews.*
	<b>Non-contractual</b> to be reviewed at least once over a 4-year cycle
	<b>Annual</b> to continue to be reviewed annually

Absence	Last Reviewed 2019/20
Adoption Leave & Pay	Last Reviewed 2020/21
Appraisal & Supervision Policy	Next Review 2026/27
Communications Policy	Next Review 2024/25
Data Protection Policy and use of personal data	Last Reviewed 2018/19
Flexible Working Policy	Last Reviewed 2024/25
Anti Fraud & Corruption	Next Review 2027/28
Homeworking Policy	Next Review 2024/25
Grievance (including bullying and harassment)	Last Reviewed 2019/20
Employee Health & Safety Lone Working & Eye Tests	Last Reviewed 2017/18
Job share	Next Review 2026/27
Leavers Policy	Next Review 2027/28
Managing Employee Performance	Last Reviewed 2023/24
Maternity	Last Reviewed 2020/21
Employee Code of Conduct & Member-Officer Protocol	Last Reviewed 2018/19
Paternity	Last Reviewed 2020/21
Pay Protection	Next Review 2025/26
Probation	Last Reviewed 2019/20
Pension	Last Reviewed 2021/22
Recruitment and Selection	Next Review 2027/28
Retirement	Next Review 2027/28
Shared Parental Leave	Last Reviewed 2020/21
TOIL, Call Out & Travel Expenses	Last Reviewed 2018/19
Time off work and leave	Next Review 2024/25
Training & Development	Next Review 2025/26
Whistleblowing	Annual Review ( 2023 completed)

\*.( To be reviewed every 10 years in absence of any amendments/ legislation updates)

## CONTENTS

MANAGING ILL HEALTH AND SICKNESS ABSENCE POLICY .....	5
ADOPTION LEAVE AND PAY (PRIMARY CARER) .....	16
APPRAISAL & SUPERVISION POLICY & PROCEDURE .....	21
I.T. & COMMUNICATIONS POLICY .....	24
DATA PROTECTION POLICY .....	31
FLEXIBLE WORKING .....	37
ANTI-FRAUD AND CORRUPTION POLICY .....	41
GRIEVANCE PROCEDURE .....	44
HOME WORKING POLICY .....	52
EMPLOYEE HEALTH AND SAFETY POLICY .....	55
JOB SHARE POLICY.....	63
LEAVERS POLICY .....	66
MANAGING EMPLOYEE PERFORMANCE PROCEDURE.....	72
MATERNITY LEAVE AND PAY .....	83
MEMBER/OFFICER PROTOCOL.....	98
PATERNITY LEAVE AND PAY HANDBOOK.....	101
PAY PROTECTION POLICY.....	105
PROBATIONARY POLICY .....	108
DISCRETIONARY PENSION POLICIES.....	113
RECRUITMENT POLICY *.....	124
RETIREMENT POLICY .....	134
SHARED PARENTAL LEAVE AND PAY POLICY .....	137
TIME OFF IN LIEU (TOIL), OVERTIME, CALL OUT, TRAVEL AND EXPENSES POLICY.....	145
TIME OFF WORK AND LEAVE POLICY.....	185
TRAINING & DEVELOPMENT POLICY .....	201
WHISTLEBLOWING POLICY.....	204

## YATE TOWN COUNCIL



# MANAGING ILL HEALTH AND SICKNESS ABSENCE POLICY

**This policy is contractual.**

## 1. Introduction

1.1 Yate Town Council is committed to improving the health, safety and wellbeing of its employees, especially in an attempt to ensure acceptable levels of attendance. We value the contribution our employees make to providing effective, high-quality service to the community. So, when any employee is unable to be at work for any reason, we miss that contribution.

1.2 This policy explains:

- What we expect from managers when handling ill health and absence.
- What we expect from employees who are absent from work due to sickness;
- How we will support employees who are absent from work due to sickness in an attempt to facilitate an early return, to ensure a return is sustained and to reduce levels of absence;
- How we will manage staff with any ill health or disability at work.

1.3 The Town Council's Managing Ill Health and Sickness Absence policy is based on the following principles:

As a caring and responsible employer, we undertake to provide payments to employees who are unable to attend work due to sickness in accordance with our sick pay scheme.

1.3.1 Regular, punctual attendance is an implied term in every employee's contract of employment – we expect all employees to take reasonable care of their own health, seek medical help when appropriate and to attend work when fit to do so;

1.3.2 We will support employees who have genuine grounds for absence for whatever reason and will treat all such sickness absence in a fair, sensitive and consistent manner;

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

1.3.4 We will consider any advice given by the employee's GP on the 'Statement of Fitness for Work'. If the GP advises that an employee 'may be fit for work' we will discuss how we can help them get back to work – for example, on a phased return, flexible hours, or altered duties. We will use an occupational health adviser, where appropriate, to:

a. help identify the nature of an employee's illness.

b. advise the employee and their manager on the best way to support

the employee in an attempt to facilitate an early return to work.

1.3.5 The Town Council's Managing Employee Performance Procedure may be used if there is a failure to follow or any abuse of the Managing Ill Health and Sickness Absence Policy.

1.3.6 Yate Town Council respects the confidentiality of all information relating to an employee's sickness. This policy will be implemented in line with all GDPR and data protection legislation and the Access to Medical Records Act 1988.

## **2. Scope**

The procedure applies to all employees of Yate Town Council relating to sickness absence. However, staff who have high levels of sporadic sickness absence, where no underlying medical condition/disability has been identified, or where a condition has been identified and adjustments have been made, will be dealt with under the Managing Employee Performance Procedure.

## **3. Notification of Absence**

If an employee is going to be absent from work, they should speak to their line manager, Town Clerk or Deputy Town Clerk (or in their absence a member of the Office team) before their start time or as soon as possible after their start time. They should also:

- give a clear indication of the nature of the illness and;
- a likely return date.

The line manager/other manager in line manager's absence/Town Clerk will check with employees if there is any information they need about their current work. If the employee does not contact their line manager or an alternative manager by the required time a manager will attempt to contact the employee at home.

An employee may not always feel able to discuss their medical problems with their line manager. Managers will be sensitive to individual concerns and make alternative arrangements, where appropriate. For example, an employee may prefer to discuss health problems with a person of the same sex.

The employee must maintain regular contact with their line manager during any period of sickness lasting longer than one day, so that the line manager is aware of any progress and the expected date of return to work

## **4. Evidence of Ill Health**

Employees can use the Council self-certification arrangements for the first seven days absence. Thereafter a medical certificate or 'Fit Note' from the GP is required to cover every subsequent day.

A 'Fit Note' from the employee's doctor must be submitted to the employer not later than the eighth calendar day of absence (including Saturday and Sunday) and subsequent 'Fit Notes' need to be concurrent and forwarded to the office within 24 hours of issue by the General Practitioner.

The employee may be able to return to work before the end of the period that the GP

has advised that they are not fit for work due to a faster recovery than anticipated or the GP not being aware of ways we could support the employee's return. This will need to be with the employee's agreement that it is appropriate for them to return to work; you do not need to wait until the end of the Statement period for them to do so.

All 'Fit Notes' should be photocopied and sent to the Service Support Manager for recording and the original note should be returned to the employee. These are retained confidentially for the current year plus 3 years.

If absence is likely to be protracted, i.e. more than four weeks continuously, there is a shared responsibility for the Town Council and the employee to maintain contact at agreed intervals. This can either be by telephone, e-mail/letter or home visit. It is the employee's responsibility to ensure that all necessary sickness certification is submitted to the office in accordance with the timescales outlined above.

## **5. Sickness and Annual Leave**

Employees continue to accrue their holiday entitlement as normal whilst absence due to ill health.

Employees can take annual leave during sickness absence if they wish. If they do, they will be paid for annual leave not sick pay for those dates. Employees can take this option if they are in a no pay period.

If the employee is unable to take all of their statutory annual leave entitlement within a year because of illness, they can carry forward the unused statutory entitlement up to a maximum of 28 days including Bank Holidays.

If employees become ill whilst they are on annual leave and want to claim sick pay instead of holiday pay, they must; inform their manager immediately, submit a GP Certificate (Fit Note) to cover **all** periods of sickness and will be considered as absent due to ill health from the date of the GP Certificate. ( An official NHS document confirming inability to work to cover **all** periods of sickness will also be acceptable).

When an employee is receiving sick pay, it will continue if a public or extra statutory holiday falls during the absence period. However, no substitute or extra statutory holiday will be given.

## **6. Return to Work Meetings**

Managers will discuss absences with employees, following each period of absence, when they return to work to: -

- welcome the employee back to work;
- enquire as to the nature of their sickness and present state of health;
- give the employee an opportunity to raise any personal or work-related problems they may have and demonstrate an interest in their welfare;
- make the employee aware that they have been missed;
- bring the employee up to date with any work issues;
- ensure the absence has been correctly certified and recorded;
- point out that the absence record will be consulted after the meeting and the employee will be contacted further if an unsatisfactory absence record is

developing, to ask whether there is any further support that can be offered to assist in ensuring attendance and explain the consequences of any further episodes of sickness absence (see section 8, Intervention Points).

If an employee's GP has advised that they 'may be fit for work' the return to work discussion can also be used to agree in detail how their return to work might work best in practice.

## **7. 'May be fit for some work' & Phased Returns**

If the GP advises on the 'Fit Note' that an employee 'may be fit for work' we will discuss with the employee ways of helping them get back to work. This might mean talking about a phased return to work, amended duties or additional support.

A phased return to work where recommended by a medical practitioner can allow a gradual return to work after a significant absence (usually four or more months) or a significant illness. It should normally last for a maximum period of 6 weeks (in the majority of cases 4 weeks will be sufficient) and generally for no less than half their contractual hours. During this period, the employee will receive their formal, full contractual pay irrespective of the number of hours worked and there should be a gradual increase in hours within the agreed period, recorded in a return to work plan.

Other means of assisting a phased return to work may be explored, for example reviewing work hours, duties or responsibilities.

If it is not possible to provide the support an employee needs to return to work – for example, by making the necessary workplace adjustments – or an employee feels unable to return then the Statement will be used in the same way as if the GP advised that the employee was 'not fit for work'.

## **8. Intervention Points**

The Health and Safety Executive advise that early intervention is key. The sooner action is taken, the better the chances are of an employee making a full and speedy return to work (taken from HSE website).

The Town Council uses intervention points to help provide a consistent, fair and measured approach to managing all forms of sickness absence/ill-health. The purpose of an intervention point is to act as a prompt for management action. However, each case should be considered on its own merits: NB when an intervention point is met or exceeded it is not an automatic reason to commence a formal process. In general, the more time and employee takes off work due to sporadic abeyance (with no underlying medical cause or where adjustments have been made) the more likely management will need to take actions (see more detail in Section 9 below).

The intervention points are:

Sporadic Absence (within the last six months):

- Three periods of absence (irrespective of length of absence) at the discretion of the Town Clerk; &/or
- Ten days (working days) total absence.

Long Term Sickness absence



- Two weeks (10 working days).

## **9. Short Term/Sporadic Absence**

If the short-term absence has a pattern or is made up of a number of sporadic instances, particularly when there is no underlying medical condition, then it should be managed under the Council's Managing Employee Performance Procedure. Persistent episodes of ill health absence are not sustainable as these can be detrimental to the Town Council's ability to meet its operational demands and budgetary responsibilities.

If the absence has met the intervention points the manager should raise this straight after the Return to Work meeting. The discussion should establish the reasons for the absence explain the need for improved attendance and keep written notes on the self-certification form.

If following this discussion there is no improvement in attendance and there is no underlying medical condition OR there is an underlying medical condition or disability and all reasonable adjustments/support have been provided, the absence will be managed under the Town Council's Managing Employee Performance Procedure as per Section 3 Informal Action.

## **10. Long-Term Absence**

Normally after two weeks absence where there is no clear indication of when the employee will return to work the manager should gather all relevant information and explore the options to avoid the situation continuing to remain unresolved. This could involve a review of the medical certificates, outcomes of discussions with the employee and consider an agreed plan of action. Managers should remain focused on doing all they can to facilitate a return to work where possible in the best interests of supporting the employee. In doing so they will need to ensure regular contact is maintained.

An Initial Meeting/Home Visit should be held between the manager and employee. The discussion should cover:

- confirm/clarify reason for absence;
- expected time of return to work – the date if possible;
- any measure that could be put in place to support the employee to return to work safely.
- consider the employee's ill health absence history;
- being able to sympathise/understand the employee's situation and being flexible where possible can often facilitate a prompt resolution;
- at this meeting it may be necessary to complete an Occupational Health referral form.

Alongside this meeting, managers should consider if they need to find a replacement to cover the absence so that the service/team is not adversely affected.

## **11. Occupational Health Services (OHS)**

The OHS is a clinical service whose main purpose is to provide advice to the council to enable it to manage the health-related aspects of work. OHS advice can supplement advice from an employee's GP, therefore it is not always necessary to gain their input if the information from the GP is sufficiently comprehensive.

A referral should request information on the following areas:

- Establish if there is an underlying health condition or disability;
- The likely period of absence – and what support will be necessary when the employee returns or what measure could facilitate an earlier return;
- If the employee is/will be fit to undertake the full range of their duties and the timescales and if there are any permanent/temporary limitations on their ability to undertake some duties; If redeployment on health grounds should be considered;
- Whether the ill health is likely to be permanent – if so, is early retirement on health grounds an option;
- If the condition is due to an industrial injury (accident, injury or illness resulting from carrying out activities at work).

OHS guidance leaflets are available to employees and managers.

OHS cannot disclose information about employee's health without the consent of the employee because it is medically based and covered by medical law. Employees have the right to refuse disclosure of the OHS report. If this is the case, then managers will need to make decisions based on the information available to them. Reports or related papers should always be held confidentially.

The report does not make decisions for the manager but should assist in making decisions from a work perspective. The employee should be involved in any discussions about proposed actions. If the employee does not agree with the occupational health advice provided, they have the right to obtain independent medical advice to share with the Council at their own cost.

## **12. Review Meetings**

Depending on the duration of the absence and advice received, a series of meetings are likely to be held throughout the absence between the manager and employee.

If absence is longer in duration and there is no indication of a return date the review meeting should be formal. The employee should be given a written invite to the meeting, with 5 working days' notice, to be held at their home address or the Town Council office. They should be given the right to be accompanied by a trade union representative or work colleague. HR can assist the manager.

The purpose of review meetings is to consider all the available information and options. There is no set number of meetings, the object throughout is to ensure that absence is managed and that all parties are kept informed.

The employee has an obligation to attend these meetings where reasonable. If they do not engage in this process, then any decisions can be made by the

manager based on the information available to them.

### **13. Final Ill Health Review Meeting**

Where there is not a foreseeable return to work in a reasonable time then a Final Ill Health Review meeting will be held with the manager, Town Clerk (and HR) and employee (as per the formal invite requirements listed above). There may also be a notetaker from the Service Support Team.

The purpose of this meeting is to consider the ability of the team to sustain the long-term absence. If there is no foreseeable return to work in a period that can be accommodated and all reasonable measures to support a return to work have been exhausted, then the manager will ultimately have to decide at this meeting whether to dismiss the employee (on the grounds of lack of capability due to ill health).

The decision to dismiss should not come as a surprise to the employee, as the potential for this to happen should have been discussed and conveyed sensitively to the employee in advance of the actual decision.

If the decision is to dismiss the employee, the decision will be confirmed in writing and include a statement regarding their rights of appeal against the decision. Appeal Hearings will be conducted by 3 members of the Staffing and Governance Sub Committee (with HR advice). See section 4.4 Right of Appeal for procedural notes in the Managing Employee Performance procedure for procedural notes (with the exception of inviting witnesses). Contractual or statutory notice and any outstanding annual leave will be paid. The decision to dismiss should not be associated with the employee's entitlements to Sick Pay.

### **14. Ill Health Retirement**

Where recommended by the OHS requires confirmation from an independent Doctor and is based on definitions provided under the LGPS (Benefits, Membership and Contributions) Regulations 2007. Appeals against pension decisions should be made within six months of the date of notification of the decision being made.

### **15. Disability and Reasonable Adjustments**

It does not follow that people with a disability have more absence due to ill health than others. Where periods of absence related to disability, managers need to follow the Managing Ill Health and Sickness Absence Policy but consider the disability. Full consideration should be given to making reasonable adjustments, in liaison with the employee, to provide support to a person with a disability at work.

Under the Equality Act 2010 employers have a duty to make reasonable adjustments so that disabled employees are not disadvantaged in their work compared to non-disabled employees. This may mean changing the way employment is structured, the removal of physical barriers and/or providing extra support for a disabled worker.

Further advice can be obtained from Human Resources, the OHS, GP or other medical

professional, Access to Work or Trade Union representatives. Consideration should also be given to the Town Council's Equalities Policy.

## **16. Stress**

The Town Council is committed to protect the health and safety and welfare of its employees. We recognise that workplace stress is a health and safety issue and acknowledge the importance of identifying and reducing workplace stressors.

The Health and Safety Executive define stress as "the adverse reaction people have to excessive pressure or other types of demands placed on them". This makes an important distinction between pressure, which can be a positive state if managed correctly, and stress which can be detrimental to health.

Absence that appears to be due to a stress related illness should be considered for action as soon as possible and no later than after two weeks absence. Managers should consider the GP advice, if involvement of the OHS is required, conduct stress risk assessments, possibly recommend the staff counselling service (information available in the Town Council Office) and seek HR advice (see section 21) where stress is identified.

## **17. Alcohol & Substance Abuse**

The Town Council values its employees and supports their welfare. It will therefore respond to alcohol, drug or substance misuse problems as primarily a health issue, recognising that an employee with a problem can put themselves, their colleagues and the public at risk of harm. It is the Town Council's intention, as an employer, to respond positively to these issues and to encourage staff with problems to seek help and advice and reasonable time off will be given.

However, employees must not consume alcohol or use substances outside of working hours that may affect their performance or their ability to work safely. Neither must they report for work if they may be under the influence of any alcohol or other substances that may affect their performance and if they do, manager will send them home and consider action under the Town Council's Managing Employee Performance Procedure

The consumption of alcohol by employees during working hours is not allowed. The possession, use, production or supplying (selling or giving) of illegal drugs is forbidden and will be reported to the police in line with the Council's statutory responsibility under the Misuse of Drugs Act 1971.

Incapacity or evidence of insubordination due to effects of alcohol, drugs or other substances whilst on duty will be regarded as gross misconduct and dealt with under the Town Council's Managing Employee Performance Procedure.

If the offer of support and treatment is not taken up, or leads to little or no change, and there is little or no evidence showing change, then the Town Council may deal with the issue under the Managing Employee Performance Procedure.

<b>LENGTH OF SERVICE</b>	<b>Full Pay Period</b>	<b>Half Pay Periods</b>
During 1 <sup>st</sup> year of service:	1 month's full pay and	2 months half pay*
(*after 4 months service employees are entitled to 1 month's full pay and 2 months half pay, less than 4 months service, 1 month full pay only)	1 Months full pay	2 Months half Pay
During 2 <sup>nd</sup> year of service:	2 months full pay and	2 months half pay
During 3 <sup>rd</sup> year of service:	4 months full pay	4 months half pay
During 4 <sup>th</sup> & 5 <sup>th</sup> year of service:	5 months full pay and	5 months half pay
After 5 years' service:	6 months full	6 months

## **18. Absence due to maternity**

Absences relating to pregnancy will be kept separate from sickness absence records. The Town Council refers employees to our Equalities Policy.

## **19. Sick Pay**

The Yate Town Council sick pay scheme is intended to supplement any statutory sickness benefits in order to maintain normal pay during defined periods of absence because of sickness, disease, accident or assault.

Employees are entitled to receive sick pay for the following periods:

Employees on Casual or Zero Hours Contracts are entitled to Statutory Sick Pay only.

Yate Town Council shall have discretion to extend the period of sick pay in exceptional circumstances.

Entitlement to sick pay will take into account sickness absence episodes over the preceding 12 months for the calculation of pay purposes.

In the case of full pay periods, sick pay will be an amount which when added to Statutory Sick Pay entitlements receivable will secure the equivalent of normal pay. In the case of half pay periods, sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay entitlements, so long as the total sum does not exceed normal pay.

Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.

The social security benefits to be taken into account for the calculation of sick pay are those to which an employee is entitled on the basis that the employee has satisfied so far as is possible:

- a. the conditions for reporting sickness as required by the employer
- b. the claiming of benefits
- c. the obligation to declare any entitlement to benefits and any subsequent changes in circumstances affecting such entitlement.

Sick pay may be suspended if an employee abuses the sickness scheme; or is absent on account of sickness due or attributable to:

- deliberate conduct prejudicial to recovery, the employee's own misconduct or neglect
- active participation in professional or dangerous sports
- injury whilst working in the employee's own time, on their own account, for private gain or whilst working for another employer

Yate Town Council shall advise the employee of the grounds for suspension of sick pay and the employee shall have the right of appeal to the Chair of Yate Town Council. If the Town Council decides that the grounds of suspension of sick pay were justified, then the employee shall forfeit the right to any further payment in respect of that period of absence.

## **20. Medical Suspension**

On occasion, there may be the need to medically suspend an employee. See Managing Employee Performance procedure section 4.1.2 for details and seek HR advice (liaising with Clerk as services are chargeable).

## **21. Monitoring**

Monitoring is an important part of sickness absence and in order for accurate records to be maintained, it is important that all absence from the workplace is reported. All signed absence forms should therefore be returned as soon as possible after the employee's return to work interview has been conducted. These records will provide the statistics showing the level of sickness absence across the Town Council.

The sickness monitoring system will also enable the identification of individual cases where frequent or lengthy absences have occurred, or where patterns of absence have been identified. Records retained in respect of sickness absence will be treated with sensitivity and confidentiality. Employees are entitled to access their records on request.

## **22. Human Resources**

Human Resources are available to provide advice and guidance to support managers in dealing with absence due to ill health fairly, sensitively, within policy requirements so as to enable them to minimise non-attendance levels. HR Services are chargeable so the manager should discuss any employees with ill health issues with the Town Clerk in the first instance. HR are available to attend any meetings; particularly formal ones and prepare and issue written records/letters as necessary.



## YATE TOWN COUNCIL

### ADOPTION LEAVE AND PAY (PRIMARY CARER)

**This is contractual subject to employees complying with relevant notification requirements**

#### **1 Your Initial Obligations**

- 1.1 You must have been notified that you have been matched by an adoption agency with the child for the purposes of adoption and you must have been continuously employed for a period of not less than 26 weeks ending with the week in which the notification was given.
- 1.2 Employees with less than 26 weeks service are not entitled to adoption leave or pay.
- 1.3 Only one period of adoption leave can be taken in the case of multiple adoptions.
- 1.4 You are requested to inform the Town Clerk at the earliest possible date in order to assist in planning temporary cover.
- 1.5 If you intend to resign rather than take adoption leave, you must write to the Town Clerk giving the required period of notice.
- 1.6 The Town Clerk must be notified in writing no more than 7 days after the date you have been notified of having been matched with a child or as soon as is reasonably practicable specifying:-
  - (a) the date on which the child is expected to be placed for adoption; and
  - (b) the date on which you have chosen that your period of leave should begin.

#### **2 Annual Leave Entitlement**

- 2.1 Yate Town Council's policy is that annual leave must be taken by the end of the leave year and cannot be carried over. If you are entitled to annual leave and are applying for adoption leave, then irrespective of the duration or whether it is paid or unpaid, you continue to accrue an entitlement to annual leave.
- 2.2 Prior to your commencement on adoption leave, you must take as much as possible of the proportion of annual leave to which you are entitled up until the commencement of your adoption leave.
- 2.3 In addition, you may also take any remaining current leave year entitlement. However, should you not take all your leave prior to the commencement of your adoption leave,



and the period of your adoption leave spans two leave years, you will only be able to carry over a maximum of 5 days.

- 2.4 If you return to work on reduced hours, any annual leave entitlement, whether or not including carried over leave, is taken pro rata on the basis of the hours being worked when the leave is actually taken.
- 2.5 Should you not return to work following your absence on adoption leave and you have overtaken your annual leave entitlement, you will be liable to repay any excess taken leave.
- 2.6 In cases of difficulty in taking annual leave, employees should contact the Town Clerk.

### **3 Adoption Leave Entitlement**

#### **3.1 Ordinary Adoption Leave**

- 3.1.1 This is a period of 26 weeks beginning on the date chosen by you which can be the date on which the child is placed on adoption or a predetermined date which is no more than 14 days before the date on which the child is expected to be placed with you. If you intend to return before the end of ordinary adoption leave you must tell the Town Clerk giving at least 28 days' notice of the date you intend to return to work.

#### **3.2 Additional Adoption Leave**

- 3.2.1 You may take an additional 26 weeks unpaid adoption leave giving a total of one year's adoption leave.
- 3.2.2 You must tell the Town Clerk of the date you intend to return to work if you intend to return before the end of the additional adoption leave giving 28 days' notice.

### **4 Right to Return**

- 4.1 All employees, irrespective of the hours worked or length of service, have the right to return to the job in which they were employed and on the same terms and conditions as when they took the adoption leave.
- 4.2 If you return to work, the period of adoption leave, whether paid or unpaid, will count towards your annual leave entitlement.
- 4.3 If you are considering returning to work on a part-time basis, you should make this known before commencing your adoption leave. You still have the option to return to your current full-time job, but the possibility of reduced hours can be explored.
- 4.4 You must co-operate with the Town Clerk in using up accrued leave whenever possible and in some circumstances, it may be agreed by both you and the Council that you go straight from adoption leave to annual leave.

## **5 Delayed Return**

5.1 If you attempt to return to work early without giving the required notice, the Council is entitled to postpone your return so that 28 days' notice has been given.

## **6 Resignation**

6.1 If you decide not to return to work, you must inform the Town Clerk as soon as possible in writing. If you do not specify a date of termination, then the date of your letter will be used. You will continue to receive any statutory adoption pay to which you were entitled.

## **7 Disrupted Placement**

7.1 If the child' placement is terminated (for whatever reason) during either the ordinary or additional adoption leave, the leave period will end eight weeks after the week during which the employee is notified.

## **8 Statutory Adoption Pay**

8.1 Statutory Adoption Pay (SAP) is paid for a period of 26 weeks and is known as the Adoption Pay Period. (APP)

8.2 The weekly rate of SAP is the lesser of:-

- (a) the rate fixed by the Government and reviewed regularly; or
- (b) 90% of the employee's normal weekly pay

8.3 Statutory Adoption Pay is normally payable to an employee who:-

- (a) Is the person with whom a child is, or is expected to be, placed for adoption under the law of the United Kingdom;
- (b) Had been in continuous service with this Council for at least 26 weeks as at the week in which they are notified they have been matched with a child for purposes of adoption;
- (c) Has ceased to work;
- (d) Has average earnings in the eight-week period ending with the week in which the adopter is notified of being matched with the child for purposes of adoption of not less than the lower earnings limit for the payment of National Insurance contribution;
- (e) Has elected in writing to receive SAP;
- (f) Has provided evidence of entitlement to take Adoption Leave (Matching Certificate).

8.4 Payments can only be made for any week in which you do not work for the Council or another employer.

8.5 The Council will inform you if you are not entitled to SAP for any reason.

## **9 Payment of Statutory Adoption Pay**

- 9.1 Statutory Adoption Pay will be paid on your normal pay day and details of the amounts payable will be supplied directly to you by the RFO as soon as possible following receipt of your Matching Certificate.
- 9.2 Statutory Adoption Pay will be identified separately on your pay advice slip.
- 9.3 Pay advice slips will normally be sent to your home address during the Adoption Pay Period.

## **10 Pension**

- 10.1 The employee pays pension contribution on pay actually received during adoption leave, even though that pay may be less than what they would normally receive. For pension purposes, the period of adoption absence should be treated throughout as if it were a period during which the employee in question was working normally.
- 10.2 When the period of unpaid adoption absence starts, the employee concerned has the option of continuing to pay contributions on the reduced remuneration they were entitled to receive immediately prior to the unpaid period.
- 10.3 If the employee returns to work, there is a further opportunity to pay a lump sum contribution for the unpaid adoption leave period in order to maintain their pensionable service.
- 10.4 If you wish to make contributions, please notify the RFO.

## **11 Parental Bereavement Leave**

Parents or primary carers employed by the council are entitled to 2 weeks' leave if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy.

Employees are entitled to leave in respect to each of their children.

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

If you have more than 26 weeks of continuous service with the council, employees are entitled to government-set statutory parental bereavement pay (SPBP) during the leave. Otherwise the leave is unpaid.

Notice of leave and claiming of SPBP is given via the Parental Bereavement Leave & Pay claim form, as soon as reasonably practical.

Dependent on length of service, Compassionate Leave and/or Maternity Leave may be taken alternatively to or in conjunction with Parental

Bereavement Leave.

## **12 Other Relevant Council Policies/Schemes**

Maternity Leave

Unpaid Leave

Right to Request Flexible Working

*NB: Short term issues directly applicable to the employment of the Town Clerk should be referred to the Chair of the Council; long term matters must be considered by the Staffing & Governance Sub-Committee.*



## YATE TOWN COUNCIL

### APPRAISAL & SUPERVISION POLICY & PROCEDURE

**This policy is non-contractual. When reference is made to the Managing Employee Performance policy is contractual.**

#### 1. Introduction

- 1.1 Appraisals and supervision are ongoing processes which contribute to achieving well motivated and competent employees, in order to deliver effective services to the residents of Yate.
- 1.2 Appraisal and supervision meetings will be confidential and two-way communication processes between line managers and employees.
- 1.3 An Appraisal discussion will take place annually to allow a review of past year's achievements and to set objectives for the following year.
- 1.4 Informal supervision meetings ('catch ups') are an opportunity to discuss work and should take place on a regular basis dependant on the individual and level of supervision needed. These meetings are not recorded.
- 1.5 The objective of appraisals and supervisions are to:
  - provide a consistent, equitable and fair process;
  - encourage and improve communication between line managers and employees;
  - provide effective employee support and guidance  
provide opportunities to discuss progress, priorities and identify training and development needs;
  - acknowledge achievements and raise any issues of concern;  
achieve a clear understanding of what is expected and required (against the employee's Job Description);
  - improve the skills, knowledge and ability of staff to undertake their work;
  - enhance job satisfaction;
  - discuss any organisational changes with employees;
  - provide records and plans of action (performance targets) to assist with organisational planning.
- 1.6 Line managers are responsible for ensuring the procedure is followed; and for giving employees constructive, timely and honest appraisals of their performance, which should take into account both the goals of the organisation and of the individual. The Town Clerk will ensure the timetable is adhered to and the process is monitored effectively. Employees are expected to engage with all areas of the procedure.

- 1.7 The Town Clerk's Appraisal and Supervision will be conducted by the Chair of the Council.
- 1.8 The Town Council will ensure all line managers responsible for the appraisal and supervision process are adequately equipped and trained to undertake these meetings properly.

## **2. Scope**

- 2.1 An annual appraisal will be provided to all staff except those new starters in a probation period or staff on temporary contracts of less than a year and casual or agency workers. Informal supervision meetings will be held on a regular basis with all staff.
- 2.2 Mid – year appraisal meetings are held annually to monitor progress on the objectives set during annual appraisals. This is a light touch review and if both parties mutually agree that a formal in person meeting isn't necessary, then as a minimum, a quick review of objectives/targets should be undertaken and recorded. (This can be via email or during a standard "catch up")

## **3. Appraisal Process**

### **3.1 Before the Appraisal Meeting**

The appraisal discussions will be held over a designated period on an annual basis (as set by the Town Clerk). Line managers will arrange meetings and give one week's notice when inviting employees. The appraisal form should be provided to the employee with the invite to allow time to reflect and prepare.

### **3.2 At the Appraisal Meeting**

- 3.2.1 The meeting should be held in a confidential environment that is free from interruption.
- 3.2.2 The Appraisal discussion will allow an opportunity for both the employee and the line manager to reflect and comment on the previous year's achievements. It will praise achievement and encourage the employee in their role and identify areas for development and improvement.
- 3.2.3 The discussion will include an assessment of progress against the previous year's objectives (both general and any individual role objectives. Objectives should align with the Town Council's aims.
- 3.2.4 Any issues of concern/support requirements and training and development needs should be discussed and written onto the form; to include future training requirements, planned qualifications, development opportunities and career planning.

### **3.3 After the Appraisal Meeting**

- 3.3.1 Following the meeting the line manager will type up the Appraisal form. The form will be given to the employee for them to complete with their comments, (it is important for the employee to express their views on the appraisal). The line manager will then add their comments before returning to the employee for signature.
- 3.3.2 The final version of the appraisal form will be copied to the employee, their line manager and another copy will be held on the employee's personal file. All copies should be marked confidential.
- 3.3.3 The line manager, in liaison with the employee will ensure any training, development and support requirements identified in the Appraisal are considered.

### **3.4 Appeal**

Line Managers and employees are asked to support their comments and opinions with factual examples and evidence if necessary. Should an employee believe that they have not received a fair appraisal they should make this comment on the form and discuss the issue with their line manager. The Town Clerk/Chair of the Town Council can attend the meeting if required. It is anticipated the matter will be resolved at this meeting.

## **4. Formal Supervision Process**

- 4.1 The Town Council acknowledges that supervision is an important resource to all staff to allow them to fulfil the duties outlined in their job description, their role objectives and feel fully supported by their line managers.
- 4.2 Informal supervision (catch up's) occur at a frequency determined by the line manager and employee. Informal supervision needs to be a flexible two-way process between line managers and staff and need to be set by the two parties according to the job performed. If an employee has any concerns about the level of supervision they receive, they should discuss this with their line manager in the first instance and the Town Clerk thereafter.
- 4.3 Formal supervision is implemented if there is an issue that needs to be addressed via the Managing Employee Performance Policy. (See Staffing Policy "Managing Employee Performance").

This will take form of regular set meeting and contain:

- current workload;
- performance (consider appraisal objectives);
- issues of concern;
- training and development needs;
- any other issues.

A record should be kept on file.



## **YATE TOWN COUNCIL**

### **I.T. & COMMUNICATIONS POLICY**

**(Including Social Media, Press and Media)**

**This policy is contractual in reference to the Employee Code of Conduct and Managing Employee Performance Procedure.**

#### **1. INTRODUCTION**

This policy is designed to ensure the Council and its employees, volunteers and members (throughout this policy where “employees” is written this refers to employees, volunteers & members) act appropriately and are fully compliant with legislation relating to communications.

This Policy requires employees, volunteers and members to use communication facilities appropriately, and ensure high standards of behaviour and language are maintained in internal and external communications; any material that could be considered as racist, sexist or otherwise and could cause offence is banned.

#### **2. SCOPE**

All employees of Yate Town Council, including permanent and temporary staff, those under probation, and agency workers, volunteers and members must abide by the principles of this policy.

Any office equipment/tool of the job such as mobile telephone or lap top must be returned to Yate Town Council if requested .

#### **3. COMMUNICATIONS**

##### **3.1 Email and Internet Use**

- All employees should use e-mail and internet facilities provided by the council appropriately; any misuse may lead to action under the Council’s Managing Employee Performance Procedure.
- Reasonable personal use on an occasional basis is allowed, provided it does not interfere with the employee’s workload or operations.
- E-mails must be composed with care; the content and language must comply with best practice and:
- Emails containing sexist, racist, derogatory or inappropriate comments which advocate unlawful acts of violence or discrimination towards other people must



not be sent;

- Aggressive, abusive or offensive language must not be used;
- E-mails must not be sent to more than 50 people simultaneously;
- Employees must not copy, download or forward material written by anyone else that is potentially libellous or otherwise unlawful;
- Emails that contain sensitive or confidential information should be sent using the confidential flag or password protected (in accordance with Data Protection/GDPR policy);
- Users must not knowingly introduce any form of computer virus, Trojan, spyware or other malware into the council.
- Must send confidential council data via email by protecting it with Office Message Encryption (OME).
- E-mails are not to be sent hastily or in anger;
- Employees are to be aware that external e-mail is not secure, and delivery is not guaranteed;
- Unauthorised, illegally copied or other unofficial software must not be used;
- Must not use the internet for any illegal or criminal activities;
- This policy applies no matter whether that internet access takes place on council premises, while travelling for business or while working from home;
- The policy applies to use of the internet on any device that is owned by the council or that is connected to any council networks or systems.

Staff members must always consider the security of the Council's systems and data when using the internet. If required, help and guidance is available from line managers and the Service Support Manager.

### **3.2 Privacy/Security**

- Security is essential. Employees must not disclose their computer passwords to anyone and may be held personally liable for any misuse by another person.
- There is no central log or monitoring of electronic mail. However, in certain circumstances it may be necessary to enter an employee's e-mail account.
- Access to the internet is recorded and traceable and may be monitored in certain

circumstances. These circumstances include sudden absences and allegations of serious wrong doing.

### **3.3 Mobile Phones**

- Where employees have been provided with a mobile telephone for use in their work, such phones are for business purposes. However, if in exceptional circumstances it becomes necessary for an employee to use the council mobile phone for private calls, the employee must identify the private call and re-pay this (cost as per the itemised bill, plus VAT at 20%. If the bill shows call duration but not the charge, the employee must pay 0.5p for every second of call time, plus VAT at 20%). Payments should be made to the /Responsible Finance Office at the end of each month.
- Personal mobile phones must be switched to silent or vibrate mode during working hours.
- It is illegal to use mobile phones whilst driving. This also applies to hands-free sets as evidence shows that even hands-free sets are a major distraction. If an employee needs to stop, s/he must do so in a safe place. Stopping is only permitted on motorway hard shoulders in the event of an emergency. (Receiving or making a mobile call is very rarely an emergency).
- Employees should ensure mobiles are switched off or diverted to voicemail before embarking on a journey in order to minimise distraction.

### **3.4 Office Phones**

In the event of an emergency, staff are permitted to receive incoming calls/make outgoing calls of a personal nature. Frequent use of council phones and of personal mobile phones is not permitted for a number of reasons including; disruption of work productivity; ties up the phone lines; calls of an outgoing nature incur expenditure.

## **4. SOCIAL MEDIA**

Online behaviour should not differ from offline behaviour, specifically when reference is made to the council in any context. The internet is merely a facility and the approach to dealing with unacceptable behaviour should not differ because it was carried out online. It is worth bearing in mind the following: 'Don't do anything online that you wouldn't do off line'.

### **4.1 Social Media in work**

- Social media should never be used in a way that breaches any other council policies or expected standards of behaviour at work.
- The use of social media should not involve unprofessional or inappropriate content and must not interfere with council employee's duties or performance.

- Employees, members or volunteers may be required to remove content which is considered to breach this policy and any information that will bring the council into disrepute is not to be discussed, referred to or stated on any internet website or any other social media channel.
- References must not be provided for employees (current or previous employees) on social networking sites as they may be attributed to the council and create a liability for both the content author and the council. Internet searches carried out for the formal assessment of candidates for recruitment are not permitted.
- Council employees, members and volunteers who work with vulnerable adults or children must not use social media either to make social contact with such individuals or to accept invitations from such individuals through social media. This also applies to friends or family of those individuals.
- Staff members should be on guard for social engineering and phishing attempts. Social networks are also used to distribute spam and malware and report to Service Support Manager.
- Social networks are not a good place to resolve complicated enquiries and customer issues. Once a customer has made contact, employees should handle further communications via the most appropriate channel — usually email, Direct Messaging or telephone.

## **4.2 Social media – personal use**

- Employees, volunteers, and members must make it clear when publishing content online that they are speaking on their own behalf by writing in the first person and by using a personal email address. Remember that what is published has the potential to be accessed for many years, even after the original content has been removed.
- Information or remarks that will bring the council into disrepute are not to be discussed, referred to or stated on any internet website or online tool
- Publishing personal content should not be made using any Yate Town Council email addresses or logos unless on a council authorised site.
- When communicating with colleagues over social media sites, you are reminded to be respectful and to comply with 8.5 of the Code of Conduct to ensure you avoid the use of swearing or inappropriate language that has the potential to offend others.

## **5. Media and Publicity**

Yate Town Council values the role of the media.

Wherever possible, a positive approach will be taken to meet media requests for interviews with Councillors or others – where appropriate.

The Town Clerk has responsibility for co-ordinating the Town Council's media and publicity profile and:

- For nominating staff members to co-ordinate publicity at the Armadillo, Heritage Centre and Pop Inn Café;
- for nominating a staff member to act as a communications point to work in conjunction with the councillor nominated by the Town Council.

Town Council publicity material and communication will not support or promote a political point of view.

### **General Media Enquiries**

All media enquiries received by employee, worker or volunteer should be referred to the Town Clerk or, in the absence of the Town Clerk, the Deputy Town Clerk/-Service Support Manager or nominated staff member.

### **Issue of News Releases on Behalf of the Council**

News releases prepared by individual members of staff to be authorised by the Town Clerk or nominated staff member.

### **Town Council Newsletter**

Town Council newsletters will be published each year to promote the Town Council and Town Council activities as well as periodic Roundups and monthly articles in The Voice magazine.

### **Website, Social Media and Noticeboards**

Yate Town Council has a website, an account on Facebook - as do the Armadillo and the Heritage Centre - and an account on Twitter and Instagram – along with numerous noticeboards around the parish and will publicise council activities and events via these sites.

### **Council Meetings**

The Press are encouraged to attend Town Council meetings to enable them to report accurately on those meetings.

In appropriate cases, news releases will be issued in advance of the meeting to highlight any key items quoting a member of the Town Council.

Where a journalist wishes to find out what was said by individual Councillors during a meeting, the reporter will be referred to the Councillor direct.

If a journalist requires any clarification of proceeding at a meeting, he should be referred to the Town Clerk or Deputy Town Clerk Service Support Manager or nominated staff member.

The Town Council has regard to the Openness of Local Government Bodies Regulations 2014 (which state that any member of the public can take photographs, film and audio-record proceedings at council meetings, without prior permission from the council. The legislation also allows for reporting of meetings via social media such as blogging, tweeting and through use of Facebook and YouTube. Councils are required to provide 'reasonable facilities' to facilitate reporting (e.g., space to hear and view the meeting).

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4<sup>th</sup> April 2020 and remain in force until 7<sup>th</sup> May 2021. The Regulation enables local councils to hold remote meetings (including video and telephone conferencing and removes the requirement to hold an annual Town Council meeting.

From 4<sup>th</sup> April 2020 until 7<sup>th</sup> May 2021 or sooner the following will apply;

- Any necessary Town Council meetings will be held remotely via online video conferencing with telephone dial in facility;
- Notice of meetings will be placed on the Town Council website with 3 clear days' notice and include detail of how the public can access the meeting;
- Any person wishing to speak shall raise their hand in person or indicate in an appropriate way. Anyone using telephone facility shall address the Chair indicating their wish to speak.
- Voting is by the raising of a hand; telephone users will be asked to state their vote by the Chair;
- Confidential matters will be dealt with at the end of the meeting, where applicable, and members of the public will be excluded from that part of the meeting;
- Items where a Member has declared a declaration of interest, and a dispensation has not been sought, will also be considered at the end of the meeting (Chair to use discretion as to when best to consider the item) and the Member will be excluded from the meeting.
- The recording of the meeting using Zoom software is prohibited unless by the clerk of the meeting. In accordance with the Openness of Local Government Bodies Regulations 2014, recording of the meeting is permitted using film, photography or making audio recordings.

### **Individual Councillors**

It is the prerogative of individual Councillors to make their own statements relating to

local issues. Any Councillor making statements to the press has responsibility for making sure it is clear that the views they express are their own.

### **Yate Town Mayor Civic Duties**

Service Support will deal with all press issues relating to civic duties carried out by the Mayor. Press releases to be authorised by the Town Clerk or Deputy Town Clerk.-

## **5. ADDITIONAL CONSIDERATIONS**

The Town Clerk in consultation with the Staffing and Governance Sub-Committee will review this policy in accordance with the Town Council rolling programme or as a result of any other operational or legislative change.

Unacceptable Violation of this policy:

- Employees - will be dealt with in accordance with the Town Council's Managing Employee Performance Procedure.
- Volunteers – any violation will be reviewed by the Town Clerk and may result in the volunteer's services being dispensed.
- Members – any violation will be dealt with under the Members Code of Conduct



## YATE TOWN COUNCIL

# DATA PROTECTION POLICY

**This policy is contractual.**

Yate Town Council is committed to the protection of personal and sensitive data and will always comply with obligations under applicable data protection law including the GDPR 2018 (GDPR) which covers both electronic data and data held on manual records.

It is the responsibility of each elected member and every employee, worker and volunteer to be aware of their individual and collective responsibilities under the Act and to make sure they comply with its provisions. Deliberate breaches of this policy will be considered as gross misconduct. Individuals, as well as the Town Council, can be prosecuted for breaches under GDPR.

The Town Council will be open about the type and extent of personal data it holds. It will keep the minimum amount of personal information needed to perform its duties; it will hold that information securely, use it only for appropriate purposes and not disclose it without proper authority. The Town Council will undertake regular and ongoing data cleansing activities in line with Principle Five of GDPR and in line with Yate Town Council's Data Management Policy.

### **DEFINITIONS**

**'Personal Data'** means data which relate to a living individual who can be identified –

- (a) from those data, or
- (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

**'Sensitive Data'** means personal data consisting of information as to -

- (a) the racial or ethnic origin of the data subject,
- (b) his political opinions,
- (c) his religious beliefs or other beliefs of a similar nature,
- (d) whether he is a member of a trade union (within the meaning of the Trade Union and

Labour Relations (Consolidation) Act 1992),

- (e) his physical or mental health or condition,
- (f) his sexual life,
- (g) the commission or alleged commission by him of any offence, or
- (h) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

**‘Processing’** in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including –

- (a) organisation, adaptation or alteration of the information or data,
- (b) retrieval, consultation or use of the information or data,
- (c) disclosure of the information or data by transmission, dissemination or otherwise making available, or
- (d) alignment, combination, blocking, erasure or destruction of the information or data.

**‘Data Subject’** means an individual who is the subject of personal data.

**‘Data Controller’** means a person who (either alone or jointly or in common with other persons) determines the purpose for which and the manner in which any personal data are, or are to be, processed.

**‘Data Processor’**, in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

**‘Third Party’**, in relation to personal data, means any person other than –

- (a) the data subject,
- (b) the data controller, or
- (c) any data processor or other person authorised to process data for the data controller or processor.

### **The Rules of Fair Processing – Key Principles**

Under the GDPR, the data protection principles set out the main responsibilities for organisations under Article 5. Personal Data shall be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;



- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Further, Article 5(2) requires that the controller shall be responsible for and be able to demonstrate compliance with the principles.

### **Processing of Personal Data**

Consent may be required for the processing of personal data unless processing is necessary for the performance of a contract. Any information which falls under the definition of personal data and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with appropriate consent.

If a data subject wishes to revoke or change consent, they must agree a specific agreement on how their data is to be processed with the data processor.

Yate Town Council may use some personal data for direct marketing and fund-raising purposes, data subjects have the right to request an opt-out to these activities, which must be respected.

### **Sensitive Personal Data**

Yate Town Council may, from time to time, be required to process sensitive personal data. Sensitive personal data includes data relating to medical information, gender, religion, race, sexual orientation, trade union membership and criminal records and proceedings.

## Subject Rights under GDPR

### a) The Right to be Informed

At the point of collection, Yate Town Council will provide individuals with information including: the purpose for processing individuals' personal data, Yate Town Council's retention periods for that personal data and who it will be shared with. Yate Town Council will review, and where necessary, update your privacy information. Yate Town Council will bring any new uses of an individual's personal data to their attention before processing begins.

### b) The Right of Access

Upon receipt of a Subject Access Data Request, Yate Town Council will provide individuals with confirmation that their data is being processed and access to their personal data. Yate Town Council will provide this information at the latest within one month of receipt.

Requests will be centralised at Poole Court. Yate Town Council will provide the information in electronic format, with any physical copies made available for viewing at Poole Court.

A person may only request details about themselves and no other person.

### c) The Right to Rectification

Yate Town Council will endeavour to ensure that all personal data held in relation to all data subjects is accurate.

Yate Town Council will rectify the data of individuals if it is inaccurate or incomplete. Yate Town Council will further contact any third parties they have shared the data with and inform them of the rectification, and upon request, will inform the data subject of these recipients. Yate Town Council will rectify this information within one month of the need for rectification being recognised.

Where it is not possible to action the rectification request, Yate Town Council will provide a full explanation to the individual and inform them of their right to complain to the supervisory authority.

### d) The Right to Erasure (also known as 'the right to be forgotten')

Yate Town Council will not keep data for longer than is necessary in relation to the purpose for which it was originally collected or processed. Yate Town Council retain data in line with their Document Management Policy.

Upon receipt of a Data Erasure Request, Yate Town Council will erase an individual's data when the individual withdraws consent; when the individual objects to the processing and there is no overriding contractual necessity or legal obligation for continuing the processing; and when the personal data has to be erased in order to comply with a legal obligation.

Yate Town Council will not erase data where it contravenes the exercise of the right of freedom of expression or freedom of information; where Yate Town Council is complying with a legal obligation or a public health purpose in the public interest; the exercise or defence of legal claims or the archiving purposes in the public interest, historical research or statistical purposes.

In the event of a Data Erasure Request, Yate Town Council will contact and inform any third party to whom the data subject's personal data has been disclosed. Upon request, Yate Town Council will inform the data subject about any third parties with whom their data has been shared.

e) The Right to Restrict Processing

Upon a request to restrict the processing of an individual's data, Yate Town Council will cease processing of the data, but will continue to store the data in order to retain information

about the individual to ensure that the restriction is respected in future.

f) The Right to Data Portability

Yate Town Council does not process data by electronic means, but can provide an electronic, machine readable copy of an individual's person data upon request. Yate Town Council do not maintain processing systems that are technically compatible with other organisations and do not transmit subject's data directly. Yate Town Council will not provide any personal data that relates to any other data subject other than the individual making the request for data portability.

g) The Right to Object

Yate Town Council do not process personal data based on legitimate interests or the performance of a task in the public interest and require consent for the processing of event updates and direct market which can be removed at any point. Individuals can object to their data being processed for the purposes of historical research and statistics.

## Exemptions

Certain data is exempted from the provisions of the Data Protection Act which includes the following:-

- National security and the prevention or detection of crime
- The assessment of any tax or duty
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon Yate Town Council, including Safeguarding and prevention of terrorism and radicalisation.

The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the DPC.

## Data Security

Yate Town Council will take appropriate technical and organisational steps to ensure the security of personal data. All staff will be made aware of this policy and their duties under the Act, including appropriate training and compliance with Yate Town Council's Data Management Policy.

Yate Town Council staff, volunteers and Town Councillors are required to respect the personal data and privacy of others and must ensure that appropriate protection and security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to all personal data. Staff, workers and volunteers must take security measures to safeguard personal data. This includes technical measures (e.g. password protection of the computer system) and organisational measures (e.g. burglar alarms and door locks). The measures are designed to prevent any unauthorised access to, or disclosure of, personal data.

An appropriate level of data security must be deployed for the type of data and the data processing being performed. In most cases, personal data must be stored in appropriate systems and be encrypted when transported offsite. Other personal data may be for publication or limited publication within Yate Town Council, therefore having a lower requirement for data security.

### **External Processors**

Yate Town Council must ensure that data processed by external processors, for example, service providers, Cloud services including storage, web sites etc. are compliant with this policy and the relevant legislation.

### **Secure Destruction**

When data held in accordance with this policy is destroyed, it must be destroyed securely in accordance with best practice at the time of destruction.

### **Retention of Data**

Yate Town Council may retain data for differing periods of time for different purposes as required by statute or best practices, individual departments and locations incorporate these retention times into the processes and manuals. Other statutory obligations, legal processes and enquiries may necessitate the retention of certain data. Yate Town Council may store some data such as registers, photographs, books and works etc. indefinitely in its archive.

### **Cyber Security**

Any suspected breaches of data & cyber security such as spoofing or hacking by a third party should immediately be reported to the I.T. provider ( by email and phone call) as well as reported to the Data Controller who in turn will ascertain from the I.T provider if a data breach has occurred which should then be reported to the Information Commissioners Office (ICO)



## **YATE TOWN COUNCIL**

### **FLEXIBLE WORKING**

#### **Statutory Right to Request This policy is contractual as statutory**

## **1 Introduction**

Yate Town Council recognises the potential benefits of flexible working; enabling employees to balance their working life with other priorities such as parental and carrying responsibilities, life-long learning, charity work, leisure activities and other interests and operates a range of measures to support this.

All eligible employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly. There is not an automatic right for an employer to accept a request. However, requests must be handled in a 'reasonable manner' - including assessing the advantages and disadvantages of the application; holding a meeting to discuss the request with the employee and offering an appeal process.

Employers must agree to a statutory request for flexible working unless there is a genuine business reason not to.

Where a request is rejected, clear communication about the reasoning, and impartial handling of any appeal, can help establish understanding and trust that the request has been handled reasonably.

This policy lays out the procedure to follow when a statutory request for flexible working is made.

## **2 Eligibility**

Every employee has a statutory right to request flexible working. This right applies from the first day of employment.

An employee may make two statutory requests for flexible working within any 12-month period.

An employee may have only one live request for flexible working with their employer at any one time. Once a request has been made, it remains live until any of the following occur:

- a decision about the request is made by the employer
- the request is withdrawn
- an outcome is mutually agreed
- the statutory two-month period for deciding with requests ends

A request continues to be live during any appeal or any extension to the statutory two-month decision period that an employer and employee may have agreed.

### **3 What is Flexible Working?**

Flexible working is a broad term used to describe any working arrangement that meets the needs of both the employee and the employer regarding when, where and how an employee works. Examples include, but are not limited to:

- part-time working
- homeworking
- hybrid working
- flexitime
- job sharing
- compressed hours
- annualised hours
- term-time working

### **4 How to apply**

A request must be in writing and state that it is a statutory request for flexible working. It must include:

- the date of the request
- the change the employee is requesting to the terms and conditions of their employment in relation to their hours, times or place of work
- the date the employee would like the change to come into effect
- if and when the employee has made a previous request for flexible working to the employer. An employee may make two statutory requests for flexible working within any 12-month period.

The line manager will meet with the employee to discuss the application as soon as possible.

The Council can consider an application to be withdrawn if the employee misses two meetings to discuss the application or appeal without good reason. The council will tell the employee, in writing that they are treating the request as withdrawn.

## 5 Decision Making

On receipt of the written request, the line manager (or other manager) will arrange to meet the employee at a mutually agreeable time and place without reasonable delay. This will provide them with the opportunity to explore the desired work pattern in depth, and to discuss how best it might be accommodated.

The Town Clerk will decide if the request is granted, following advice from the Line Manager, and will notify employees of the decision as soon as possible.

Employers must handle every request in a reasonable manner. This should include carefully assessing the effect of the requested change for both the employer and the employee, such as the potential benefits or other impacts of accepting or rejecting it.

Employers must agree to a flexible working request unless there is a genuine business reason not to. A decision to reject a request must be for one or more of the following business reasons which are set out in the Employment Rights Act 1996:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand
- insufficient work available for the periods the employee proposes to work
- planned structural changes to the employer's business

In handling a request, and any information that the employee discloses as part of that request, employers must not discriminate unlawfully against the employee in relation to any of the protected characteristics set out in the Equality Act 2010. The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

If an employee seeks a reasonable adjustment for their disability through a request for flexible working, the employer must consider this in line with its legal obligations under the Equality Act 2010. Employers must make reasonable adjustments to remove any disadvantage related to a person's disability. The legal obligation to

make reasonable adjustments is separate to the legal obligation to consider a request for flexible working.

If the decision is to agree to the request, then the council will write to the employee outlining the agreed changes and start date for flexible working.

If an application is refused, the individual will be notified in writing within 14 days of the decision/meeting with reasons why the request cannot be accommodated at this time.

## **6 Right of Appeal**

If an employee wishes to appeal the decision about their request, they should let their employer know the reasons for their appeal in writing. These may be, for example, that there is new information they wish to be considered, or they believe the employer has not handled their request in a reasonable manner.

If the employer receives an appeal, they should arrange an appeal meeting without unreasonable delay. ( A minimum of 5 days notice will be given and the employee may be accompanied).

The appeal should be dealt with by a panel of 3 members selected by the Staffing and Governance Sub Committee and the Deputy Town Clerk. (Wherever possible, it should be handled by a manager who has not previously been involved in considering the request.)

Once the employer has made a decision about the appeal, they must inform the employee of that decision. They should confirm the decision in writing without unreasonable delay, taking into account the statutory two-month period for deciding requests. The decision should make clear what has been decided and why.

A written record of the appeal meeting should be kept which provides an accurate reflection of the discussion that has taken place.





## YATE TOWN COUNCIL

# ANTI-FRAUD AND CORRUPTION POLICY

**This policy is contractual when reference is made to the Managing Employee Performance Procedure or code of conduct**

## SCOPE & DEFINITIONS

This policy applies to council employees including casual, temporary and agency workers, volunteers and Members.

**Fraud** is the intentional distortion of financial statements, accounts or other records by persons internal or external to the authority which is carried out to conceal the misappropriation of assets or otherwise for gain or to mislead or misrepresent.

**Corruption** is the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person to act against the interests of an organisation. In addition, corruption is hereby defined to also include the deliberate failure to disclose an interest in order to obtain a financial or other pecuniary gain for oneself or another.

**Councillors must disclose gifts (see Code of Conduct)**

**Staff must disclose gifts over £25 on the gift register (report to Town Clerk)**

## 1 Introduction

As part of an effective system of internal control, Yate Town Council is required to have a Policy in place for members of staff to be able to report, in total confidence, any evidence or suspicions of wrongdoing by “others” whilst at work. “Others” may include employees, managers, workers, councillors suppliers, contractors or people acting on behalf of the Council.

Concerns may include:

- a criminal offence;
- the breach of a legal obligation;
- a miscarriage of justice;
- maladministration, misconduct or malpractice;
- a danger to the health and safety of any individual;
- damage to the environment; or
- deliberate concealment of information tending to show any of the above matters.

This Policy is an integral part of the Council's control systems. All members of staff are expected to understand and comply with it.

## **2. What To Do and What Not To Do**

You need to act in accordance with this Policy, which is designed to ensure that impartial checks are conducted before appropriate action is taken. This Policy should also reassure you that all reported incidents will be properly and fully investigated. In the event that a suspicion proves to be groundless, provided that you have acted in good faith and in the best interests of the Council, there will be absolutely no adverse consequences for you. Vexatious allegations will be dealt with under the Council's Managing Employee Performance Procedure.

You are not expected to know the precise nature of any wrongdoing, nor its extent. In particular, you are not authorised to carry out any investigation work on your own, in order to obtain evidence or confirm your suspicions.

Under no circumstances should you confront any member of staff whom you suspect of any wrongdoing and the Council would not expect employees to make disclosures to the press.

## **3. Who You Should Contact**

All staff should address their suspicions to the Town Clerk, who has responsibility for internal control. In turn, the Town Clerk should alert the Finance Manager & RFO.

Contact should be made either by telephone or in writing to the Town Council offices addressed to the Town Clerk with the envelope marked 'Private and Confidential – To be opened by addressee only.'

If your suspicions involve the Town Clerk, you should contact the Chair of the Staffing and Governance Sub-Committee, who is wholly independent of the Town's administrative staff. Depending on the nature of the suspicion, the Chair will either take up the matter with the Town Clerk or contact the Council's auditors.

It is important that you should not discuss your suspicions with anyone else. This includes your line manager, if you have one.

## **4. Support**

We will identify an individual to provide support and advice to you throughout the investigation and any subsequent developments.

Counselling service - a free, personal and confidential counselling service is available to all council employees, information of which can be found on the noticeboard in the main town council office at Poole Court.

## **5. What Happens Next?**

Once you have reported your suspicions, you should await acknowledgement which you should receive within 2 weeks. You should not discuss your suspicions with anyone in the meantime. Keep a copy of any report or item submitted.

You may be requested to attend an interview, and this will be arranged in absolute privacy. It is likely that a fact find/investigation will be carried out in relation to the issues you have raised, and you will be notified as to the outcome/s of this inwriting.

You should contact the Chair in writing if you are not satisfied with the outcome

## **6. The Legal Position**

The Public Interest Disclosure Act 1998 provides protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has a reasonable belief that one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

- a criminal offence;
- the breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment; or
- concealment of any of the above.

This disclosure must be made to the employer's representatives, as directed in this Policy, unless there are exceptional circumstances for not doing so.



**YATE TOWN COUNCIL**  
**GRIEVANCE PROCEDURE**  
**INCLUDING BULLYING AND HARASSMENT & DIGNITY AT WORK**

**This policy is contractual**

Employees occasionally raise issues, problems or have objections. They may have concerns with their work, or working conditions they wish to raise with management and resolve.

This policy outlines how employee grievances should be raised and responded to.

The objectives of the procedure are: -

- To foster good relationships between the Council and its employees by discouraging the harbouring of grievances;
- To settle grievances as near as possible to their point of origin;
- To ensure the Council treats issues at work seriously and resolves them as quickly as possible;
- To ensure that employees are treated fairly and consistently throughout the Council. This also applies to those who are the subject of an allegation.

The Council reserves the right not to consider grievances that are without substance, minor or malicious or that merely repeat issues that have already been raised and addressed. Such matters will be responded to appropriately and in a way which minimises disruption to the business, still ensuring that employees are treated fairly. False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/member will not be tolerated and will be dealt with under the Managing Employee Performance Procedure.

Where it is clear that a grievance has been raised with no substance or for malicious purposes, this could amount to misconduct and will be addressed in accordance with the Council's Managing Employee Performance Policy.

The matter will be deemed to have been resolved, or no further action will be taken, if six months have elapsed since the date the issue was originally raised and there has been no involvement from either party during this time. At any point the employee can decide to withdraw their grievance but they must accept that the matter may not be re-opened.

On rare occasions there may be overriding reasons why the outcome of a case may need to be made known to others as changes may need to be made. Maintaining confidentiality is always very important when handling grievances and cases of bullying and harassment.

This procedure follows the ACAS Code of Practice.

## **1. SCOPE**

This procedure applies to all employees of the Town Council.

Any communication from an employee which contains a problem or complaint will be treated as a potential grievance. If there is any doubt – clarify this with the employee.

This policy covers work related complaints and complaints of bullying and harassment as per Annex 1.

Grievances cannot be initiated after employment with the Council has ended. If a former employee raises a complaint/dispute the Council may consider engaging in a dialogue with the individual with the hope of resolving the issue, however this would be done outside of the remit of this Grievance Procedure.

Grievances already in process when the employee leaves should be concluded. There is no right of appeal through the Council in these circumstances.

Matters excluded from this procedure are as follows: -

- Appeals against salary or gradings;
- Management decisions in respect to the Managing Employee Performance Procedure i.e. a decision to convene a performance hearing, or the outcome of a performance hearing; as they have their own appeal processes
- Income tax, national insurance matters, rates of pay collectively agreed at the national or local level;
- Rules of the pension schemes;
- Difficult working relationships, unless they amount to bullying and harassment or discrimination.

## **2. INFORMAL GRIEVANCE PROCEDURE – STAGE 1**

Work related issues should always be resolved informally whenever possible. Problems can escalate quickly and become extremely stressful and adversarial; undertaking a formal process can itself compound the problems.

Attempts to resolve the matter quickly and informally must be made before progressing to the formal procedure. Associated grievances that have been raised by both/all parties should be considered together.

In the interests of maintaining good working relations the employee should discuss any grievance first with his/her line manager or the Clerk with a view to resolving the matter informally. The purpose of the discussion is to establish the core issue and resolve the problem. If necessary, the manager or Clerk can support the employee by facilitating discussions between the employee and other parties.

The employee must work with the manager to make concerted attempts to resolve the issue informally before continuing to the formal stage of this procedure. If the decision/outcome of the informal action(s) is not satisfactory to the employee e.g. they

believe not all options to resolve the issue have been explored, the employee can request that the matter is considered under the formal process.

### **3. FORMAL GRIEVANCE PROCEDURE – STAGE 2**

The employee must set out his/her grievance in writing (“Formal Grievance”) and provide a copy to his/her line manager or the Clerk, within 10 working days of receipt of the outcome of the informal efforts from their manager. The written statement must make clear the nature of the problem and the remedy sought.

Once the Town Clerk has had a reasonable opportunity to consider the information provided in the Formal Grievance, an appropriate investigation will be carried out, if required. The Town Clerk will either be the investigation manager or nominate an investigation manager. An investigation does not need to be extensive in all cases but should enable the facts to be realised. It should be completed as soon as practicably possible, taking into account witness availability and evidence gathering.

The employee who raised the grievance and any other parties involved or the subject of the grievance should be given advance notice that an investigation is to be conducted, and any specific allegations made. The investigation manager, with support from HR, should refer to the Council’s Managing Employee Performance Procedure as necessary.

The investigating officers should take a reasoned decision about what evidence should be shared with the subject of the grievance, prior to any subsequent formal grievance meeting. This will involve balancing the witness’s right to privacy against the employee’s right to know what information is held about them and its source. Evidence should only be anonymised or withheld when there is a strong reason for doing so, i.e. the need to protect a witness. In these cases, the employee who raised the matter will be informed this is the case.

The employee will be invited to attend a formal grievance meeting to discuss the matter.

- a. The employee must take all reasonable steps to attend the meeting.
- b. Grievance meetings will take place at the earliest possible date, in consideration of any necessary investigation.
- c. The employee has the right to be accompanied to a grievance meeting by a fellow employee or by a Trade Union representative.
- d. If the meeting is inconvenient for either the employee or his or her companion, the meeting may be re-scheduled once. If they fail to attend without an acceptable explanation the matter may be concluded without a meeting.

A grievance meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the employee’s line manager or the Clerk time to consider the information

The Council with support from HR, will consider the grounds for the grievance and assess it on its merit. A decision will be made based on the presentations and evidence

provided from all parties. Timescales for completion should be indicated when possible.

The Council will convey the outcome to the employee in writing (enclosing any relevant documents)

#### **4. GRIEVANCE APPEAL PROCEDURE – STAGE 3**

- a. If the employee wishes to appeal against the Council's decision, they must inform the Council within ten (10) working days of receiving the decision. This would be in writing to the Town Clerk.
- b. If the employee notifies the Council that they wish to appeal, the employee will be invited to attend a grievance appeal meeting as soon as practicably possible after receiving notice that the employee wishes to appeal and given five (5) working days' notice.
- c. An appeal meeting will be considered by three councillors from the council's Staffing and Governance Sub-Committee and clerked by a member of staff not involved in the earlier stages. The employee has the right to be accompanied to a grievance appeal meeting by a fellow employee or by a Trade Union representative.
- d. The employee must take all reasonable steps to attend that meeting. If the meeting time is inconvenient for the employee or his or her companion, the employee may ask to re-schedule the meeting once.
- e. The Staffing and Governance Sub-Committee can require any additional information from any employee whom they consider may assist and will be supplied with written statements by both parties and these will be supplied in at least 3 working days in advance of the meeting.
- f. After the grievance appeal meeting the employee will be informed of the Council's final decision within (5) working days. The meeting may be reconvened for this purpose. The Council's decision will be confirmed to the employee in writing.

If an employee's grievance is about the Town Clerk, they should raise the matter with the Chair of the Council's Staffing and Governance Sub-Committee.

##### **4.1 Complaints by employees (including bullying & harassment) against Council Members**

If the grievance is about a council member and they have attempted informal resolution, they must raise this immediately with the Town Clerk or South Gloucestershire Council monitoring officer, who will take the appropriate action referring to the council's Member/Officer Protocol and Members Code of Conduct.

##### **4.2 Complaints by members of the public**

A member of the public who feels s/he has been bullied or harassed by any members or officers of a Council and have attempted informal resolution, should use the

Council's official Complaints Policy.

#### **4.3 Complaints from employees against service users/customers**

Employees must tell managers if they are being harassed by non-employees to ensure that reasonable steps can be taken to prevent this from happening again.

**4.4** A copy of the Formal Grievance, a note of the decision taken at the first stage of the procedure, any notice of appeal and appeal decision will be placed on the employee's/ex- employees HR, together with any notes or evidence taken or compiled during the course of the procedure.

**4.5** Advice can be sought from HR on any aspects of this policy, after a discussion with the Town Clerk (as services are chargeable).

## **ANNEX 1 - BULLYING AND HARASSMENT**

### **1.0 INTRODUCTION**

Bullying and harassment are both forms of behaviour that the Council absolutely will not tolerate.

The Council is committed to ensuring:

- (i) Employees are treated with dignity and respect at work.
- (ii) A working environment is provided free from bullying and harassment
- (iii) Managers adopt high standards of staff management, in which bullying, and harassment have not place
- (iv) It provides fair and effective procedures to deal with complaints
- (v) All allegations of bullying and harassment are taken extremely seriously.

1.1.2 This policy reflects the spirit in which the Council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the Council's procedures on Equalities, Managing Employee Performance and also, the Member-Officer Protocol.

### **1.2 Definitions (Taken from ACAS (Advisory, Conciliation and Arbitration))**

1.2.1 **Bullying** may be characterised as offensive, intimidating, malicious or insulting behaviour; an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

1.2.2 **Harassment** Unwanted conduct related to a relevant protected characteristic (as in the Equality Act 2010), which has the purpose or effect of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. The protected characteristics are the grounds on which discrimination is



unlawful and include - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

123 Employees can also complain of behaviour that they find offensive even if it is not directed at them, they do not need to possess the protected characteristic.

124 Employees are also protected from harassment because of:

- Perception – perceived to have a protected characteristic and harassed because of that perception.
- Association – associated with someone who has a protected characteristic

125 Bullying and harassment may be carried out by an individual against an individual or involve groups of employees. It may occur face-to-face, in meetings, through written communication, including e-mail, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time

126 Both bullying and harassment are behaviours which are unwanted by the recipient and offensive. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, turnover, damage to the Council's reputation and ultimately, Employment Tribunal or other court cases and payment of unlimited compensation.

### 1.3 Examples of Unacceptable Behaviour

(This list is not exhaustive) Examples

- Spreading malicious rumour's, insulting someone by word or behaviour (particularly on the grounds of a protected characteristic).
- ridiculing or demeaning someone,
- exclusion or victimisation,
- unfair treatment,
- overbearing supervision or other misuse of position or power,
- unwelcome sexual advances,
- making threats or comments about job security without foundation,
- deliberately undermining a competent worker by overloading work and/or constant criticism,
- preventing an individual's promotion or training opportunities,
- publicly commenting about an individual's performance who is not present to defend themselves or copying documents that are critical about someone to others who do not need to know.

## 2. Procedure for Dealing with Cases of Bullying and Harassment

**The procedure (formal and informal stages) is the same as the process for dealing with grievances.**

If informal resolution is not possible, the manager may decide the matter is a disciplinary issue to be dealt with formally under the Council's Managing Employee Performance

Procedure.

As with any performance issue a fair procedure will be followed. In the case of bullying or harassment the complainant and the accused must both be treated fairly.

All cases of bullying and harassment will be treated as confidential in respect of the person making the complaint and the subject of the complaint.

## **2.1 Informal Approach – Stage 1 Approaching the other person directly.**

An employee who believes they have been bullied or harassed should ask the person to stop (either verbally or in writing) making it clear what it is they find offensive and unacceptable and the effect it is having on them. They should also warn that formal action may be initiated if the behaviour does not stop. Having an open, adult and honest discussion is often the most powerful way to address the problem.

If the employee is unable to approach the other person directly, a work colleague, HR or Trade Union representative may make an approach on their behalf, on an informal and confidential basis.

### **Involving management**

- 2.1.1 The employee should contact their line manager to get their advice if they are unable to resolve the matter (if the manager is not the person whose behaviour is the issue), or the Town Clerk/Deputy Town Clerk/Chair of the Council. This can be undertaken on behalf of the employee by a work colleague, HR or Trade Union representative.
- 2.1.2 Mediation can be a good way of dealing with bullying, discrimination or harassment situations depending on the nature of the allegation. Contact ACAS for advice on accessing mediation.
- 2.1.3 Appropriate management action will include discussion with the person complained of as part of resolving the situation
- 2.1.4 Employees who fail to comply with a management instruction may be dealt with in accordance with the Managing Employee Performance procedure.

## **3. The Legal Position and Related Issues**

- 3.1 Councils have a duty of care towards all their workers and liability under common law arising out of the Health and Safety at Work Act 1974 and the Equality Act 2010. Under the Equality Act 2010, bullying and harassment may be considered unlawful discrimination.

The Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim.

Some bullying and harassment behaviour may also be offences-in law which could lead to police involvement and/or criminal prosecution. The Council should take appropriate legal advice, sometimes available from the Council's insurer, if such a matter arises.

- 3.2 The Council's Health and Safety procedure may need to be considered – which covers prevention of violence at work when an employee is assaulted, verbally abused or threatened during the course of their employment. Employees should immediately inform their line manager.

## **DIGNITY AT WORK**

At Full Council on 6<sup>th</sup> September 2022, Yate Town Council agreed to sign the Civility and Respect Pledge.

By signing the Pledge, the council is agreeing that the council will treat councillors, clerks, employees, members of the public, and representatives of partner organisations and volunteers with civility and respect in their roles and that it:

- Has put in place a training programme for councillors and staff
- Has signed up to the Code of Conduct for councillors
- Has good governance arrangements in place including staff contracts and a dignity at work policy
- Will seek professional help at the early stages should civility and respect issues arise
- Will commit to calling out bullying and harassment if and when it happens
- Will continue to learn from best practices in the sector and aspire to be a role model/champion council through for example the local [Local Council Award Scheme](#)
- Supports the continued lobbying for change in legislation to support the Civility and Respect Pledge including sanctions for elected members where appropriate

### **Useful Contacts**

- ACAS [www.acas.org.uk](http://www.acas.org.uk) (08457 474747)
- Monitoring Officer at South Gloucestershire Council.
- SLCC [www.slcc.co.uk](http://www.slcc.co.uk)



## Yate Town Council

### HOME WORKING POLICY

Working at home can be appropriate for some staff, but service delivery will always come first.

While respecting the needs of our customers, task and other team members there is some flexibility to:

- Agree the best place to work;
- Agree the right workplace setting for different tasks;

#### 1. Principles

These principles apply to all employees:

1.1 There is no right for employees to work at home unless they have a contract which states that they work from home with a contractual work base of their home address.

1.2 Working at home shouldn't create additional workload for other employees or otherwise affect service delivery, operational efficiency and effectiveness.

1.3 Employees must be contactable during working hours, and attend meetings and/or the office as required.

1.4. Data security measures must always be maintained, including preserving confidentiality of council information.

1.5 Ad hoc requests for working from home will be considered and agreed in advance by your Line Manager.

1.6 If an employee's request for regular homeworking under the statutory Flexible working process (under which homeworking is an option) is turned down, they should be given written reasons for the refusal and the Right to Appeal, in line with the Flexible Working Policy.

#### 2. Homeworking Requests

2.1 Managers will consider the suitability of all requests, evaluating the suitability and compatibility of the job and the person.

Think about the following:

- When do your service users/customers, internal or external need your team members to be office based?
- Arrangements should be flexible enough to change as service delivery demands.
- Formal/long term arrangements should follow the flexible working policy. Adhoc arrangements should be agreed by line Manager in advance.
- Assess the health and safety, ICT issues involved.
- Consider the benefits to the service and the employee.

2.2 Managers must ensure regular contact is made and support is available for employees working at home. Keep them informed of all relevant developments which impact on their work and them as a council employee.

2.3 A person working from home must be able to work their normal contracted hours or agreed flexible hours to focus on work without distraction.

2.4 Under the [Equalities Act](#), homeworking could be seen as a reasonable adjustment.

### **3. ICT Equipment Support**

3.1 The manager should assess the ICT equipment, facilities and support needed with the employee so they can carry out their duties effectively.

3.2 The employee is responsible for loss or damage to equipment, software or data, if requirements of the Data Protection Policy have not been followed.

3.3 The council is not liable for the maintenance, repair, or costs of an employee's own equipment or furniture.

### **4. Health & Safety**

4.1 The aim of the health and safety information & processes are to protect the safety of those working from home.

4.2 Individuals must check the area they work in at home as follows:

- Check your screen is at the right height
- Check you are sitting comfortably
- Take a quick stand up occasionally
- Checked you have the right equipment
- Discuss any issues with your manager

### **5. Insurance**

- 5.1 The council's insurance arrangements apply to those employees working from home in the same way as if they were working from the office.
- 5.2 It is the employee's responsibility to check with their own insurers to ensure that the policies covering their home and contents are not prejudiced by them working at or from home. The council will not reimburse any additional premiums that may result.
- 5.3 To comply with the council's insurance arrangements council equipment must not be left on show from outside the house and when being transported it must be locked in the boot of the vehicle. (Council equipment must not be left in vehicles, where possible. Instances of this may be dealt with under the Managing Employee Performance Policy.)

## **6. Expenses, Tax and Other Liabilities**

- 6.1 Employees will be reimbursed for reasonable expenses for consumables (such as phone calls, stamps, paper/printer ink) on production of receipts/evidence. Claims cannot be made to YTC for other expenses (e.g. heating and lighting), a working from home tax allowance may be able to be claimed by the employee themselves.

## **7. Emergency Arrangements**

- 7.1 Arrangements for home working are currently in place for staff (where possible) and can be invoked when there is government mandate to work from home or in the case of emergency situations such as snow or workplace disaster ( flood, fire etc).



## YATE TOWN COUNCIL

# EMPLOYEE HEALTH AND SAFETY POLICY

(Including Lone Working & Eye Tests)

**This policy is contractual where reference is made to the Employee Code of Conduct or Manage Employee Performance Procedure. Statements on lone working, eye tests & home working are non-contractual**

### 1. Introduction

Yate Town Council is committed to achieving good standards of health & safety for all employees at work.

The main principles of the Council's policy are that:

- Health and safety is everyone's responsibility, whilst acknowledging Councillors and the Town Clerk have ultimate responsibility;
- Employees and contractors who are managing and carrying out work are responsible for making sure it is safe;
- Standards should be high and control measures should be proportionate to the level of risk.

If in doubt employees should raise health and safety matters with their manager, the most effective practice measures require management action.

Please refer to the Town Councils Health and Safety policies:

Health & Safety at Work Policy No  
Smoking Policy  
Risk Management Policy  
Safeguarding Children and Vulnerable Adults Policy

### 2. Lone Working

- 2.1 Lone workers are defined by the Health and Safety Executive as those people who work by themselves without close or direct supervision. . (This applies to any employee over 18 years of age who has been in post for more than 3 months)
- 2.2 Lone working is acceptable in many circumstances, provided appropriate measures are made to control risks; following the Health and Safety at Work Act and the Management of Health and Safety at Work Regulation  
Some tasks require at least two people to be involved in the work. A risk assessment

should be carried out prior to any lone working in order to identify the hazards of the work, assess the risks involved, and devise and implement a safe method of working.

2.3 The hazards that all workers face are increased when there is no one else to give a warning and emergency assistance is unavailable if required, so the risk of serious injury can be more likely.

2.4 Never work alone in the following situations:-

- Where the risks are unacceptable;
- In confined spaces;
- Over or near water;
- On live electrical equipment;
- Areas specifically designated as “no lone working.”

2.5 Wherever the risk assessment determines, avoid working alone in the following situations:-

- Known or potentially violent or threatening situations;
- In remote locations;
- In derelict or empty buildings;
- In any hazardous environment, e.g. cliffs or confined spaces;
- On live roads;
- On roofs;
- Using ladders which cannot be tied and require footing;
- Near demolition work.

2.6 Volunteers must not be asked to or allowed to work alone.

### **Risk Assessment and Precautions**

3.1 There are a few criteria to be used in deciding whether an individual can safely undertake a task by working alone:-

- Is the workplace and access to it safe?
- Does the task require more than one person (e.g. heavy lifting, inspection work involving the erection and moving of ladders?)
- Are the risks such that it would not be safe for one person to undertake the work (e.g. visiting a potentially violent client, inspection of a derelict building or on a live highway?)
- Does the individual have experience of the hazards and sufficient ability to undertake the work by him/herself?
- Is there a risk of violence?
- Are women especially at risk if they work alone?
- Is the person medically fit and suitable to work alone? Is the person physically/mentally able to work alone? Consider both routine work and foreseeable emergencies that may impose additional physical and mental burdens on the individual.



3.2 Precautions should be taken when lone working is planned or could arise. The main aspects that these precautions cover are:-

- Awareness of any special hazards; devise and implement safe systems of work to ensure that the risks are eliminated or controlled. If in doubt, send two or more people and;
  - Always tell the office where you are going, who you are meeting and why, and give a rough idea of when you are expected to return;
  - Go to the site visit with at least one other member of staff or councillor and agree a safe word/phrase to indicate a wish to leave;
  - Meet in a publicly accessible area;
  - Take a mobile phone, have it switched on and be available to contact;
  - Do not tolerate unacceptable behaviour. If necessary, leave the site visit;
  - A body camera is available for use (NB: pending further research into use re GDPR).
- Ability to act effectively if an emergency;
- Arrangements to alert others of the need for action, if return is overdue;
- Check if there are any particular rules or requirements that you should follow;
- Make sure any equipment can be safely handled by one person and, ensure safe access and egress;
- Know the location of telephones on or near the destination. Mobile phones supplied to Town Council Estates staff should be carried at all times, be fully charged and turned on;
- Ensure the member of staff has adequate protective clothing and equipment (particularly clothing to keep out rain and cold);
- Take a torch, suitable for the work environment, if you expect to be out after dark or entering unlit areas;
- If working on electrical apparatus, ensure that a safe system of work is implemented. Prior to work beginning, apparatus should be switched off and locked off and unable to be re-energised by any other person;
- Do not ask anyone to perform work they are not trained, equipped or prepared to perform safely.

3.3 Wherever possible, work should be undertaken by two or more persons when working away from the office or normal workplace. There may be occasions when it is possible for one employee to carry out the work. When this situation arises, the

employee should remain, if possible, in sight of others who can summon help if required.

- 3.4 If the risks are assessed and it is deemed acceptable to work alone, it is important that the employee communicates their whereabouts, intentions and expected periods of absence to their Supervisor or line manager. If there was no contact or delayed contact, they could then be relied upon to institute a search or contact the emergency services if overdue.

#### **4. OCCASIONAL WORKING AT HOME**

- 4.1 The Town Clerk may agree occasional working at home subject to the following guidelines.

- (i) It is voluntary;
- (ii) It is for the purpose of carrying out specific tasks that can be satisfactorily carried out at home;
- (iii) The employee will be contactable at home by Town Clerk and other Council employees;
- (iv) The employee's working at home will not create additional workloads for other employees or otherwise affect operational efficiency and effectiveness;
- (v) The employee must seek the prior agreement of the Town Clerk for all periods of working at home;
- (vi) Lieu time and other time recording records must be completed;
- (vii) Town Clerk will maintain adequate records of employees working at home, including dates and work undertaken.
- (viii) Appropriate risk assessments undertaken.

#### **5. EMPLOYEE EYE TESTS**

- 5.1 Computer screen work does not cause vision problems, but if people have problems, they may become more apparent as they work with a computer. The Display Screen Equipment Regulations 1992 (amended in 2002) describe what workers are entitled to, and this policy is based on those regulations

People are advised not to commit themselves to any expenditure without being sure of their entitlement.

What you are entitled to is normally:

- An eye examination – for most users of computer equipment.
- Glasses – for a small number of people in special circumstances.

#### **5.2 Eye examination**

If you regularly use a computer for extended periods (e.g. two hours or more) then you are entitled to the cost of an eye examination, when you start work and if you have not had one for a reasonable period (2 years if suitable in most cases but a

shorter period may be suitable if you are experiencing significant problems).

The examination is similar to a traditional eye examination, but it will also examine the vision at an intermediate distance (where the screen is likely to be) in addition to the traditional reading and distance levels.

There is no obligation on employees to have an eye and eyesight test. Eye and eyesight tests are to be undertaken in the employee's own time.

### 5.3 Glasses

You are only entitled to glasses if they are needed only for the screen work and not for everyday use such as reading or driving.

So you will not be provided with glasses if they are the following

- (i) A near vision prescription that brings the screen into focus (e.g. reading glasses), or
- (ii) A distance prescription that brings the screen into focus.

This normally means an intermediate distance prescription.

The free glasses provision covers basic single vision lenses, and does not include special lens treatments such as tints and coatings

If people want varifocals, tints or more expensive frames, they can pay a top up, but note that in many cases varifocals can present problems because they could lead you to adopt a poor working posture, with stress on your neck.

#### **Extract from Health & Safety Executive guidance**

*Does my employer have to pay for DSE spectacles?*

*Answer: Your employer will only have to pay for spectacles if the test shows you need special corrective appliances (normally spectacles) that are prescribed for the distance the screen is viewed at. If an ordinary prescription is suitable for your DSE work, your employer does not have to pay for your spectacles.*

A report from the optician should be given to the Town Council which should clearly state whether or not the employee needs a corrective appliance specifically for his or her work at the VDU. If so, the Town Council will pay for the basic cost of the glasses to a maximum of £60, or the equivalent amount of money towards a pair of glasses of the employee's choosing.

In terms of driving, each individual is responsible for ensuring they are fit to drive. It is not the Town Council's policy to pay for eye tests and spectacles for employees who drive in their course of work.

**(Appendix 1)**

**GUIDELINES**

**Procedure for Working Alone or Visiting other Premises/Locations**

The Town Clerk should ensure awareness of the safety procedures in place, including the following points:

Do not turn a “blind eye” to potential problems just to get information or “cut corners.”  
Do not assume that people will wonder where you are. Ensure that they know.  
Do not leave a work area in an unsecured manner.

All Town Council employees who are required to visit other premises, existing buildings, unoccupied sites, remote locations, derelict buildings and any other location involving working away from the office as part of their normal work activities. . Inexperienced staff must not be sent to work at hazardous locations/ situations, unless supervised by experienced colleagues familiar with such hazards (it is normally inappropriate for persons under 18 years old to work alone).

Consideration should be given to possible health and safety hazards when developing safe systems of work. Some examples are:-

Before a visit:-

What will you be doing?

What clothing and equipment will you need? Will you need help to carry out the work?

Discuss the hazards at the site with your line manager or a colleague who has visited the site before, or the occupier. To include fire escape arrangements, security details and first aid kit. Ensure an intruder could not get in to the building whilst a worker was working alone.

Ensure that someone knows where you are going, what you will do and when you expect to return.

On arrival at the location / site:-

If visiting an occupied work location, report to reception or the site office. Establish the occupier’s rules or procedures for site visitors and follow them; ask to be briefed on the hazards associated with that particular site

Obey all warning signs and notices.

Wear appropriate personal protective equipment, e.g. gloves, eye protection, ear defenders, high visibility clothing and head protection.

While carrying out the work: -

Observe the comments above, on arrival at the location. Report the hazards to the occupier or premises/Site Manager. Whilst working on site, always follow safe systems of work.

On leaving the site: -

Report your departure to the reception office. Return any borrowed equipment or clothing.

On return to your office, report your arrival. However, if you are not returning to the office, confirm your departure off the site by a telephone call to a responsible person in your normal work location.

## **Poole Court**

Panic buttons are located within Poole Court offices. Staff are to be aware of the location of buttons.

Use the hatch when dealing with members of the public.

Care should be taken to ensure that all outside doors are locked and secured from unauthorised intruders.

## **Armadillo**

Keep your lanyard with door swipe card with you at all times.

Doors are to be double swiped to lock/secure an area. Rooms or areas not in use by public/bookings should remain locked to prevent unwanted access.

When a member of the public buzzes the intercom for entry, ask the following; what are they here to see? The purpose of the visit etc? Check the screen on the intercom or if in the office the CCTV screen. Do not grant access if you are unsure.

Keep your mobile or venue phone with you at all times.

Venue Staff – Sunday parties. Alert a manager when you arrive and leave site.

Office Staff – Alter Poole Court Office or a manager that you are lone working.

Keep the office door closed and secured at all times.

## **Pop Inn**

Volunteers – in the unlikely event you find yourself alone on site for a period of time – alert the manager or Poole Court/Armadillo staff that you are there, and why you are alone. Do not open the café or grant access to the public until another volunteer or a Yate Town Council member of staff arrives.

## **Yate & District Heritage Centre**

Staff and volunteers are not to be left alone when the building is open to the public.

At least 2 people should be on when we are open to the public.

Volunteer staff should not be working alone at all in the building.

As part of the induction all elements of security are made available to both volunteer and staff. There is a panic button by the desk and portable alarm buttons available if necessary.

All key holders are trained to enter and exit the building correctly and set the alarm and lock up accordingly.  
The upstairs workroom is kept locked when not in use during opening hours.



## **YATE TOWN COUNCIL**

### **JOB SHARE POLICY**

#### **1.0 Introduction**

- 1.1 Job-sharing can bring a range of benefits for employees and employers alike. Two people can bring a wider range of skills and experience to a role and can contribute new ideas and working approaches. Job-sharing has also been shown to improve retention and absence cover. Nevertheless, job-sharing does require a high degree of organisation and commitment on all sides.
- 1.2 The council supports job-sharing as part of its equal opportunities policy, its flexible approach to recruitment and retention of suitably qualified employees. The scheme will apply in principle to all permanent posts and across all teams.

#### **2.0 What does Job-Sharing involve?**

- 2.1 Job-Share is the division of duties of a post, typically between two employees on an equal basis. The post is covered by the employees for the whole of the working week.
- 2.2 There is continuity between the post holders and in some cases, a degree of overlap to ensure that job-sharers can exchange information or carry out some work together.
- 2.3 Each job-share employee has the same rights and obligations as full-time employees with certain benefits shared, pro-rata to hours worked.
- 2.4 Appointment to the post is made on condition that, in the event of any difficulty in filling one part of the post, the council is able to change the post back to a full-time post.
- 2.5 The option of job-sharing will be considered in the following circumstances:-
- Vacancy or restructuring;
  - Request by an existing employee to job-share his/her post;
  - Request by an employee who is on maternity leave or shared parental leave to return to their post on a job-sharing arrangement.
- 2.6 The council's supports job-sharing on the basis that it will not lead to any loss of efficiency or decrease in the level of service provided. There may be operational reasons for excluding certain posts from being open to job-share, subject to a decision by the Town Clerk or Staffing & Governance Committee in the case of the Clerk.

#### **3.0 Procedure**

The following factors should be considered:-

- 3.1 **The Job** - consider the complexity of the job, the level of responsibility, the degree of involvement with the public, the extent of individual case work, the requirement for continuity in terms of knowledge and availability, handover periods and/or other supervisory control arrangements.
- 3.2 **Supervisory Responsibilities** - posts with supervisory responsibilities can be considered for a job-sharing arrangement, provided it is operationally sustainable.
- 3.3 **Employees** - a successful job-sharing arrangement depends on **both** of the job-sharers' commitment and flexibility to ensure any operational problems are overcome.
- 3.4 **Staffing Structure** - consider whether or not having a number of job-share and/or part-time staff within a section will adversely affect the provision of services. If an employee asks to job-share his/her existing post and the decision is to reject the request for operational reasons, the reasons must be put in writing to the employee. For vacancies, decide before advertising about the suitability of the post for job-sharing and specify on the advert.

#### 4.0 **Terms and Conditions**

- 4.1 **Hours/Days of Work** - normal arrangements are the full-time hours will be split 50/50. Variations to this are fine as long as the agreed split meets the needs of the service i.e. one job-sharer could work 3 days and the other 2 days; split days every week, with one job-sharer working mornings and the other afternoons; three days on one week, two days on the following week.
- 4.2 **Rates of Pay** - job-sharers are paid pro-rata to the full-time salary. (However, it is possible for job-sharers to receive different rates of pay if they are appointed on a different incremental point or work a different number of hours).
- 4.3 **Work Outside Normal Hours** - as far as possible, arrangements for any work outside normal working hours is shared.
- 4.4 **Annual Leave** - annual leave is shared on a pro-rata basis.
- 4.5 **Bank Holidays** - all job-sharers have a pro-rata entitlement to bank holidays included in their leave entitlement. However, the preferred option for ensuring that these holidays are shared equally, is for the manager to agree with job-sharers an arrangement where in each week that public or extra statutory holidays occurs, both sharers work equal numbers of hours and have equal holidays (e.g. if one bank holiday they each work two days, if bank holiday plus extra statutory day they each work one and a half days that week).
- 4.6 **Doctors/Dentists appointments** - as most job-shares will involve employees working only part of a week, managers should insist that where possible, doctors, dentist, hospital appointments etc. are arranged in the employee's own time and do not involve time off work.
- 4.7 **Absence cover** - if one job-sharer is absent or one half of a job-share post is vacant for a significant period, the remaining partner may be asked to work additional hours to cover.
- 4.8 **Vacancy** - in the event that one of the job-sharers leaves the post, the following procedure applies:-
- The remaining job-sharer may be offered the post on a full-time basis;
  - If the offer is not accepted, then the job-share vacancy can be advertised;
  - The remaining job-sharer will be expected to be flexible regarding changing their pattern of work, if necessary,



to fit in with the newly appointed job-sharer. (However, the onus will be on the new job-sharer to fit into existing patterns of working where possible);

- If it is not possible to recruit into the vacant hours of the post having tried two external advertisements, then it may be possible to transfer the job-sharer into another vacant post, or if this is not possible the job-share post may be made redundant.



## YATE TOWN COUNCIL

### LEAVERS POLICY

**Pension and notice provisions are contractual, all other statements are non-contractual**

#### 1. Introduction

- 1.1 Yate Town Council is committed to managing leavers effectively as handling of an exit process can have a lasting impact on an employee's view of the council.
- 1.2 The Leavers Policy and procedure is legally compliant and covers notice period, long service awards for eligible employees, retirements and associated processes.
- 1.3 Notice periods are explicit in contracts for both the Council issuing notice to employees and employees when giving notice to resign or retire.
- 1.4 The Council has a policy on providing specific information in references for all departing or former employees; with a template form for managers to complete.
- 1.5 The Council issues leavers questionnaires and offers exit interviews to all departing employees.
- 1.6 Employees leaving non-voluntarily as a result of redundancy, long-term illness, ill health retirement, termination of a limited-term contract and performance processes are largely covered via other policies (Managing Absence due to Ill Health and Managing Employee Performance). Managers should seek HR advice to manage leavers under these arrangements (referring to the Town Clerk as HR services are provided on a charging basis).

#### 2. Scope

- 2.1 This policy applies to all employees who are leaving the Council; including retiring, resigning or being dismissed.

#### 3. Notice Periods

##### 3.1 Employer

The Council must give notice to dismiss employees in line with their contract (see 3.2) or the Employment Rights Act 1996 – whichever is **longer**.

The statutory notice periods, based on length of continuous service are as follows:-

- Employees with one month to two years' service – not less than one week's notice for each completed year of service.

- For employees with two years or more service – not less than one weeks' notice for each completed year of service up to a maximum of 12 weeks' notice.

### 3.2 Employee

Employees resigning or retiring must give the following notice:

Employees in probation	1 week
H13-H9	1 month
H8 and above	3 months

## 4. Leaver Notification

- 4.1 On receiving notice of resignation or retirement in writing, the Town Clerk/Service Support Manager should write to the employee to confirm the leaving arrangements and the Deputy RFO should notify Payroll.
- 4.2 Before an employee's last day, managers should ensure that any council property has been returned e.g. keys, mobile phones, IT equipment and uniform, in reference to the employee contract.
- 4.3 The Town Clerk/Service Support Manager are responsible for checking annual leave owed or excess taken and the Deputy RFO should notify Payroll accordingly.

## 5. Retirement

- 5.1 There is no default retirement age and employees can resign/retire (with or without pension) when they choose. There is flexibility about when you can take your pension with the option to take it at any age from 55 to 75. In the new scheme your Normal Pension Age (NPA) is linked to your State Pension Age (SPA). If you take your pension before your NPA, it will normally be reduced and if you take your pension after your NPA it will normally be increased (see Avon Pension Fund for more information regarding your personal circumstances and the State Pension Age Calculator to calculate your SPA).

### 5.2 Early Retirement

There are three early retirement scenarios that could apply to council employees – see Discretionary Pensions Policies for more information:

- Early retirement - employees aged 60 and over Employees born before 1 April 1956 and who meet "the rule of 85" can retire and have immediate access to their accrued pension benefits. Employees born on or after 1 April 1956 or who do not meet the "the rule of 85" can retire and receive reduced pension benefits.
- Voluntary early retirement - employees aged between 55 and 59 From April 2014 there is a new option in the LGPS where you can choose to

voluntarily draw your pension on or after age 55 and before age 60 without the need for employer's permission.

- Early retirement in the interests of the efficiency of the service - employees aged 55 and over – initiated by the Council  
Such cases are infrequent and need to reflect special circumstances. Each case is considered on an individual basis.

### **5.3 Ill Health Retirement**

Ill health retirement (where recommended by the Occupational Health Service) requires confirmation from an independent doctor and is based on the definitions provided under The LGPS Regulations. This will be managed in accordance with the Managing Absence and Ill Health Policy.

### **5.4 Flexible Retirement**

With Council's consent, you can reduce your hours and/or your pay grade when aged 55 or over and draw some or all of your pension (provided you have met the 2 years vesting period in the Scheme) whilst remaining in work.

### **5.5 Former Employees – Release of Pension Scheme Benefits on Compassionate Grounds**

The Council has approved a scheme to consider claims from former employees for the release of their deferred pension on compassionate grounds, in accordance with the LGPS Regulations. These allow Councils to pay the full pension to those over the age of 55 who joined the LGPS on or after 1 April 2008 (or 50 for those who are existing scheme members as at 31 March 2008) on compassionate grounds. Each case is treated on its merits in view of the very individual nature of the ex-employee's circumstances. The Council's policy is that ex-employees need to be able to show that the early payment of pension is justified on the basis that they cannot continue or resume employment as a result of their circumstances. (It should be noted that financial hardship on its own is not a sufficient reason). Requests for early pension payments from former employees on compassionate grounds should be made in the first instance to the Town Clerk.

5.6 For advice and support in managing any of the retirement scenarios please contact HR (in liaison with the Town Clerk as HR Services are provided on a charging basis).

5.7 The Council seeks to assist employees to prepare for retirement by making available a pre- retirement course – please contact the Town Clerk for details.

## **6. Long Service Award**

An award of £17\* per completed year of continuous service will be given to all employees leaving the council who have achieved 25 years continuous local government service or more, of which the last 10 years or more must have been with this council. \*The amount of the award is subject to review.

The eligibility conditions which apply are:-

- No-one can have more than one award.
- If an employee dies in service, an award related to service at the date of death will be made to the surviving partner or in appropriate circumstances to the closest family member of the employee.
- The policy allows payment to all leavers from the council (whether they are taking up a pension or not) as long as they satisfy the service criteria as specified above.

## **7. Leaving Questionnaires and Interviews**

7.1 When employees leave it is important to provide them with an opportunity to comment on their reasons for leaving. The Council's policy is to offer leavers questionnaires and interviews so that feedback can be used to assess what we are doing well and how we can improve as an employer.

7.2 Managers and supervisors should encourage all employees who are leaving the Council to complete a leaving questionnaire. However, leaving questionnaires and interviews are voluntary and managers need to be mindful to exercise discretion where an employee is not leaving voluntarily, for example as a result of long-term illness, disciplinary or redundancy.

### **7.3 Leavers Questionnaires**

Questionnaires are available from the Service Support team.

### **7.4 Leavers Interviews**

Ideally the manager or supervisor should conduct the interview. However, the employee can ask for an alternative manager to conduct the interview if they wish.

## **8 Providing References**

8.1 It is the Council's policy to only use a Council template form for providing references for departing or former employees. (Appendix 1)

8.2 There is no legal duty on an employer to provide references. There is a legal duty concerning the content of references for both the employee it relates to and the employer to whom it is provided. A reference must be true, accurate and fair, and not misleading. The person providing the reference could be held liable if any misleading statements are made, therefore the standard template should be used in all cases.

8.3 References should be completed by the Town Clerk or Service Support Manager.

8.4 Employee information should be checked, such as job title and dates of employment.

8.5 Only current disciplinary offences should be included, if the job they are applying for is not working with children or vulnerable adults. Details of current or expired disciplinary offences can be included on if a job is working with children or vulnerable adults, where expired ones involved any safeguarding concerns, stating clearly if the allegations

were investigated or not. Only where an offence has resulted in formal disciplinary action and the case against the employee has been 'proven' in line with Council policy and/or a sanction has been issued should this be disclosed.

- 8.6 Reference templates do not include information on sickness absence. The Equality Act 2010 states that details of sickness should not be revealed until a job offer has been made.
- 8.7 References should not be provided in cases where a settlement agreement has been reached, or if an employee is currently bringing a claim against the Council. In most cases a reference will be agreed as part of the settlement.
- 8.8 It is important to note that references can be viewed by the employee concerned in accordance with GDPR and the Data Protection Act.
- 8.9 All completed template forms should be sent to the Service Support team to be kept on personal files.

Appendix 1 to Leavers Policy



PRIVATE AND CONFIDENTIAL

**Addressee only**

<Name>

<Address>

Dear <add name of the person making the request>

Reference request for <add name of employee>

Thank you for requesting a reference for the above named person. I am able to provide the following information:-

Item	Details	
1.	Nature of working relationship with applicant:	<e.g. manager, team leader, supervisor>
2.	Dates of employment:	
3.	Role/Job Title employee is/was employed in:	
4.	Reason for leaving:	<p>&lt;Delete as appropriate&gt;</p> <p>Left voluntarily</p> <p>Dismissal</p> <p>Redundancy</p> <p>Retirement TUPE</p> <p>transfer</p> <p>Completed temporary/limited term contract</p> <p>Other</p>
<p>Manager Name: &lt;Please print full name&gt;</p> <p>Signature:</p> <p>Date:</p> <p>Position/Job Title:</p> <p>Work Telephone Number:</p> <p>Work Email Address:</p>		

This reference is given on the clear understanding that it is given without legal liability or responsibility on the part of the Council and its author, or to the subject and recipient of it.

It is the council's policy that references relating to current or former employees are provided in the above format only. However, if you require specific information for the purposes of safeguarding/safer recruitment, please make an additional request and I will be happy to respond.



## **MANAGING EMPLOYEE PERFORMANCE PROCEDURE**

**This policy is contractual**

### **1. INTRODUCTION**

- 1.1** The Council recognises that its ability to deliver satisfactory services and meet its objectives is substantially dependent on the effective work performance of its employees.
- 1.2** The Council expects managers to carefully recruit and select staff, provide induction, regular briefings and team meetings, ensure employees are clear about the standards that apply and their expected work performance levels and continuously develop their staff. Managers will review and give feedback to staff on how they are doing and have early discussions with employees on any unsatisfactory performance in a supportive and constructive way.
- 1.3** The Council expects its employees to maintain satisfactory levels of attendance, job performance and conduct, raise any problems affecting their work and respond constructively to advice, guidance and development provided by their managers.
- 1.4** The Council believes that the workforce is well motivated and performs well.
- 1.5** However, the Council also recognises there will be situations where an employee's performance, attendance or conduct does not meet the standards required. This procedure is designed to help and encourage employees to achieve and maintain acceptable standards of conduct and job performance at all times, including the need to: -
- Fulfil the duties specified in their contract of employment;
  - Be honest and act beyond suspicion of dishonesty;
  - Maintain high standards of integrity and conduct to protect the Council's image and reputation with the public.
- 1.6** This policy indicates the process that will normally be followed in the event of misconduct, poor attendance or poor job performance and complies with legislation (Employment Rights Act 1996, Human Rights Act 1998, the Employment Act 2002) and guidance provided by ACAS. The following list provides examples of conduct that will normally be regarded as misconduct leading to performance management. The list is not exhaustive. These are examples only:
- a. Failure to comply with Council's rules and procedures applicable to job requirements, including those relating to attendance, time keeping, sickness absence, health and safety, uniform policies, use of council facilities, use of IT, data protection policies and financial processes;
  - b. Unsatisfactory productivity due to sporadic sickness absence (especially where there are no underlying medical conditions);



- c. Failure to work to the productivity/performance standards which are expected;
- d. Failure to exercise reasonable care or skills, due to negligence or lack of effort;
- e. Deliberate failure to carry out a reasonable management instruction and insubordination;
- f. Behaviour deemed to be discriminatory, bullying or harassment;
- g. Consuming alcohol or substances outside of working hours or during working hours or reporting to work under the influence of any alcohol or other substances that could affect performance or ability to work safely. If an offer of support and treatment is not taken up, or leads to little or no change then this will be dealt with under this Procedure (see Council's Managing Ill Health and Sickness Absence Procedure);
- h. Any other conduct that from time to time is defined by the Council as amounting to misconduct.

**1.7** At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made. No electronic recordings of meetings are allowed. Employees have the right to be represented at investigation meetings, hearings and appeals (by a trade union representative or work colleague). Representatives have the right to address the hearing or appeal. They may also ask questions and present the employee's case but cannot answer questions on the employee's behalf. Should the employee fail to attend a hearing or appeal without an acceptable reason, then the Chair of the Panel may decide to proceed in the employee's absence. Employees' have the right to appeal against written warnings and dismissal.

**1.8** Records will be kept of informal and formal stages and stored confidentially in accordance with GDPR and Data Protection legislation.

**1.9** The Town Council will deal with any performance matters promptly, firmly, consistently and confidentially in order to demonstrate the Council takes these issues seriously.

## **2. SCOPE**

The procedure applies to all employees of Yate Town Council relating to misconduct, capability and sickness absence (with the exception of long-term absence or absences due to underlying medical condition/disabilities when adjustments have not been made which are dealt with under the Managing Ill Health and Sickness Absence Procedure). This procedure does not cover employees still within their probationary period. For these staff, please refer to the Probationary Procedure.

## **3. INFORMAL ACTION**

**3.1** For first instances of minor misconduct or unsatisfactory performance, the employee's line manager may speak to the employee informally seeking to resolve

any problems quickly and confidentially.

**3.2** In the majority of cases this meeting will only involve the employee and their line manager, however there may be situations where it is beneficial for the employee to be accompanied at the meeting by a trade union representative or work colleague i.e. when the employee requests this as a reasonable adjustment. The manager may require Human Resources to assist at the meeting. Any accompaniment would be on the clear understanding that it does not change the informal status of the meeting.

**3.3** The informal discussion should cover the following:

- a. explain what the conduct/capability/performance/attendance concerns are and ensure the employee understands;
- b. investigate reasons behind these concerns considering if there are any health or domestic issues or any workplace issues;
- c. re-enforce standards and requirements;
- d. consider whether any adjustments are needed to the work or workplace to enable to employee to improve;
- e. offer support, advice and guidance and consider if any additional training or coaching is required.;
- f. state how the performance or conduct will be reviewed and over what period.

To put the meeting into context the line manager should make the employee aware of this Procedure and the consequences of failure to improve, i.e. possibility of formal stages.

**3.4** If through discussions with the employee the matter is considered more serious, the manager should adjourn any meeting and tell the employee advice will be sought on managing the issue formally. -

**3.5** The manager should keep brief notes of any agreed informal action ( a performance improvement plan) for reference purposes and in some situations, it may be useful to confirm in writing to the employee what has been decided. Include a date for this to be reviewed.

**3.6** Informal discussions can take place in scheduled one to one meetings but should not be delayed pending such a meeting. One-to-one discussions can be used to monitor performance and review progresses made and ensure training and support requirements are met.

**3.7** If acceptable improvement is made, then this should be communicated to the employee (in writing when the informal discussion was detailed in writing). If there is not sufficient improvement in performance ( against performance improvement plan) or attendance, then the manager should take formal action.

## **4. FORMAL ACTION**

### **4.1 MANAGEMENT INVESTIGATION**

**4.1.1** If informal action does not bring about the desired improvements and/or if the conduct or performance issue is considered sufficiently serious, the Town Clerk or Chair of the Council (in cases involving the Clerk) will nominate an Investigating Officer (normally the employee's line manager) to investigate the alleged misconduct/poor performance.

HR advice should be sought at this stage if this has not already been done.

#### **4.1.2 SUSPENSION**

At this stage the line manager, in consultation with the Chair of the Council/Town Clerk/HR may consider suspending ( See ACAS guidance) the employee on full pay if alleged misconduct is:

- a. potential gross misconduct and dismissal could be the eventual penalty;
- b. the investigation cannot proceed if the employee remains in their current job without the risk of the alleged offence being repeated and it is not possible to move the employee to another job/place of work until the process is complete;
- c. to allow the employee to remain at work would place other employees, service users, or others at risk of harm/injury;
- d. there are concerns that evidence may be tampered with or witnesses put under undue pressure.

They may consider making adjustments to the working arrangements of the employee in the avoidance of suspension.

Suspension is not considered a disciplinary sanction and does not mean that any judgement has been made as to whether the employee is guilty of any misconduct – suspension would only be actioned as a last resort. It is possible that suspension may be lifted during the investigation and prior to any hearing, if the circumstances merit it.

Suspended employees will be allocated a contact officer not involved in the case. They must not enter their place of work or contact any clients or members of staff without prior approval from their contact officer. They will remain on their existing terms and conditions throughout the period of suspension so need to report sickness and book annual leave, even though they are not at work, via their contact officer.

#### **4.1.3 Child Protection or Abuse against an adult at risk**

If allegations involve any concerns around abuse of a child or adult at risk, reference should be made to the Council's Safeguarding Children and Vulnerable Adults Policy and all necessary agencies such as Social Services and the Police will be contacted, alongside all actions detailed in this Procedure.

#### **4.1.4 Criminal Charges or Convictions**

Where an employee is likely to be subject to criminal charges the following need to be considered:-

- i. If the employee is alleged to have committed an offence and any possible

Court action is some months away, the Town Clerk should consider whether there is sufficient justification to take any action and if there is, a management investigation should proceed without delay;

- ii. It is imperative that there is a proper and thorough investigation, and not to rely on the fact that there is a court case pending. A request should be made to the Police or the relevant agency for any evidence they are able to release to aid in the Council's investigation;
- iii. If it is decided to convene a Performance Hearing a decision can be made on the basis of the information/evidence available. It is not necessary to wait for a Court decision before the Panel reaches its decision;
- iv. If very little information is available to the Council prior to the Court hearing, then there may be no option but to defer any investigation pending the Court hearing. Suspension of the employee during this time can be considered;
- v. If an employee is detained in prison, then the Town Clerk must make a decision as to how to proceed depending on the length of time involved or the nature of the offence. A Performance Hearing should be held if there is sufficient evidence available to the Council, in the employee's absence (the employee can provide a written submission or send a representative to speak on their behalf).

**4.1.5** The Council will set out in writing the allegations that may lead the Council to contemplate taking any action against the employee, determining the principal cause of the performance issue: sickness absence, misconduct or capability, and confirm that a management investigation will be undertaken. The employee should be given a copy of this Procedure and kept informed throughout the process.

**4.1.6** The line manager will need to carry out any investigations of alleged poor performance or misconduct without unreasonable delay to establish the facts of the case. The manager will conduct a fair and balanced investigation. In some cases, this will require the holding of an investigatory meeting with the employee (with 5 working days' notice and the right to be accompanied by a trade union representative or work colleague). The employee must take all reasonable steps to attend the meeting. In others, the investigatory stage will be a collation of evidence by the manager.

**4.1.7** The line manager will need to decide if other witnesses need to be interviewed or whether other relevant information needs to be obtained e.g. from Occupational Health.

**4.1.8** If any underlying medical condition is identified, consideration should be given to the Council's Managing Ill Health and Sickness Absence Procedure.

**4.1.9** The investigation must be sufficient to establish whether there is genuine belief that there is a performance issue and provide reasonable grounds on which to sustain the belief on the balance of probabilities. The case does not have to be proven beyond reasonable doubt.

**4.1.10 Investigation Outcome**

The Investigating Officer will report back to the Town Clerk/Chair of the Council (if the investigation is related to the Town Clerk) on their findings and recommendations. If the investigation determines that there is in fact no performance issue, the employee

should be notified in writing (with any training, support or extra supervision or advice provided). If there is a case to answer the Investigating Officer should arrange a Performance Hearing.

- 4.1.11** If an employee's sickness absence from work is delaying any stage of the process the manager may seek advice from Occupational Health as to whether the employee's illness prevents the employee from participating in this process. The line manager may decide to progress the investigation and Hearing with all available information including any written submissions from the employee if unfit to attend, recognising that delays can cause further stress to all parties concerned. This decision will be communicated in writing to the employee.
- 4.1.12** If any issues are raised by the employee about the Investigating Officer, consideration should be given as to whether a different manager should carry out the investigation. If the employee's issues relate to the way the investigation has been conducted these should be presented if the case proceeds to a Performance Hearing. The Panel will have to decide whether or not the issues have materially affected the outcome of the investigation.
- 4.1.13** If a crime by an employee has just been or is being committed call 999 to report the matter to the Police. (Any Police investigation is separate to internal procedures and investigation).

## **4.2 PERFORMANCE HEARING**

- 4.2.1** An employee will be given, in writing, no less than 5 working days' notice of the date of the Performance Hearing. They will be informed of the matters that are to be discussed and the possible consequences. A copy of this Procedure and a written submission will be provided together with the notice of the hearing date and the right to be accompanied. The written submission will include copies of any previous correspondence, any documentation relevant to the issue, witness statements, absence records or anything intended to be presented as evidence. This will be provided to all Panel members and an additional copy will be sent to the employee for their representative.
- 4.2.2** Details of any witnesses the employee intends to call and any written submission or documents that the employee wishes to refer to at the hearing must be submitted to the Investigating Officer at least 3 working days prior to the hearing.
- 4.2.3** The Performance Hearing Panel would normally be the Town Clerk or Deputy Town Clerk in their absence, who will act as Chair, (or three members of the Staffing and Governance Sub Committee in the case of the Clerk) and an HR Advisor (all parties will have had no involvement in the investigation). There may also be a note taker from the Service Support Team.
- 4.2.4** The Hearing will normally proceed as follows:
- The Hearing Chair will introduce Panel members and specify their

- roles, clarify the purpose of the hearing and state the allegations;
- The Investigating Manager will present the case outlining the background, any current sanctions and the performance/conduct issue. The manager will call any witnesses to give evidence. The manager will ask questions of their witnesses. The employee's side will then have the opportunity to question the witnesses and the manager on the evidence presented, followed by the Hearing Panel;
- The employee and/or their companion will present their case and any mitigating factors that they wish the Panel to take into consideration. The employee or companion will call any witnesses to give evidence. The employee will ask questions of their witnesses. The manager will then have the opportunity to question the witnesses and the employee on the evidence presented, followed by the Hearing Panel;
- If new evidence emerges it may be necessary to adjourn the hearing to allow time to investigate it and share any further information prior to the hearing being convened;
- Both the manager and employee will have the opportunity to summarise the main points raised;
- Hearing Panel adjourn to make their decision;
- Hearing reconvened and the employee/representative informed of the decision and, if necessary, their rights of appeal.

4.25 When an employee raises a grievance during the hearing it may sometimes be appropriate to consider stopping the hearing and suspending the procedure - for example if bias/discrimination is alleged in the conduct of the hearing.

4.26 The Panel will consider in private all of the relevant evidence and come to a decision as to whether or not the case is proven; this may be on the balance of probabilities. If the case is proven, the Panel, advised by HR, will decide the appropriate sanction. The Panel, advised by HR, will consider any current sanctions for the purposes of determining a relevant sanction. Recently spent sanctions may also be considered, should these be related to the allegations under consideration. If the case is not proven the employee will be informed accordingly both verbally and in writing.

4.27 The Hearing outcome letter will detail the Panel's conclusions concerning the allegations, any mitigating factors and the sanction imposed. It will also detail the nature of any improvement required, any support to be provided to the employee and inform the employee of the implications of any further misconduct, absence or unsatisfactory performance in the case of First or Final Written Warnings. The letter will also detail the employee's right of appeal (see section 6.4).

### 4.3 SANCTIONS

In determining the appropriate disciplinary action, regard should be given to the employee's previous record, the gravity of the offence, any explanation and the category of the allegation – Misconduct, Sickness Absence or Capability or Gross Misconduct.

**4.3.1** Any sanction can also include withholding of any increment or withdrawing any Salary enhancement (for first or final written warnings), an agreement to repay any sums of money owed to the council, including breaches of working hours.

SANCTION	TIME PERIOD	WHEN TO USE
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First written warning	12 months from date from hearing panel	If this is the first hearing for misconduct, sickness absence or capability, normally a first written warning will be given
Final written warning	2 years from date of hearing Panel	<p>If the employee has a current warning then further misconduct, absence or performance (whether or not connected with the earlier offence) will normally result in a final written warning, or exceptionally could result in dismissal (see below).</p> <p>OR if the issue is considered sufficiently serious i.e. if the employee's actions have had, or are liable to have, a serious or harmful impact on the organisation, it may be justifiable to move directly to a final written warning.</p>
Dismissal with contractual notice.		For misconduct/unsatisfactory performance EXCEPT gross misconduct, by an employee who is under a first or final written warning, OR serious misconduct/insubordination__by an employee who has no formal warnings on file. The employee will be dismissed with notice or pay in lieu of notice (if contract contains this clause) and paid for the balance of any untaken annual leave. Dismissal letter to specify the reason for dismissal.
Gross Misconduct (see section 4.3.4 below)		In cases where gross misconduct is established the employee will be summarily dismissed without notice or pay in lieu of notice.

**4.3.2** Any first or final written warning will remain current for the time period specified but will remain on an employee's file thereafter for information and may be taken into account in exceptional cases if further performance issues arise. However, while expired warnings do not need to be discounted entirely, they cannot be used to tip the balance in favour of dismissal if the current misconduct is not sufficiently serious on its own;

**4.3.1** The Panel may decide as an alternative to dismissal to consider transferring or demoting an employee (with their agreement) to an existing vacancy, alongside the issuing of a final written warning.

### **4.3.5 GROSS MISCONDUCT**

Gross misconduct refers to situations where the employee's conduct is such that it fundamentally repudiates the contract of employment. It may justify dismissal without any previous performance warning, unless there are extenuating circumstances. The following list provides examples of conduct that will normally be regarded by the Council as Gross Misconduct, depending on the seriousness and circumstances of the offence; the list is not exhaustive. These are examples only:

- a. Theft, fraud and deliberate falsification of financial records (including falsification of pay, expense claims, qualification or attendance records);
- b. Failure to declare a criminal conviction or disqualification (where relevant to the post) on job application or once employed;
- c. Deliberate damage to Council's property and misuse of the Council's property or name.
- d. Fighting, assault or other physical violence or serious verbal abuse to another employee, client or member of the public;
- e. Serious infringement of the Council's Health and Safety procedures (including acts or omissions at work which seriously endanger the health or safety of employees, clients or members of the public);
- f. On duty whilst under the influence of any alcohol or substance which impact on performance or ability to work safely;
- g. Serious harassment and/or discrimination;
- h. Physical or sexual abuse of clients of the Council, or failing to bring to the Council's attention any such offences committed by other council employees;
- i. Serious negligence in carrying out the required duties of the post which causes, or has the potential to cause, unacceptable loss, damage or injury;
- j. Serious insubordination, or wilfully failing to carry out reasonable instructions;
- k. Serious breach of Council's ICT policies and procedures such as deliberately viewing, downloading or transmitting pornographic, racist, or other offensive material;



- l. Serious breach of Council's Data Protection policies such as unauthorised disclosure of confidential information;
- m. Sleeping on duty;
- n. Conduct bringing the Council into serious disrepute.

## **4.4 RIGHT OF APPEAL**

**4.4.1** If the employee wishes to appeal against the Panel's decision, they must notify the Council in writing within ten working days of receiving notice of the Panel's decision. In lodging an appeal, the employee must outline their grounds for appeal in writing, specifying whether it relates to the facts of the matter, new evidence, the level of sanction imposed or the way in which the procedure was followed, and the remedy sought.

**4.4.2** If the employee appeals, the Council will invite the employee to attend an appeal meeting before the Council's Appeal Panel. The Appeal Panel will consist of 3 members of the Staffing and Governance Sub Committee, providing that they have had no previous involvement in the matter. The employee must take all reasonable steps to attend the meeting. The employee has the right to be accompanied at an appeal meeting by a work colleague or trade union representative.

### **4.4.3 Arranging an Appeal**

The date and time of the appeal will be organised by the Town Council Office. It is the responsibility of each side to prepare themselves for the appeal including arranging for any witnesses to attend. The Chair of the original Panel and the employee or their representative will, where possible, submit papers for consideration by the appeals Panel five days prior to the appeal meeting.

### **4.4.4 Appeal Meeting process**

The Appeal Meeting will normally proceed as follows:

The Appeal Meeting Chair will introduce Panel members and specify their roles, clarify the purpose of the meeting and state the sanction imposed and grounds of appeal;

The Hearing Panel Chair will present the case outlining the background, any current sanctions and the performance/conduct issue. They will call any witnesses to give evidence. They will ask questions of their witnesses. The employee's side will then have the opportunity to question the witnesses and the Hearing Panel Chair on the evidence presented, followed by the Appeal Meeting Panel;

The employee and/or their companion will present their grounds for an appeal. The employee or companion will call any witnesses to give evidence. The employee will ask questions of their witnesses. The Hearing Panel Chair will then have the opportunity to question the witnesses and the employee on the evidence presented, followed by the Appeal Meeting Panel ;

If new evidence emerges it may be necessary to adjourn the appeal to allow time to investigate it and share any further information prior to the appeal being convened; Both the Hearing Panel Chair and employee will have the opportunity to summarise the main points raised;

Appeal Panel adjourn to make their decision;  
Hearing reconvened and the employee/representative informed of the decision.

The following applies at the appeal meeting:

- a. Any new evidence arising after the Hearing which is relevant to the outcome of the Hearing that the employee wishes to put forward will be considered. The original disciplinary sanction will be reviewed;
- b. The sanction originally imposed cannot be increased upon appeal;
- c. The appeal meeting will not necessarily take place before any sanction imposed by the Council takes effect. If the employee's appeal is against dismissal and the appeal is successful, they will be reinstated, and continuity of employment will be preserved;
- d. The Appeals Panel has the right to call its own witnesses should it consider this to be of assistance in making its decision.

After the appeal meeting, the employee will be informed of the Council's final decision within five working days; the meeting may be reconvened for this purpose (not requiring notice). The Council's decision will be confirmed to the employee in writing.

## **5 GENERAL PROCEDURAL INFORMATION**

5.1 Where an employee raises a grievance during this Procedure the process may be temporarily suspended in order to deal with the grievance. Where the grievance and performance cases are related it may be appropriate to deal with both issues at the same time.

### **5.2 Trade Union Officials**

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



**YATE TOWN COUNCIL**

**MATERNITY LEAVE AND PAY**

**This policy is contractual, subject to employers complying with relevant notification requirements**

**Maternity Timetable**

<b>During Pregnancy</b>	
In the early weeks	Tell your line manager that you are pregnant as soon as possible Think about whether you wish to return to work following maternity leave, if you wish to change your hours on return to work, when you would like to take annual leave before commencing your maternity leave – discuss this with your manager. You can take reasonable paid time off for antenatal care.
Week 20	Your doctor or midwife will give you your MATB1 form between this week and week 28.
Week 25	‘Qualifying week’ – your Statutory Maternity Pay is calculated by reference to this week (15 weeks before the baby is due). If your baby is stillborn after week 24, all maternity rights will still apply.
Week 28	You should have received your MATB1 form by this week. You need to give notice of your intended start date for Maternity Leave as soon as possible, and not later than 28 days before your intended start date. Complete the appropriate Maternity Application Form and send with Original MATB1 form to your line manager and Payroll.
Week 29	This week is used to calculate your service with the council to date. As long as you have given the right amount of notice, you can go on Maternity Leave any time from now (11 weeks before the baby is due).
Week 36	If you are still working and go sick with a pregnancy related illness any time from now on (4 weeks before the baby is due) you will have to start your Maternity Leave.
Week 40	Expected Week of Confinement (EWC) – the week the baby is due, starts on a Sunday and ends on a Saturday.
<b>After the Birth</b>	
	If the baby arrives earlier than expected, the maternity leave will start on the day after the baby is born.

	<p>Please provide a copy of the baby's birth certificate to your line manager and Payroll as soon as is reasonably practicable.</p> <p>You can come back to work for a maximum of 10 Keeping in Touch (KIT) days during your maternity leave.</p> <p>If you received Occupational Maternity Pay (OMP) and remain employed by the council for at least three months after the end of maternity leave, you will not have to repay OMP if you decide to leave the council.</p>
<b>Preparing to return to work</b>	
	<p>You are not allowed to return to work within 2 weeks of giving birth. If you wish to change your return to work date, you must give eight weeks' notice to your manager.</p> <p>If you haven't already done so, discuss with your manager if you wish to change your hours or working pattern (with reference to the Flexible Working procedure).</p> <p>If you do not wish to return to work, you should inform your manager as soon as possible in writing.</p>

## **1 Pregnant Employees**

- 1.1 All pregnant employees are entitled to:
- 52 weeks' Statutory Maternity Leave (SML) if they give the correct notice period to the employer;
  - 39 weeks could be paid which may be Occupational Maternity Pay Statutory Maternity Pay and Maternity Allowance (depending on qualifying criteria)
  - Be protected against unfair treatment and discrimination;
  - Reasonable paid time off to attend antenatal care.
  - Benefit from existing terms and conditions of employment, except those relating to wages or salary, during maternity leave;
  - During maternity leave 10 Keeping in Touch (KIT) days can be used.
  - Have the right to return to the original job or suitable alternative job following Maternity Leave.
- 1.2 If requested, you will need to produce evidence of antenatal care appointments in order to receive payments. These appointments are treated the same as other medical appointments and reasonable paid time off will include travel time to and from the hospital or health centre. Ante-natal has been defined to include relaxation and parent craft classes.
- 1.3 Your manager has a duty of care to you and may carry out a risk assessment to ensure your workplace and role are safe for you whilst pregnant.
- 1.4 You are requested to inform your line manager or the Town Clerk at the earliest possible date when you are likely to be absent due to pregnancy. An early indication from you as to when your maternity leave will commence will assist the Council in planning for temporary cover. At this time the implications and procedures for maternity leave can be discussed.

## **2. Statutory Maternity Leave (SML)**

- 2.1 The 52-week SML period is made up of 26 weeks Ordinary Maternity Leave (OML) followed immediately by 26 weeks Additional Maternity Leave (AML).
- 2.2 SML remains at 52 weeks regardless of the number of children resulting from a single pregnancy.
- 2.3 All employees automatically qualify for SML; it does not matter how long you have worked for the council.
- 2.4 You must continue to be employed by the council until immediately before the beginning of the 11<sup>th</sup> week before the EWC unless certified medically unfit to do so.
- 2.5 You don't have to take all of your SML, but you must take a minimum of two weeks compulsory maternity leave straight after the birth of your child. You are not permitted to work during this compulsory leave.
- 2.6 If the baby was born alive but later dies, or a still birth occurs after 24 weeks of pregnancy, employees are still entitled to SML and if applicable, maternity pay. If a still birth or miscarriage occurs before 24 weeks of pregnancy, the Town Clerk and Staffing Committee will consider the circumstances of the case on a compassionate basis and where necessary grant special leave or confirming the absence as due to ill health may be appropriate.
- 2.7 You are not entitled to SML if you have a child through surrogacy. However, you may be entitled to Adoption Leave and Pay or unpaid Parental Leave if you meet the eligibility requirements.

### **2.8 When SML can begin**

You can choose to begin SML any time from 11 weeks before the EWC up until the birth itself (date as confirmed on MATB1).

- 2.9 If you are still working after the beginning of the fourth week before the EWC and you have a period of sickness which is related to your pregnancy, this will automatically trigger your SML and pay, which will start on the day after the first day of the pregnancy related absence.
- 2.10 If the birth occurs before the notified SML date and you have not yet notified of a SML date, SML will begin on the day after the day of childbirth.

### **2.11 Notification and confirmation of SML**

You should inform your line manager at the earliest possible date and no later than the 15<sup>th</sup> week before the EWC that you are pregnant, the expected date of birth and when you would like your SML to commence. The original MATB1 form and Maternity Application form should be sent to your line manager and payroll no later than 28 days before the maternity leave begins.

- 2.12 If you intend to resign rather than take SML you must write to your manager

giving the required period of notice (as stated in your employment contract). You may be entitled to maternity pay, so you must send your MATB1 form to your line manager and payroll so they can prepare your payments.

- 2.13 When payroll receive the Application form and MATB1 they will write to you during the month your maternity leave commences confirming your SML start and end dates. You will need to confirm the actual date of birth with your line manager and Payroll  
– please send a copy of the birth certificate for this purpose.

### **3. Annual Leave Entitlement**

- 3.1 Your annual leave entitlement will continue to accrue throughout your period of SML, as normal (33 or 38 days, including bank/public holidays and the extra statutory day, dependant on length of service and pro-rata for part-timers).
- 3.2 Prior to commencement of SML, where possible you should take at least the proportion of annual leave to which you are entitled up until the commencement of SML. In addition, you may also take any remaining current year leave entitlement. However, should you not take all of your leave prior to the commencement of your SML and the period of your SML spans two leave years, anyuntaken leave will carry over to your next leave year.

This leave will be taken immediately before returning to work unless written agreement is given by your manager.

You and your line manager should discuss and plan the scheduling of your annual leave at an early stage, in order to allow you to plan when you intend to begin and end your maternity leave.

If you have worked full-time prior to taking maternity leave and it has been agreed that you will return to work on a part-time basis, you will need to take any accrued annual leave immediately following your maternity leave. Your part-time working will then commence once the accrued leave has been taken. From this point any annual leave accrued will be on a pro rata basis for your part-time hours.

- 3.3 Should you not return to work following your absence on maternity leave and you have overtaken your annual leave entitlement, you will be liable to repay any excess taken leave.
- 3.4 An employee cannot take annual leave during SML.
- 3.5 Shared Parental Leave (SPL) and Pay (ShPP) enables eligible mothers, fathers, partners and adopters how to share time off work after their child is born or placed for adoption. See SPL Policy.

## **4 Maternity Pay**

#### 4.1 Occupational Maternity Pay (OMP)

If you have completed at least one year's continuous local government service at the beginning of the 11<sup>th</sup> week before the EWC, you are entitled to:

- Statutory Maternity Pay – first 6 weeks at 90% of your average weekly earnings, the next 33 weeks at the SMP rate (set by the government and reviewed annually) or 90% of your average weekly earnings, whichever is lower; FOLLOWED BY;
- Occupational Maternity Pay – 12 weeks half pay (if you return to work for three months). If you are not entitled to Statutory Maternity Pay (as this is based on National Insurance contributions amongst other qualifying criteria), then you will receive the first 6 weeks at 90% as Occupational Maternity Pay instead, minus the equivalent value of Maternity Allowance (see 6.2.1 below).
- Lower rate Statutory Maternity Pay – for a further 21 weeks.

4.2 If you have less than one year's continuous local government service at the beginning of the 11<sup>th</sup> week before the EWC, you may be entitled to one of the following:

- Statutory Maternity Pay – first 6 weeks at 90% of a week's pay, next 33 weeks at the SMP rate (set by the government and reviewed annually) or 90% of a week's pay, whichever is lower; or
- Maternity Allowance (see below).

4.3 The half pay payment made by the Council during maternity leave under 4.1 above is made on the understanding that you *declare in writing that you will return to work for the Council for a period of at least three months.*

If you are unsure whether you will be returning you can choose to delay this payment until later in your maternity or until you return to work, if you wish. If you do receive the payment and do not return for the required period, you will have to repay this to the Council.

4.4 In order to ensure there is no delay in payment, you will be requested to make a declaration about your return preferably no later than the commencement of your SML.

4.5 You need to be aware that the amounts to be repaid may exceed the amounts received because of complicated tax and National Insurance regulations. Please ask Payroll if this affects you.

#### **4.6 Statutory Maternity Pay (SMP)**

Statutory Maternity Pay is:-

- An allowance payable for up to 39 weeks, known as Maternity Period (MPP). Statutory Maternity Pay can start on any day during the week and is paid for complete weeks only.
- Subject to Income Tax, National Insurance and where appropriate pension.

4.6.1 There are two rates of SMP:

- First six weeks – 90% of average weekly earnings;
- Next 33 weeks – SMP rate (fixed by the Government and reviewed annually) or 90% of average weekly earnings, whichever is lower.

4.6.2 SMP is normally payable to a woman who:-

- Has at least 26 weeks' continuous employment with Local Government at the beginning of the 15th week before the EWC;
- Is pregnant
- Has average weekly earnings (AWE) in the eight-week period prior to the end of the Qualifying week, of not less than the lower earnings limit for National Insurance contributions (NICs) purposes and
- Has provided the Council with –the Maternity Certificate (a form MATB1);
- Has given the Council at least 28 days' notice of her intention to stop work.

4.6.3 Payment can only be made for any week in which you do not work (excluding Keeping in Touch days see 17) for the Council or another employer

4.6.4 The Council will issue a form SMP1 to any woman who does not qualify for SMP. The form should be completed and sent to the Local Jobcentre Plus office who may make alternative state benefit payments.

4.6.5 If you are absent with a pregnancy related illness at any time from the beginning of the fourth week before the EWC the MPP must start from the fourth week, or if later, the day following the first day of that absence.

#### **4.7 Statutory Maternity Pay and its Effect on Occupational Maternity Pay**

4.7.1 Where Occupational Maternity Pay (OMP) is payable this goes towards discharging the employer's liability to pay Statutory Maternity Pay.

4.7.2 Occupational Maternity pay is based on your substantive salary/wages at the beginning of your maternity leave. Future incremental or cost of living rises on your substantive salary/wages during your maternity leave period will be included in your maternity pay.

4.7.3 Statutory Maternity Pay is based on actual earnings in the eight weeks before the 15th week before the EWC. During the first six weeks of your Maternity Pay Period you will receive 10% of whichever is the higher OMP or SMP.



- 4.7.4 During the 12-week half pay period you will receive the lower rate of SMP plus half pay based on your substantive salary/wages. However, in the event of the SMP and half pay exceeding your normal weekly pay then the half pay would be reduced by the excess – you cannot receive more than a normal week’s pay during this half pay period.
- 4.7.5 If you return to work during your pay period, your partner/husband may be eligible for Statutory Additional Paternity Leave and Pay. Please see the Paternity Leave handbook for full details.

#### **4.8 Payment of Maternity Pay (OMP and SMP)**

- 4.8.1 Maternity Pay will be paid on your normal pay day. When your completed Maternity Leave Application Form and your form MATB1 have been received, details of the amounts payable will be supplied directly to you by Payroll during the month your maternity leave commences
- 4.8.2 Statutory Maternity Pay and Occupational Maternity Pay will be identified separately on your pay advice slip.
- 4.8.3 Pay advice slips will normally be sent to your home address during the Maternity Pay Period.

*Note: The Statutory Maternity Pay (SMP) 7-day period begins at midnight between Saturday/Sunday unless MPP is triggered by the birth or by an absence from work because of a pregnancy related illness. Occupational Maternity Pays (OMP) and Statutory Maternity Pay (SMP) generally run in parallel.*

#### **4.9 Maternity Allowance (MA)**

- 4.9.1 If you do not qualify for SMP, you will receive a completed form SMP1 from Payroll plus return of your MATB1 allowing you to commence a possible claim for MA instead. In this event, you will need to contact your local Jobcentre Plus office or ask at your ante- natal clinic for a MA1 Maternity Allowance Claim Pack. MA is payable for up to 39 weeks. For more details contact JobcentrePlus.
- 4.9.2 If you are not entitled to SMP, MA will be deducted from any OMP paid in respect of the first six weeks Maternity Leave.
- 4.9.3 During half pay periods you will receive both halves pay and MA except where the MA and half pay exceed your normal weekly wage when the half pay will be reduced by the excess.
- 4.9.4 Should the Department of Work and Pensions advise you that you have no entitlement to MA, give the letter to Payroll and any MA which has been deducted will be refunded. It is your responsibility to claim and declare your entitlement to MA.

### **5. Pension**

- 5.1 The employee pays pension contributions on the maternity and contractual pay you

actually receive during paid maternity leave, even though that pay may be less than what they would normally receive. For pension purposes, the period of paid maternity absence should be treated throughout as if it were a period during which the employee was working normally.

52 During any period of unpaid Ordinary Maternity Leave, you will be deemed to have paid basic pension contributions. The service will count as normal for pension purposes.

53 For any period of unpaid Additional Maternity Leave, the unpaid period will not count for pension purposes unless you make an election for it to count. Such an election has to be made within the period of 30 days beginning with the day you return to work or resign. If you wish to make such contributions, please notify Payroll.

## 6. **Contact and Work during Statutory Maternity Leave – Keeping in Touch (KIT days)**

61 During maternity leave, you and your manager are encouraged to stay in contact. Your manager may make reasonable contact with you at home during this time to discuss such issues as your return to work, workplace developments, training opportunities, etc. You may also wish to keep in contact with your manager whilst you are on maternity leave.

62 In addition, Keeping in Touch (KIT) days allow you, if you wish, to come back into work up to a maximum of 10 days during SML, at a time agreed with your line manager. This may be to attend a particular training course, meeting, etc.

63 Any amount of work you do under your contract of employment will count as a whole KIT day so, if you attend a one-hour training session for example, you will have used up one of your KIT days. If you use up all of your 10 KIT days, you will thereafter lose a week's SMP for any week in which you work. (If a week during SML contains one or more KIT days but no other work, you will retain SMP for that week. If, however, a week contains the last of the KIT days and another day(s) work, you will lose SMP for that whole week.

64 When you use a KIT day you will be paid your normal contractual pay for actual hours worked on that KIT day. In this case, any SMP due for that day will be offset against the contractual pay earned that day. You will however still be entitled to OMP (if due) in addition to payment for the hours worked.

65 Pension contributions will be payable on any KIT days worked, based on the pay you receive for that day.

66 Your manager has a duty of care towards you under the Health & Safety regulations and you should ensure that your manager is aware of any condition(s) which may affect your ability to undertake your role on a KIT day, for example, a Caesarean section.

67 You will suffer no detriment because you took, considered taking, or did not take KIT days.

- 68 KIT days must be agreed in advance between you and your manager.
- 69 The above provisions do not preclude you from coming into the workplace for the purpose of informal visits of a social nature. Informal contact during SML is to be welcomed and such visits will not count towards your KIT day entitlement.
- 610 Any work is still prohibited during the two weeks immediately following childbirth.

## 7 **Pregnancy during Statutory Maternity Leave**

- 71 If you become pregnant again whilst on SML, you will still accrue and be entitled to all maternity entitlements for the second pregnancy.
- 72 You must notify your manager of the pregnancy following the guidance contained within this handbook.
- 73 If you are receiving OMP then you will have to return to work for six months (three months per SML) following the end of the second period of SML, in order to retain/receive OMP.

## 8 **Returning to Work and Right to Return**

- 81 If you intend to return to work before the end of Maternity Leave, you should give 8 weeks' notice of this earlier date.
- 82 If you attempt to return to work early without giving the required notice, the Council is entitled to postpone your return so that 8 weeks' notice has been given. Notice must be given to your line manager who will inform Payroll Services.
- 83 If you are incapable of work for health reasons following SML, the sickness should be reported to your manager as usual.
- 84 If you decide not to return to work, you must inform your line manager as soon as possible in writing. The usual notice periods for resignation as stated in your employment contract will apply. Your line manager will notify Payroll Services. If you do not specify a date of termination, then the date of your letter will be used. You will continue to receive any SMP to which you are entitled.
- 85 All pregnant employees, irrespective of the hours worked or length of service, during OMP have the right to return to the job in which they were employed and on the same terms and conditions as when they took SML. If returning at the end of the AML, the right will be to a similar job. This should not be substantially less favourable.
- 86 If you are considering returning to work on a part-time or job-share basis, then you should make this known before commencing SML if possible. You still have the option to return to your current full-time job, but the possibility of reduced hours can be explored. See Flexible Working Policy for more details.
- 87 If you return from SML on reduced hours you will be able to keep/receive any 'half

pay' OMP to which you are entitled so long as you remain in employment for a period of at least three months from the end of your SML.

## **9 Additional maternity rights**

### **9.1 Maternity suspension**

The Council will consider health and safety risks in work activities to new and expectant mothers. i.e. heavy lifting or carrying, standing or sitting for long periods without adequate breaks, exposure to toxic substances or long working hours. If the risk cannot be avoided, the Council will take steps to remove the risk or offer suitable alternative work (on no less favourable terms and conditions). If not, suitable alternative work is available, the council must suspend the expectant mother on full pay for as long as necessary to protect her health and safety or that of the baby.

### **9.2 Maternity and redundancy**

Where a potential redundancy situation exists or there is a planned reorganisation, any employee on Maternity Leave will be fully consulted. The employee must be offered a suitable alternative job if one is available and will not need to apply for it. If there is no suitable alternative work and it is a genuine redundancy situation, they could get redundancy pay. The council will not select a woman for redundancy because of her pregnancy, maternity leave or a related reason.

### **9.3 Provision for rest for a pregnant woman and breastfeeding on returning to Work**

The Health and Safety Executive advise is that employers are legally required to provide somewhere for pregnant and breastfeeding employees to rest and express milk – toilets are not suitable. The employee should provide written notification they are breastfeeding ideally before they return to work.

### **9.4 Office Equipment**

Any office equipment/tool of the job such as mobile telephone or lap top must be returned to Yate Town Council for the duration of the Maternity Leave. Suitable alternatives/replacements will be provided during KIT days and on return to employment.

## **10. Parental Bereavement Leave**

Parents or primary carers employed by the council are entitled to 2 weeks' leave if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy.

Employees are entitled to leave in respect to each of their children.

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

If you have more than 26 weeks of continuous service with the council, employees are entitled to government-set statutory parental bereavement pay (SPBP) during the leave. Otherwise the leave is unpaid.

Notice of leave and claiming of SPBP is given via the Parental Bereavement Leave & Pay claim form, as soon as reasonably practical.

Dependent on length of service, Compassionate Leave and/or Maternity Leave may be taken alternatively to or in conjunction with Parental Bereavement Leave.

## **11. Other Relevant Council Policies/Schemes**

There are other family friendly policies in which you may be interest. Details of all of them can be found in the Staff Handbook, they include:-

- (a) Paternity Leave;
- (b) Flexible Working;
- (c) Shared Parental Leave;
- (d) Time off Work and Leave Policy.

B: Short term issues directly applicable to the employment of the Town Clerk should be referred to the Chair of the Council; long term matters must be considered by the Staffing & Governance Sub Committee.



YATE TOWN COUNCIL  
**EMPLOYEE CODE OF CONDUCT** (including Member Officer Protocol)  
**This policy is contractual**

**1. Introduction**

- 1.1 Yate Town Council's Code of Conduct sets out the obligations and professional standards of conduct required of all employees.
- 1.2 The public is entitled to expect the highest standards of conduct and service from all employees. In performing their duties, employees must act with integrity, honesty, impartiality and objectivity.
- 1.3 The Council recognises the actions and behaviour of its employees can impact on the local environment and communities we serve. Employees are expected to have regard for the impact of their personal behaviour on the Council, colleagues, the environment and our community; recognising the duty of all public sector employees to carry out public functions reasonably, efficiently and according to the law
- 1.4 This code covers some of the most important issues relating to personal conduct, and gives a framework of standards and behaviour guidelines, but it not intended to be exhaustive.

**2. Scope**

- 2.1 This policy applies to all employees of Yate Town Council, temporary staff, apprentices and casual workers.

**3. Equality & Respect**

- 3.1 Employees should comply with relevant legislation, namely the Equality Act 2010 and Human Rights Act 1998, Data Protection Act 1998 and Freedom of Information Act 2000. All individuals and organisations have a right to be treated with fairness and equity and for their personal information to be managed appropriately at all times.
- 3.2 All employees should respect their colleagues. The Council will not allow any kind of discriminatory behaviour, harassment or victimisation; see the Grievance including Bullying and Harassment Policy. Employees should conform with our Equal Opportunity Policy in all aspects of their work, from recruitment and performance evaluation to interpersonal relations.

**4. Political Neutrality**

- 4.1 Employees serve the whole of the Council and work with all councillors from all political groups. Employees may be required to advise them in ways that do not compromise political neutrality and must not:
- Use their position for political gain either as an individual or for any political group.
  - Allow their own personal or political opinions to interfere with their work.

**5. Disclosure of Information**

- 5.1 The council encourages a culture of openness and transparency. The law requires

that certain information must be made available to councillors, auditors, government departments, service users and the public. Certain information may be confidential or sensitive and therefore not appropriate to be made public. Employees should:

- be aware of what information the council is open about and what it is not open about and follow the appropriate procedures when disclosing information.
- Adhere to a duty of confidentiality to the council and must act as required in accordance with paragraph 5.1 above to maintain confidentiality.
- not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

**5.2** All employees are under a duty to comply with the Data Protection Act 1998 (DPA) and the Freedom of Information Act 2000 (FOI). See Data Protection Policy.

## **6. Health and Safety**

6.1 The Council places a high priority in providing a safe working environment; all employees must conform with the Council's Health and Safety Policies and procedures in the performance of their duties and report any health and safety concerns to management.

## **7. Use of Council Property, Public Funds & Resources**

7.1 Employees must ensure all public funds are used in a responsible and lawful manner in accordance with the Council's Financial Regulations. They should strive to ensure value for money and avoid any legal challenge to the council.

7.2 All employees should treat council property & resources with respect and care. Employees:

- Should not misuse company equipment/resources or use them frivolously; i.e. private telephone calls, use of IT equipment, internet & social media; in reference to the Communications, Data Protection and IT policies.
- Should not abuse benefits; i.e. time off or sick pay. In reference to the **Managing Ill Health & Sickness Absence Policy**.
- should protect facilities and other material property (e.g. Town Council vehicles) from damage and vandalism, whenever possible.

## **8. Professionalism**

All employees must show integrity and professionalism in the workplace:

8.1.1 Personal appearance - Employees must wear Yate Town Council uniform when required in their job role. They must maintain a professional standard of dress in the workplace at all times.

8.1.2 Fraud and Corruption and Financial Interests - The Council needs to ensure all our funding is spent wisely. It is essential that our community has confidence that the Council maintains the highest standards of conduct in financial matters and seek to maintain high standards of probity and ethical behaviour. Stringent procedural and audit arrangements are in place and employees are expected to ensure that decision

making is open and fair. Employees should award orders or contracts made on merit and fair competition tender processes; not give preferential treatment to friends or relatives. Staff are expected to operate under the Nolan principle guidance.

We discourage employees from accepting gifts from external or internal partners. Employees should declare any financial or non-financial interests they consider could conflict with the council's interests, to their line manager, in reference to our Fraud and Corruption Policy.

- 8.1.3 Job duties and Authority** - All employees should fulfil their job duties with integrity and respect toward members of the public, customers and the community. Supervisors and managers must not abuse their authority; they must act as role models and delegate duties to their team taking into account skills and workloads. Team members should follow all reasonable instructions from Supervisors and Managers and complete their duties with skills and in a timely manner- in reference to our Training and Development Policy.
- 8.1.4 Conflict of Interest** - Employees should avoid any personal, financial or other interests that might hinder their capability or willingness to perform their job duties. They should declare any alternative employment and duties (paid or voluntary) that could impact on their role with the Council to their line manager . Employees are not permitted to use any council material or information for personal gain when undertaking work (either paid or voluntary) outside of their job.
- 8.1.5 Collaboration and Communication** - Employees should be friendly and collaborative. They should try not to disrupt the workplace or present obstacles to their colleague's work. All employees must be open for communication with their colleagues, Supervisors, Managers or Councillors. They should avoid the use of swearing or inappropriate language that has the potential to offend others.
- 8.1.6 Relationships with other members of staff or Councillors** - Mutual respect and professional relationships should be maintained between employees and Councillors/other colleagues at all times to ensure good Town Council provision. Employees should declare any close personal relationships with colleagues or councillors in order that the Council can take appropriate action i.e. avoid any Supervisory relationships with each other. The Council has a specific Member-Officer Protocol that staff and Members should adhere to.
- 8.1.7 Performance, Misuse of Drugs and Alcohol, Gambling** - The Council expects individuals to follow all reasonable rules and instructions given by those supervising or managing their activities or work areas. It is a performance offence to be on Council premises and carrying out official duties when under the influence of alcohol or non- medically prescribed drugs. Gambling activities must not be conducted on Council premises. Discretion may be used in relation to small raffles for charitable purposes, national lottery syndicates and occasional sweepstakes. See the Managing Employee Performance procedure and Managing Ill Health Policy.



8.1.8 **Recruitment and Employment** - Employees involved in the recruitment selection process must ensure appointments are made on the basis of merit. Employees should not be involved in recruitment, appraisal, managing performance or pay adjustments where they are related to an applicant/employee, or have a close personal relationship with them.

Employees must notify their line manager of any statutory illegality that may affect their ability to carry out the duties of their post, e.g. drivers who lose their driving license.

8.1.9 **Court/Tribunal Proceedings** – All employees must adhere to the Time off Work and Leave policy in regard to attending court/tribunal proceedings that are unconnected to their role. If an employee issues proceeding against the council in any capacity any preparation must be done in their own time. They must not use council property/equipment to prepare their case and any time off to attend proceedings/hearings must be within their own time – annual leave or unpaid leave.

8.1.10 **The media** – if an employee is directly approached by a member of the media, they should not attempt to answer questions themselves but should refer the journalist to the Town Clerk or in the absence of the Town Clerk the Deputy Town Clerk/RFO or the Service Support Manager or nominated staff member (reference to the Communications Policy)

8.1.11 **Conduct Outside Work** - The Council does not seek to dictate how employees conduct themselves in their personal lives outside work. However unlawful, anti-social or other conduct by employees which may jeopardise the Council's reputation or position will be dealt with through the Managing Employee Performance Policy. This includes conduct that has the potential to cause offence to other colleagues or members of the public.

## 9. Breaches of the Code

9.1 All employees should read and follow the council policies. The Council may take action under the Managing Employee Performance Procedure for employees who repeatedly or intentionally fail to follow the Code of Conduct. The Council may take legal action in cases of corruption, theft or other unlawful behaviour.

9.2 If employees suspect any wrong doings in respect of the Code of Conduct or other Council Policies, they can report via the Whistleblowing procedure.



## YATE TOWN COUNCIL

### MEMBER/OFFICER PROTOCOL

#### 1 Introduction

- 1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relationship with one another. Given the variety of such relationships, this Protocol does not seek to be either prescription or comprehensive. It simply seeks to offer guidance on some of the issues which most commonly arise.
- 1.2 The Protocol is mainly a written statement of current practice and convention but aims to promote greater clarity and certainty. If this Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members. It also reflects the principle underlying the Code of Conduct which is to enhance and maintain the integrity of local government.
- 1.3 It is clearly important that there should be a close working relationship between Members and Officers. However, such relationships should never be allowed to become so close,  
or appear to be so close, as to bring into question the Officers ability to deal impartially with other Members.
- 1.4 The Council's adopted Code of Conduct for Members provides that a Member must treat others with respect. In line with this, it is important that any dealing between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.5 A Member should not raise matters relating to the conduct or capability of an Officer at a public meeting. An Officer has no means of responding to such criticism in public. If a Member feels they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer and fails to resolve it through direct discussion with the Officer, the Member should raise the matter with the Town Clerk. The Town Clerk will then look into the facts and report back to the Member. If the Member continues to feel concern, then the matter will be raised through the Staffing and Governance Sub-Committee. Any action taken against an Officer in respect of a complaint will be accordance with the provisions of the Town Council Disciplinary Procedure.
- 1.6 Where an Officer feels they have not been properly treated with respect, the Officer should raise the matter with the Town Clerk. In these circumstances, the Town Clerk will approach the Member concerned and if the matter cannot be resolved to the satisfaction of the employee concerned it will be treated as a grievance and will be dealt with by the Staffing and Governance Sub-Committee under the Council's formal Grievance Procedure.

#### 2 Officer Advice to Members and Political Groups

- 2.1 It must be recognised by all Officers and Members that, in discharging their duties and responsibilities, Officers serve the Council as a whole and not exclusively any political group, combination of groups or individual Member of the Council.
- 2.2 There is a recognition of political groups within the Town Council and these groups can give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by political groups, but they must at all times maintain political neutrality. All Officers must, when dealing with political groups and individual Members, treat them in a fair and even-handed manner. Where political groups are given information that has been requested, this shall remain confidential to the political group making the request.
- 2.3 Support provided by Officers can take different forms, ranging from the normal briefing with a Chair prior to a meeting to responding to telephone queries. Such support is available to all Members regardless of political affiliation and will be available to all formalised political groups. When support such as this is given, both Members and Officer should understand that it must not extend beyond providing information and advice in relation to matters of Council business; Officers should not be involved in matters of party- political business.

### **3 Support Services to Members and Political Groups**

- 3.1 The only basis on which the Council can lawfully provide support services to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaign activity, or for private purposes.

### **4 Members Access to Information and to Council Documents**

- 4.1 Members are free to approach Officers to ask for information. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of local residents.
- 4.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by commonlaw.
- 4.3 Members have a statutory right to inspect any Council document which contains materials relating to any business which is to be transacted at a Council or other meeting. This right applies irrespective of whether the Member is a member of the body which is meeting and extends not only to reports which are to be submitted to the meeting, but also to any relevant background documents. This right does not, however, automatically apply to background documents relating to certain items which may appear as an exempt item on the agenda for a meeting i.e. information relating to employees or criminal investigations.
- 4.4 The common law right of Members is based on the principle that any Member has prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member to properly perform their duties as a Member of the Council. This principle is commonly referred to as the 'need to know' principle.
- 4.5 The exercise of this common law right depends, therefore, upon an individual Member being able to demonstrate that they have the necessary 'need to know.' In

this respect a Members has no right to a 'roving commission' to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know.'

4.6 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council.

5 Ward Councillors should be consulted and provided with information on all matters to enable them to properly fulfil their role in representing their local residents.

### **Officer/Chair Relationships**

5.1 It is important that there should be a close working relationship between the Chair of a meeting and the Officer who report to or interact with that meeting. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other political groups.

5.2 In relation to action between meetings, it is important to remember that the Council's decision-making structure only allows for decisions relating to the discharge of any of the Council's function to be taken by a meeting or an Officer. There is no allowance for such decisions to be taken by a Chair or by any other single Member.

5.3 At some meetings, a resolution may be passed which authorises the Clerk to take action between meeting in consultation with the Chair or specified Members. It must be recognised that it is the Officer, rather than the Chair or Members, who takes the action and it is the Officer who is accountable for it.

5.4 Finally, it must be remembered that Officers are accountable to the Town Clerk and that, whilst Officers should always seek to assist a Chair (or indeed any Member), they must not, in so doing, go beyond the bounds of their authority.

5.5 Correspondence

Official letters on behalf of the Council should normally be sent in the name of the Town Clerk (or appropriate Officer). It may be appropriate in certain circumstances for a letter to be sent in the name of the Mayor, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

5.6 Press Releases

Members must not issues press releases on behalf of the Town Council but may arrange to do so in their own individual or political capacity.

5.7 Conclusion

Mutual understanding and openness on these sorts of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and Officers.



## YATE TOWN COUNCIL

# PATERNITY LEAVE AND PAY HANDBOOK

**This is contractual, subject to employees complying with the relevant notification requirements**

Paternity leave (PL) is available for the purpose of caring for a child or supporting the mother or primary adopter. Employees who qualify can take one- or two-weeks Paternity Leave and if eligible, Paternity Pay.

## 1 Paternity Leave Overview

- 1.1 Paternity Leave is available to eligible employees whose partner/wife has given birth, is adopting a child or having a baby through a surrogacy arrangement, and the employee will share the responsibility for bringing up the child.
- 1.2 A “partner” is defined as “a person (whether of a different sex or the same sex) who lives with the mother or adopter in an enduring family relationship but is not a blood relative”.
- 1.3 Eligible employees can choose to take one or two consecutive weeks of PL i.e. the leave must be taken in one go. If the mother or primary adopter has returned to work, eligible employees could also choose to take Shared Parental Leave, however PL must be taken before Shared Parental Leave.
- 1.4 A week is the same amount of days that the employee normally works in a week e.g. an employee who normally works Monday and Tuesdays, their working week will be two days.
- 1.5 Only one period of PL is available per birth/adoption, regardless of the number of children resulting from a single pregnancy/adoption.
- 1.6 Employees are protected from suffering detriment or dismissal for taking PL.
- 1.7 In the case of a stillbirth after 24 weeks or pregnancy or if the baby is born but later dies, an employee is still entitled to PL.

## 2 Eligibility Criteria for Paternity Leave

- 2.1 An employee qualifies for Paternity Leave (PL) if they:

- Have or expect to have responsibility for the child's upbringing,
- Are the biological father of the child, co-adopter of the child or the mother/primary adopter's husband or partner, or the intended parent if you are having a baby through surrogacy;
- Have worked continuously for the council for 26 weeks by the qualifying week (see below);
- have notified Payroll of the intention to take PL;
- be taking the time off to support the mother/adopter and/or to care for the child;
- for adoptions, not be taking Statutory Adoption Leave and/or Pay.

2.2 The Qualifying Week is:

- the end of the 15th week before the expected week of childbirth; or
- the end of the week in which the adopter was informed that they have been matched with a child for a UK adoption; or
- the date the child arrives in the UK for overseas adoptions.

### **3 When Paternity Leave can start**

3.1 Paternity Leave (PL) cannot start until the after the birth of the child, the placement of the child for adoption or after the child has arrived in the UK for overseas adoptions.

3.2 It must be taken within 56 days of the actual birth, placement or arrival of the child in the UK for overseas adoptions.

3.3 If an employee has specified the date of birth as the date, they wish to start PL and they are at work that day, the leave will begin on the next day.

3.4 PL can start on any day of the week; however, the employee will need to confirm the actual date.

### **4 Notice to take Paternity Leave and Declaration**

4.1 For births, notice must be given of the intention to take PL in or before the 15<sup>th</sup> week before the expected week of the child's birth, or as soon as is reasonably practicable.

4.2 For UK adoptions, notice of intention to take PL must be given no more than seven days after the date on which the adopter is notified of having been matched with the child for the purposes of adoption, or as soon as is reasonably practicable

4.3 For overseas adoptions, notice must be given in three stages. Please see [Gov.UK](https://www.gov.uk) for further information.

4.4 In all cases, you need to make a declaration that you meet the conditions as to the relationship with the child and child's mother or adopter. Notice and the declaration should be given using the Application Form for Paternity Leave and Pay.

4.5 Payroll must be notified of the actual date of birth or placement of the child for adoption. A copy of the birth certificate/matching certificate/official notification should

be submitted for this purpose.

- 4.6 You must inform Payroll straight away if you are no longer eligible for PL.

## **5 Changing the start date of Paternity Leave**

- 5.1 If you wish to change the start date of PL, notice must be given at least 8 weeks before the birth/placement/new date or as soon as is reasonably practicable.

## **6 Statutory Paternity Pay (SPP)**

- 6.1 Whilst on PL you will receive Statutory Paternity Pay (SPP) so long as:
- your normal weekly earnings in the eight-week period ending in the qualifying week (see 2.2)
  - are not less than the lower earnings limit for National Insurance purposes; you continue to work for the council up to the date of the birth, the date of the child's placement for UK adoptions, or
  - the date the child enters the UK for overseas adoptions.
- 6.2 SPP is paid at the same rate as Statutory Maternity Pay, i.e. the lower rate of:
- 90% of an employee's average weekly earnings; or
  - The standard weekly rate set by the government.
- 6.3 Alternatively, an employee may be eligible for one-week Maternity/Adoption Support Leave at full pay and one-week SPP.
- 6.4 Payments can only be made for any week in which you do not work for the council or another employer.
- 6.5 The council will inform you if you are not entitled to SPP for any reason.
- 6.6 SSP will be paid on normal pay days and details of the amounts payable will be supplied directly by Payroll Services as soon as possible following receipt of the notification. You will be informed if you are not eligible.
- 6.7 There will be no effect on Pension.

## **7 Annual Leave and continuous service**

- 7.1 Employees continue to accrue annual leave during Paternity Leave. However, you cannot take annual leave whilst on paternity leave. If a bank holiday or extra statutory day falls during your paternity leave, you will be given a substitute day's leave with pay on your return. Service is regarded as continuous.

## **8 Parental Bereavement Leave**

Parents or primary carers employed by the council are entitled to 2 weeks' leave if

they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy.

Employees are entitled to leave in respect to each of their children.

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

If you have more than 26 weeks of continuous service with the council, employees are entitled to government-set statutory parental bereavement pay (SPBP) during the leave. Otherwise the leave is unpaid.

Notice of leave and claiming of SPBP is given via the Parental Bereavement Leave & Pay claim form, as soon as reasonably practical.

Dependent on length of service, Compassionate Leave and/or Maternity Leave may be taken alternatively to or in conjunction with Parental Bereavement Leave.

## **9 Other relevant council policies/schemes**

- 9.1 There are other family friendly policies which may be of interest:
- Time off Work and Leave (covers unpaid leave, parental leave & dependants care leave).
  - Adoption Leave Handbook
  - Maternity Leave and Pay handbook (covers maternity support leave)
  - Shared Parental Leave Handbook
  - Parental Leave
  - Flexible Working





## **YATE TOWN COUNCIL PAY PROTECTION POLICY**

**This policy is non contractual**

### **1. Introduction**

Pay Protection supports employees who have their pay reduced in certain situations, by giving them an amount of personal pay protection for a maximum of three years to enable them to adjust to their new circumstances.

### **2. Scope & Eligibility**

2.1 The Policy applies to any Yate Town Council employee who has their pay reduced due to:

- permanent redeployment to a lower graded post i.e. in situations of workforce changes or on medical grounds (supported by Occupational Health – see Managing Ill Health & Sickness Absence Policy) or
- a permanent re-grading of a post to a lower pay grade via Job Evaluation or grading review.

2.2 Pay protection will not apply to pay reductions as a result of a performance procedures, if an employee voluntarily applies for and is appointed to a lower graded post or when an employee returns to a substantive post following a temporary appointment e.g. secondment.

### **3. What is Pay Protection & How is it Calculated?**

3.1 Employees who are eligible will receive the pay rate for their new post/lower grade plus a separate personal pay protection amount for a maximum of three years from the date of the change. Pay protection payments will start upon permanent appointment to the new lower graded post or effective date of lower grade.

3.2 The new salary with pay protection will not be higher than the previous salary. The personal pay protection amount is recalculated when the salary of the occupied post changes, e.g. if there is a national pay award that increases the pay rate of the occupied post, the employee's pay would increase with the pay award and the personal pay protection amount would decrease by the same amount as the increase. As a result, the employee's total pay would remain at the protected level.

3.3 Where the hours or working weeks of the new post are different from the hours or working weeks worked by the employee in their previous role, the pay protection only applies if the employee's annual salary would be less in the new job than they earned in the old job. The protection is calculated pro-rata based on the hours/working weeks of the newpost.

3.4 Please note that any enhancement or premium payments payable within the new role/new grade are based on the employee's salary for the new job, without the protected pay element.

3.5 Some Pay Protection calculations and examples are shown in Appendix 1 to this Policy.

#### **4. Pay Protection Timescales**

4.1 Pay protection payments will start upon permanent appointment to the new lower graded post or effective date of lower grade.

4.2 Pay protection will continue for a maximum of three years from the date of the reduction in grading or the appointment to the lower graded post. If the pay for the new role/grade rises to the same level or overtakes the total protected pay at any time during the three-year period, the pay protection will end.

4.3 At the end of the three-year period the employee will be paid the new salary relative to the current position, incremented to the level in line with the period in the current role.

#### **5. Pay Protection and Pension**

5.1 The Pay Protection amount is not subject to pension deductions.

5.2 When moving to a lower graded post, pension accrued in the higher graded post will be protected and a new pension automatically started based on the lower grade.

#### **6. Pay Protection – Call Out and Overtime**

6.1 In instances where employees are subject to a reduction in earnings relating to call out situations as a result of Workforce Changes, the Council's Staffing and Governance Sub-Committee has the discretion to grant Pay Protection in full for the Call Out elements only, for a three-year period.

6.2 This will not apply to overtime situations.

### **Appendix 1 - Pay Protection Calculations and Examples**

In order to calculate the pay protection, amount for eligible employees (see Section 2), you first need to determine if the employee will be paid less in their new role than they received in their old role.

You will need to following information:

1. Current Salary (A)
2. Salary of new role (B)

#### **Please note:**

- If any employee has chosen to apply for and is appointed to a lower graded role i.e. it is a voluntary change, pay protection will not apply.
- In cases where a compulsory change of grade is being applied but an employee chooses to reduce their hours, the current salary (A) for the calculations should be based on the new hours (see Example 2).

**Example 1**

Employee X is being redeployed from a HAY09 role (currently paid SCP 26, 20 hours per week) to a HAY10 role (SCP 18-21 range), increasing to 22 hours per week.

**Current Salary (A)** = **£12,647.56** (£23,398 pro rata)

**Salary of new role (B)** = **£10,744.32** (£18,070 pro rata)

**Pay Protection Amount** = **£1,903.24**

Each year the Pay Protection Amount will decrease based on a salary increment at Hay 10 plus any cost of living awards. At the end of the 3 years post holder will be assimilated to the point they have reached through incremental progression on the Hay 10 scale.

**Example 2**

Employee Y is being redeployed from a HAY07 role (currently paid SCP 32) full time to a HAY09 role (it has been agreed they will go straight to the top of the scale SCP 26), they are voluntarily wishing to reduce their hours to 18.5 per week.

**Current Salary (A)** = **£28,485**

**Current Salary (A) based on 18.5 hours per week** = **£14,242.50**

**Salary of new role (B)** = **£11,699** (£23,398 pro rata)

**Pay Protection Amount** = **£2,543.50**

Each year the Pay Protection Amount will alter based on any cost of living awards.



## **YATE TOWN COUNCIL PROBATIONARY POLICY**

**This policy is contractual**

### **1. INTRODUCTION**

- 1.1 A probationary period enables both parties in a contract of employment to assess the suitability of an individual to the role and the organisation, and to enable members of staff to be trained in the council's working methods and procedures.
- 1.2 The purpose of a probationary period is to enable the organisation to assess the skills, conduct, capability and attendance of an individual before deciding whether or not to confirm the appointment. The council is committed to providing clarity of expectation, reasonable training and support needed for new employees to meet the required standards during their probationary period.

### **2. SCOPE**

- 2.1 The probationary period is usually six months and a probationary report must be completed at three and five months after the employee's start date and discussed with the employee. The employee should be made aware (in writing) of any areas for improvement and a deadline given to complete tasks or achieve improvement . (This can be adapted for limited term contracts for periods of 6 months or less).

### **3. PROBATIONARY POLICY**

- 3.1 The probationary period is usually six months and a probationary report must be completed at three and five months after the employee's start date and discussed with the employee. (This can be adapted for limited term contracts for periods of 6 months or less).
- 3.2 A formal Probationary Interview should be arranged where an issue has been identified and no improvement is apparent by the fifth month at the latest. The outcome of the interview must be confirmed in writing to the Employee and where no improvement is apparent at the end of the probationary period, an employee will be dismissed with one weeks' notice.

Line Managers are able to follow the process through to dismissal (supported by HR representatives and either Town Clerk/Deputy Town Clerk with the other available to participate in any appeal process).

- 3.3 When a formal Probationary Interview is required, the line manager should consider seeking HR advice. The Town Clerk should be consulted in the first instance as HR services are chargeable.

#### **4. PROBATIONARY PROCEDURE**

- 4.1** Probation is an element of performance management and as such, the development, performance and progress of employees should be constantly kept under review commencing with the probation period and throughout their employment.

#### **5. PROBATIONARY REPORT**

- 5.1** Managers should hold regular 1:1 meetings with the new employee during the probationary period and ensure that the employee is clear about their role purpose and specific objectives, which will continue to be reviewed and developed throughout their employment. Records of the meetings should be kept and referred to.
- 5.2** The Probationary Report must be completed at three and five months after the employee's start date.
- 5.3** An appointment can be confirmed at three months if the employee's performance is satisfactory.
- 5.4** An appointment can be terminated if the performance is unsatisfactory and unlikely to improve, and sufficient time has been allowed for improvement, equally if the employee's behaviour or actions are significantly unacceptable.
- 5.5** The manager should discuss the probation report with the employee to ensure the employee has the opportunity to comment on and improve their performance where an area of weakness has been identified.
- 5.6** Where no improvement is apparent at the end of the probationary period, an employee will be dismissed with one weeks' notice.

#### **6. PROBATIONARY INTERVIEW**

- 6.1** Where a need for improvement has been identified and discussed with the employee and no improvement is apparent, a formal Probationary Interview should be arranged by the manager as soon as reasonably possible (no later than the fifth month following the employee's start date).
- 6.2** The employee should be advised in writing of the interview giving a broad outline of the areas for improvement, which will be discussed fully at the interview.
- 6.3** The line manager and employee will be present at the interview and the Probation Interview Procedure followed. Employees have the right to be accompanied at this interview if they wish.

The line manager usually chairs the meeting, introducing all parties and explaining the format of the interview, they will then present the background and the facts of the case which should include:

Employee details – date of commencement, post title, grade, location;

- Strengths and weaknesses identified;
- Induction, support and training provided;
- Guidance and assistance provided to overcome the weaknesses;
- Objectives and timescales agreed;
- Supervision and support provided including evidence e.g. reports from meetings;
- The line manager must make clear to the employee how their performance is less than satisfactory and that unless there are mitigating circumstances, the employment will not be confirmed.

The employee is invited to make a response or put forward any mitigating circumstances. The employee and person accompanying them leave the room.

The decision is made as to whether or not the employee's employment should be confirmed, or whether an alternative extension to the probation period should be agreed. If the decision is not to confirm employment, consideration will need to be given to whether the employee will be required to work the weeks' notice or payment in lieu of notice given.

- 6.4** The outcome of the interview must be confirmed by the manager in writing including reference to areas for improvement and the proposed course of action and confirm the employee's right of appeal.

## **7. EXTENSIONS**

- 7.1** If the performance is unsatisfactory but is likely to become satisfactory in a reasonable timescale, an extension to the probationary period may be granted. This extension should not exceed three months and the actions required to make improvements should be confirmed to the employee in writing by the manager. If there is no improvement within the set timescales, the employee will be dismissed under the terms of the Probationary Policy.

## **8. DISMISSALS**

- 8.1** If unsatisfactory at the end of the probationary period (whether extended or not, and unless it is gross misconduct), the employee will be dismissed with one weeks' notice. It is important that the period of notice does not cause continuous service to exceed six months (unless an extension has been agreed), otherwise the employee cannot be dismissed under the Probationary Policy.

## **9. RIGHT OF APPEAL**

- 9.1** The employee has the right to appeal against a decision to extend the probationary period or a decision to dismiss under the Probationary Policy. The employee must lodge their appeal in writing to the Town Clerk within five working days of the decision.
- 9.2** The appeal will be heard by 3 members of the Staffing and Governance Sub-Committee. In the case of a decision to dismiss, the probationary period will be extended up to the date of the appeal hearing.
- 9.3** In the case of dismissal, if the employee fails to attend the appeal hearing without

good reason, the dismissal will take effect on that date and the hearing rearranged, probably on a date after the employment has ended.

**10. TEMPORARY EMPLOYEES/LIMITED TERM CONTRACT**

- 10.1 Where temporary employees are appointed to permanent posts with no break in service, they will continue to be subject to this Probationary Policy.
- 10.2 Where a limited term contract has an end date, the contract will end irrespective of the length of probation served.

**11. BREAK IN SERVICE**

- 11.1 Where there has been a break in service between employment contracts (whether temporary or permanent) then the normal probationary period applies.

**Probation Report 3/5 months**

**Please keep completed form on the employee's file**

<b>Employee Name:</b>				
<b>Start Date:</b>				
<b>Post Title:</b>				
Please tick appropriate box for each category. Any comments should be added, together with an explanation.				
	<b>Below Standard</b>	<b>Satisfactory</b>	<b>Good</b>	<b>Excellent</b>
Quality of work & attention to detail				
Conduct and co-operation				
Attitude				
Progress made				
Relationship with team/manager/colleagues				
Reliability				
Attendance & time keeping				
Details of sick leave		Days		
<b>Line Manager's Comments</b> (Include any remarks regarding induction training, improvements identified and actions agreed)				
<b>Final Report</b>				
Do you recommend this employee passes their probation?				

If "No" or an extension is required please state reasons:

Have you discussed this report with the employee?

If "No" please state reasons:

**Signed:**

**Date:**

**Name:**

**Post Title:**





**YATE TOWN COUNCIL**  
**DISCRETIONARY PENSION POLICIES**

**This policy is contractual**

**YATE TOWN COUNCIL DISCRETIONARY POLICY NOTES**  
to be read in conjunction with Yate Town Council discretionary policies:

Yate Town Council as an employer is under a legal duty to prepare and publish a written statement of its policy relating to certain discretionary powers under the Regulations which apply to the Local Government Pension Scheme (“the LGPS”).

This document is intended to comply with these duties and, in the following table, sets out the discretionary powers concerned, identifies the relevant Regulation that gives the discretion and describes how the discretion will be exercised.

The policy set out in this document will not be departed from except as provided for in the policy or following a variation to the policy approved by Yate Town Council.

This statement is not a definitive statement of the law and is subject to the provisions of the relevant Regulations.

The Regulations that apply to the LGPS are:

- The Local Government Pension Scheme Regulations 2013 (these are referred to as the “Pensions Regulations”);
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (referred to as the “Transitional Regulations”);
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 applied to the LGPS before 1 April 2014, are preserved in part on a transitional basis by the Transitional Regulations and are referred to as the “Benefits Regulations”

IN THE TABLE BELOW

1. “The Scheme” or “the Pension scheme” means the LGPS and “the Fund” or “the Pension Fund” means the fund maintained under the LGPS;
2. “Member” means a member of the LGPS;
3. “Active member” means a member in employment and paying, or treated as paying, contributions to the LGPS, or absent from

employment for a reason mentioned in Regulation 11 of the Pensions Regulations.

4. References to a member with transitional protection are those who can count membership accrued before 1 October 2006 and who have statutory transitional protection under the Transitional Regulations, wholly or partly, from changes that would otherwise be made to their pension entitlements and/or from actuarial reductions that would otherwise be applied to their pension benefits as a result of the coming into force of the Pensions Regulations on 1 April 2014.
5. References to a member meeting “the 85 year rule” are those a members whose age in whole years when added to the member’s total membership in whole years is 85 years or more.
6. This statement was approved by Yate Town Council and is intended to comply with the duties under Regulation 60 of the Pensions Regulations

**SECTION 1: DISCRETIONARY POLICIES FROM 1 APRIL 2014. IN RELATION TO POST 31 MARCH 2014 ACTIVE MEMBERS (EXCLUDING COUNCILLOR MEMBERS) AND POST 31 MARCH 2014 LEAVERS (EXCLUDING COUNCILLOR MEMBERS), BEING DISCRETIONS UNDER:**

the Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]

the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [prefix TP]

the Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]

the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [prefix B]

the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T]

the Local Government Pension Scheme Regulations 1997 (as amended) [SI 1997/1612] [prefix L]

Discretion	Regulation	Employers decision in exercise of the discretion
Whether, how much, and in what circumstances to contribute to a shared cost APC scheme	R16(2)(e) & R16(4)(d)	The Council/Employer will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and additional cost to the employer.
Whether all or some benefits can be paid following a reduction in an employee's hours or grade (flexible retirement)	R30(6) & TP11(2)	The Council/Employer will consider requests for flexible retirement on a case by case basis, but only where it is in the interests of the Council and subject to certain conditions. Partial flexible retirement will be allowed
Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement	R30(8)	The Council/Employer will not normally exercise this discretion but may consider it under exceptional circumstances
Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member only has post 31/3/14 membership)	R30(8)	The Council/Employer will not normally exercise this discretion but may consider it under exceptional circumstances
Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (other than on the grounds of flexible retirement).	TPSch 2, para 1(2) & 1(1)(c)	The Council/Employer will not normally exercise this discretion but may consider it under exceptional circumstances

Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1/4/14 and post 31/3/14 membership)*	TP3(1); TPSch 2, para 2(1); B30(5) and B30A(5)	The Council/Employer will not normally exercise this discretion but may consider it under exceptional circumstances
Whether to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,500 p.a. on 1/4/14 - this figure is inflation proofed annually i.e. figure on 1/4/20 is £7,194)	R31	The Council/Employer will not normally exercise this discretion but may consider it under exceptional circumstances

\*a) on compassionate grounds (pre 1/4/14 membership) and in whole or in part on any grounds (post 31/3/14 membership) if the member was not in the Scheme before 1/10/06,

b) on compassionate grounds (pre 1/4/14 membership) and in whole or in part on any grounds (post 31/3/14 membership) if the member was in the Scheme before 1/10/06, will not be 60 by 31/3/16 and will not attain 60 between 1/4/16 and 31/3/20

c) on compassionate grounds (pre 1/4/16 membership) and in whole or in part on any grounds (post 31/3/16 membership) if the member was in the Scheme before 1/10/06 and will be 60 by 31/3/16

d) on compassionate grounds (pre 1/4/20 membership) and in whole or in part on any ground

**SECTION 2: DISCRETIONARY POLICIES IN RELATION TO SCHEME MEMBERS (EXCLUDING COUNCILLOR MEMBERS) WHO CEASED ACTIVE MEMBERSHIP ON OR AFTER 1 APRIL 2008 AND BEFORE 1 APRIL 2014, BEING DISCRETIONS UNDER:**

the Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]

the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [prefix B]

the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T]

the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [prefix TP]

the Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]

Discretion	Regulation	Employers decision in exercise of the discretion
Whether to "switch on" the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60	TPSch 2, para 1(2) & 1(1)(c)	The Council/Employer will not normally exercise this discretion but may consider it under exceptional circumstances
Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member)	B30(5), TPSch 2, para 2(1)	The Council/Employer will not normally exercise this discretion but may consider it under exceptional circumstances
Whether to "switch on" the 85 year rule for a pensioner member with the deferred benefits voluntarily drawing benefits on or after age 55 and before age 60	TPSch 2, para 1(2) & 1(1)(c)	The Council/Employer will not normally exercise this discretion but may consider it under exceptional circumstances
Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A (pensioner member with deferred benefits)	B30A(5), TPSch 2, para 2(1)	The Council/Employer will not normally exercise this discretion but may consider it under exceptional circumstances

**SECTION 3: DISCRETIONARY POLICIES IN RELATION TO ACTIVE WELSH COUNCILLOR MEMBERS, AND COUNCILLOR MEMBERS WHO CEASED ACTIVE MEMBERSHIP ON OR AFTER 1 APRIL 1998, AND ANY OTHER SCHEME MEMBERS WHO CEASED ACTIVE MEMBERSHIP ON OR AFTER 1 APRIL 1998 AND BEFORE 1 APRIL 2008, UNDER:**

The Local Government Pension Scheme Regulations 1997 (as amended) [SI 1997/1612]

The Local Government Pension Scheme (Transitional Provisions) Regulation 2008 [SI 2008/238] [prefix T]

The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]

The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]

The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulation 2014 [SI 2014/525] [prefix TP]

Discretion	Regulation	Employers decision in exercise of the discretion
<b>Grant application for early payment of deferred benefits on or after age 50 and before age 55</b>	<b>31(2)</b>	<b>The Council/Employer will not normally exercise this discretion but may consider it under exceptional circumstances</b>
<b>Whether to "switch on" the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60.</b>	<b>TPSch 2, para 1(2) &amp; 1(1)(f) &amp; R60</b>	<b>The Council/Employer will not normally exercise this discretion but may consider it under exceptional circumstances</b>
<b>Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early</b>	<b>31(5) &amp; TPSch 2, para 2(1)</b>	<b>The Council/Employer will not normally exercise this discretion but may consider it under exceptional circumstances</b>

**SECTION 4: DISCRETIONARY POLICIES IN RELATION TO SCHEME MEMBERS WHO CEASED ACTIVE MEMBERSHIP BEFORE 1 APRIL 1998, UNDER**

The Local Government Pension Scheme Regulations 1995 [SI 1995/1019]

The Local Government Pension Scheme Regulations 1997 [SI 1997/1612] (as amended) [prefix L]

The Local Government Pension Scheme (Transitional Provisions) Regulations 1997 [SI 1997/1613] [prefix TL]

The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]

The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]

The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP]

Discretion	Regulation	Employers decision in exercise of the discretion
Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds.	TP3(5A)(vi), TL4, L106(1) & D11(2)(c)	The Council/Employer will not normally exercise this discretion but may consider it under exceptional circumstances

**2014 SCHEME REGULATIONS**

- The employer must formulate, publish and keep under review a statement of their policy.
- If an employer decides to amend the policy, they must send a copy to the Pensions team (Avon Pension Fund) within one month of the date of the decision to amend the policy
- In formulating and reviewing its policy an employer is required by the Regulations to have regard to the extent to which the exercise of their discretionary powers could lead to a serious loss of confidence in the public service.

### **Regulation 13 - Power of Employing Authority to Award Additional Pension**

This regulation allows an employer to resolve to award a member additional pension of not more than £5,000 a year payable from the same date as his / her pension payable under any other provisions of the Benefit Regulations.

Additional pension may be awarded in addition to any increase of total membership resolved under Benefits Regulation 12.

#### **Details of Policy Concerning Resolution**

Yate Town Council has no intention of making use of this power in the foreseeable future.

### **Regulation 22 – Extending the time limit for members to pay contributions following a period of absence**

A member who has been away from work as a result of maternity, paternity or adoption leave, industrial action (mainly strikes) or unpaid leave of absence has the right to pay voluntary pension contributions to prevent any gap in membership. Their request to do so normally has to be made within 30 days of returning to work (or within 30 days of their last day of service if they don't return). The employer has discretion to extend the 30 days' time limit.

#### **Details of Policy Concerning Resolution**

Scheme members will be allowed 30 days from the date of the letter advising of their option to pay optional contributions to make their election.

### **Regulation 47 – Exclusion of rights to a return of contributions**

A scheme member who meets the normal criteria for a refund of pension contributions is not entitled to such a refund if they have left their employment because of:

- a) An offence of fraudulent character – unless the employer directs that a total or partial refund may be made to the member.
- b) Grave misconduct – unless the employer directs that a total or partial refund may be made to the member, his/her spouse, civil partner nominated cohabiting partner or any dependant of his/her.

#### **Details of Policy Concerning Resolution**

Each case to be individually considered by Members of the Council before a decision is made.



## **Regulation 67 - Establishment of shared cost AVC schemes**

An employer may resolve to establish such arrangements(SCAVC). The resolution must specify who is not eligible to participate in. It must also specify whether SCAVC may be used to provide death benefits. The employer must also specify amount of contributions which he will contribute to the SCAVC. Details of Policy Concerning Resolution. The Council does not intend to set up a Shared Cost AVC scheme in the foreseeable future.

## **Regulations 72 & 73 – Forfeiture of pension rights after conviction of employment-related offences**

If a scheme member is convicted of, and ceases employment as a result of an offence in connection with his/her employment which was gravely injurious to the State or liable to lead to a serious loss of confidence in the public service, the employer can apply to the Secretary of State for the issue for a forfeiture certificate. If a certificate is issued the employer may direct any of the pension rights to be forfeited.

## **Regulation 73 – Interim payments directions**

Where the Secretary of State has issued a forfeiture certificate, but the employer has not applied the certificate nor notified the scheme member of an award of benefits under the LGPS the employer may direct that interim payments are made out of the Pension Fund until such time as it decides to apply the forfeiture certificate or make or make an award of benefits.

### **Details of Policy Concerning Resolution - Regulations 72 & 73**

The council reserves the right to exercise this discretion in wholly exceptional circumstances.

## **Regulation 74 – Recovery or retention where a former member has misconduct obligation**

Where a member;

- (i)* Ceases employment in consequence of a criminal, negligent or fraudulent act or omission in connection with that employment and;
- (ii)* Has incurred a monetary obligation arising therefrom to the employer and;
- (iii)* Is entitled to pension benefits under the LGPS, the employer may recover the

amount of

the monetary obligation or the value of the members pension rights, if less (other than transferred in pension rights) from the Pension Fund and reduce the members benefits accordingly.

## **Details of Policy Concerning Resolution - Regulation 74**

Each case to be individually considered by Members of the Council before a decision is made.

### **Regulation 76 – Transfer of sums from the pension fund to compensate for a member’s misconduct**

Where

- (i) A member ceases employment in consequence of an offence involving fraud or due to grave misconduct in connection with that employment, and;
- (ii) The employer has suffered a direct financial loss resulting there from, and;
- (iii) The member is entitled to benefits under the LGPS and a forfeit certificate has been applied, or the member is entitled to a refund of pension contributions.

The employer may direct the amount of the direct financial loss (or refund of the contribution, if less) be recovered from the Pension Fund.

## **Details of Policy Concerning Resolution - Regulation 76**

Each case to be individually considered by Members of the Council before a decision is made.

### **Regulation 83 (8) – Inward transfer of pension rights**

If a scheme member wishes to transfer pension into the LGPS they must opt to do so within 12 months of joining the LGPS or such longer period as the employer may allow. **Details of Policy Concerning Resolution**

If a schememember wishes to transfer pension rights into the LGPS they must opt to do so within 12 months of joining the LGPS. Only in exceptional circumstances will a longer period be allowed so long as there is no known reason or prospect of the employee having access to their pension rights within the next 12 months.

### **New Discretionary Regulation – Redundancy Compensation Scheme**

#### **1. Introduction**

The Council’s financial compensation paid to employees made redundant is linked to age and service at the date of redundancy and is also subject to employment legislation.

#### **2. Employment Regulations Act 1996 (ERA)**

Under ERA employees are entitled to a redundancy payment based on the

following scale: Age 41 and over	- 1.5 weeks’ pay for each year;
Age 22 and over but under 41	- 1 week pay for each
year; Up to age 22	- 0.5 weeks’ pay for
each year.	

(These are calculated on the basis of complete years of service, counted back from the date of termination. The maximum number of years' service which can be taken into account is 20).

### **3. Council's Redundancy Compensation Scheme**

3.1 Employees with 2 or more years' service and aged under 55.

A Redundancy Payment based on:-

- (1) Actual weeks' pay (as defined by ERA);
- (2) 2 times the number of weeks required by ERA (as detailed in paragraph 2).

3.2 Employees with 2 or more years' service and aged 55 or over. 3.3

(a) A Redundancy Payment based on:-

- (1) Actual weeks' pay (as defined by ERA)
- (2) 2 times the number of weeks required by ERA (as set out in paragraph 2)

(b) Immediate payment of accrued pension payments, without abatement, if members of the LGPS.

3.4 Employees with between 3 months and 2 years' service, and aged 55 or over:

If a member of the LGPS, immediate payment of accrued pension without abatement. There is no entitlement to redundancy pay.

3.5 Employees with between 3 months and 2 years' service and aged under 55: There is no entitlement to redundancy pay.

### **4 Review**

The Council reserves the right to review redundancy compensation terms in consultation with Trade Unions.



## YATE TOWN COUNCIL

### RECRUITMENT POLICY \*

*\* To be read in conjunction with the Equalities Policy – General Policy*

**This policy is non-contractual, with the exception of Disclosure and Barring Service Checks**

#### 1. Scope

Yate Town Council is committed to fair and effective recruitment. This is achieved by:

- Anyone involved in recruitment must undertake relevant recruitment training;
- Using Best Practice methods as promoted in this policy and attached guide; (Appendix 1)
- Promoting a positive image of the council;
- Making cost effective appointments;
- Complying with legislation;
- Being fair and consistent;
- Identifying and addressing inequality.

#### 2. Vacancy Review

**How is it assessed if the post is needed or should be amended?**

- Has there been a change in service need?
- Does the job still exist or only part of its responsibilities?
- Could the resource be used more effectively?
- What am I trying to achieve now and in the future?
- What does this post contribute to team/service objectives?

**Should the vacancy be filled?**

- Could we reallocate the work to other staff on a temporary basis?
- Would the service be better served by appointing on a limited term basis?
- What are the consequences of leaving the post vacant or deleting it?

#### 3. Job Description & Job Specification

A job description and job specification will be prepared for each role.

Recruitment documents will be clear and concise and free from any jargon or

unnecessary requirements.

It may well be that a full-time permanent replacement is justified but it should be considered whether alternative more flexible ways of filling a post are possible;

- More flexible working arrangements may well open up a vacancy to a wider pool of potential applicants and solve recruitment difficulties.
- Prior consideration should be given to existing employees requiring redeployment due to being at risk of redundancy, ill health, disability or existing council apprentices where a job vacancy may be suitable. They should meet the essential criteria for the post.

#### **4. Filling the Vacancy**

##### **Vacant Posts**

Posts can be simultaneously advertised internally and externally and therefore are available to Yate Town Council employees and external applicants, other than in the following situations:-

- Where the vacant post is to be filled, without the post being advertised, by an “at risk” employee or an existing council apprentice.
- When the same identical post has recently been advertised (normally within the previous three months) and suitable applicants from the previous advertisement remain available for appointment to the post.
- Where it is considered likely that a suitable appointment can be made from an “internal only” advertisement, having regard to the skills and experience available within the council, to be agreed with the Town Clerk and on the basis if it is not possible to make a suitable appointment from internal candidates, the post will be advertised externally.
- If an employee has been in a limited term post for more than 12 months, was appointed to it on a competitive selection basis in response to an advertisement and has carried out their duties satisfactorily, the Town Clerk may decide to appoint the employee to the post on a permanent basis, without internal or external advertising (having considered if the role is suitable for any at risk employee).
- If the post is a secondment – (career development opportunity for council employees), it can be advertised internally, and expressions of interests can be sought.

## Positive action

Yate Town Council has signed up to the Disability Confident Employer scheme and operates within the guidelines of this scheme.

We welcome applications from all sections of the local community, including ethnic minorities and disabled people who are currently under-represented.

### Apprentices

Apprentices who have successfully undertaken at least nine months of their apprenticeship will also be given prior consideration. An assessment will take place to confirm eligibility which will include progress within their qualification, ability to undertake a role in the workplace, attitude, attendance, etc. This assessment will be carried out by the Line Manager.

#### a. Method of Application

In normal circumstances a full application form should be completed. However [An Expression of Interest application](#) would be appropriate in certain circumstances e.g. for internal acting up or secondment opportunities.

#### b. Selection Methods

Interviews should be used for all council vacancies.  
(This includes open days with interviews).

Interview panel members should meet to decide on additional selection methods if required. (See Staffing and Governance Terms of Reference for panel detail)

Some things cannot be measured as easily by interview and the following additional selection methods could be used for assessing criteria on the employee specification:-

- Presentations (e.g. 10 minutes on a prepared topic at start of interview);
- Aptitude tests;
- Personality Questionnaires/Psychometric tests;
- Written submissions;
- Work samples (e.g. in-tray exercises, word processing tests or other practical tests based on simulation of real work);
- Role plays;
- Group discussions;
- Case studies.

In choosing a selection method it must relate it directly to the essential criteria in your selection criteria and decide if it can measure the skill, ability or knowledge level required.

In the event of unsuccessful recruitment drive, alternative methods to be considered such as rolling interview dates or drop in interviews.

### **c. Shortlisting**

Shortlisting is the process of comparing the applicants against the selection criteria not against other candidates.

Shortlisting should be completed by the Line Manager and at least one other person on the interview panel ( preferably all). Shortlisting should be completed using applications with all personal data removed. ( See guidelines for more information)

### **d. Proof of Right to Work**

Employers have a legal responsibility (Section 8 of the Asylum and Immigration Act 1996) to ensure that an individual has the right to work in the United Kingdom. All candidates shortlisted for interview are required to produce documentation to satisfy the conditions placed upon employers by this legislation.

Successful candidates will be required to bring documentation as specified in the [Proof of Right to Work – ID of Subject Form](#) when requested. All documents must be originals as photocopies are not acceptable. Any offer of employment will be wholly subject to the production of this documentation.

### **e. Appointment Checks – Safer Recruitment**

Having decided on the preferred candidate, offer them an appointment subject to reference, medical and other checks. The council's recruitment processes and procedures should minimise the risk to children and adults at risk of harm and conform to safer recruitment best practice and guidelines. No candidate should start working for the council until all of the appointment checks have been completed.

Where (in very exceptional circumstances) a manager feels that there is a compelling case to breach this policy because the delay in appointment will be significantly detrimental to service delivery, they must make a case to the Town Clerk.

In areas where there is typically a high turnover of staff, or where temporary/casual/zero hours workers or volunteers are used, establishing a "pool" of checked individuals may help avoid the delay in appointment.

### **f. Disclosure of Criminal Background**

Candidates who will be working with children, young people and adults at risk of harm in a particular situation are obliged only to disclose convictions, cautions, reprimands or final warnings that are not "protected" as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). In addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making recruitment decisions.

All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure as will all convictions resulting in a

custodial sentence, whether or not suspended and all convictions where an individual has more than one conviction recorded. These are known as listed offences which means that the offence is included on a list of offences which are serious, relate to sexual or violent offending or are otherwise deemed to be relevant in the context of safeguarding. These offences will never be filtered from a criminal record check. The legislation also covers equivalent offences committed overseas.

It is very difficult to provide a concise summary of all 'listed offences'. Please refer to the DBS guidance and information available at:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

Yate Town Council will ensure that all necessary checks are carried out on individuals expected to work with children, young people and adults at risk of harm :

- Completion of an application form including a self-disclosure about criminal records;
- Consent to obtain information to check for convictions for criminal offences against children in accordance with current legislation;
- Receipt of two references (covering the preceding 3 years).

The following statement to be included on recruitment literature:  
Convictions (Rehabilitation of Offenders Act)

A criminal record is not necessarily a barrier to employment. Each case will be dealt with on its merits. The Rehabilitation of Offenders Act 1974 gives individuals the right not to disclose details of old offences as they are deemed to be 'spent.' However, for some jobs, employers are allowed to ask about these offences, such as those working with children or adults at risk of harm, which will require a check on previous convictions (including those deemed to be spent), plus details of any cautions, reprimands, warnings, bind overs or no case to answer. It is your responsibility to distinguish between these convictions, which require to be declared and those that do not.

Under the Criminal Justice and Court Services Act 2000, it is a criminal offence if an individual who is disqualified from working with children knowingly applies for, offers to do, accepts or does any work with children.

### **Rehabilitation of ex-offenders**

As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, our council complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed. If an offence is declared, the panel should discuss this with the Town Clerk.

### **Medical Checks**

The successful candidate will be required to complete a medical questionnaire to send to Occupational Health for them to assess fitness for the role. The information provided is confidential to the occupational health service.



## **Qualifications**

Where it is essential that qualifications are required to do the job, the successful candidate will be required to produce originals of relevant certificates

## **Feedback to Unsuccessful Candidates**

All job applicants, both internal and external, should receive information on why their application or interview was unsuccessful if requested.

It is important to be honest and accurate in relation to providing objective feedback from notes of shortlisting and interview or test results. It may give rise to a complaint of unfair treatment by an applicant or candidate if any subjective reasons were provided such as personal characteristics.

## **YATE TOWN COUNCIL RECRUITMENT GUIDE\***

*\* To be read in conjunction with the Equalities Policy – General Policy*

Once it has been established a vacancy exists, a job description and job specification will be prepared.

### **1. Job Specification**

#### **Preparing the Job Specification**

The job specification should explain what the job is and give detail of the team, Town Council and other information about the role. It should clearly define selection criteria. Selection criteria can be used to:

- Improve the chance of making a cost-effective appointment through attracting the right people to your advertisement.
- Provide clarity for applicants to enable them to state exactly how they meet the criteria.
- Provide a common standard for panel members for shortlisting, selection exercises and interview questions.
- Provide constructive feedback to unsuccessful candidates when requested.
- To demonstrate fair selection decisions in response to any complaint against the council.

The first couple of sentences (the “hook”) should be written so as to make the job attractive and encourage applicants to apply or request further details. The job summary should not look and feel like a job description and should not normally be more than two sideslong.

#### **How to ensure fair selection criteria?**

By not assuming that a certain qualification is the only way to assess if a person can do the job. Other alternatives to consider are:-

- (a) NVQs
- (b) Vocational training portfolios.

- (c) Equivalent experience.
  - (d) Equivalent qualifications from other countries.
  - (e) Part qualifications or modules.
  - (f) Equivalent alternative qualification routes.
1. Do not use selection criteria which could exclude specific groups unless they are absolutely essential e.g. in most instances possession of a driving licence is not an essential criterion as alternative methods of transport are available.
  2. Do not use number of years' experience or any other criterion which could be considered discriminatory on the grounds of age.
  3. You can set a criterion for a job requiring a specific gender or ethnic group if it is a genuine occupational qualification (GOQs). Reference should be made to the relevant section of the Equality Act 2010 in the job description, selection criteria and job advertisement. Only people of that gender or racial group are invited to apply and this criterion is essential at shortlisting.

### **Advertising the Vacancy Possible sources:**

- National press.
- Local press including free papers.
- Specialist journals.
- Radio.
- Targeting schools and colleges.
- Other Websites.
- Job Boards.
- Social Media.
- Consultancies (direct sourcing or search)
- Community Noticeboards
- South Glos Council Bulletin

### **Writing the advertisement**

The key to a good advert is precision and clarity. The aim should be to attract attention, not to explain every detail of the job. Most applicants will be looking for information on:-

- Job Title
- Location.
- The job and key tasks.
- The most important essential competencies, qualifications, skills and experience the job requires.
- Salary range.
- Hours of work.
- Benefits.
- A realistic closing date.
- Interview date.
- A unique selling feature.

### **Points to note on style**

The advertisement reflects upon both your vacancy and the council and you do need to market your job. Please consider the following:-

- Is it accurate and concise?
- Have you avoided stating the obvious? E.g. a clerical assistant does not need to be told they will be doing filing.
- Is there any repetition? - Duplicate information can be boring to read and expensive.
- Does it progress logically? - Related items should be grouped together.
- Is the style of writing consistent? - The second person (you/we) is preferable because it creates a less formal style.
- Are you using any technical terms or jargon - will these be recognisable to all your potential applicants?
- Are you using words that could be considered discriminatory on the grounds of age e.g. young, energetic?

### 3. Shortlisting - Who should do the shortlisting?

Preferably all of the interview panel members, either collectively or individually (Refer to Staffing and Governance Terms of Reference). At least one panel member should have received some formal training in recruitment and selection best practice.

#### How to shortlist?

The panel will compare each of the application forms, initially, with the **Essential Criteria** set down in the Job Summary/Job Description. If there are still too many applicants, then a comparison against the **Desirable Criteria** should be carried out.

#### What do I do if?-

- **There are no suitable candidates?**

If this is the case, you may wish to re-advertise or you may wish to review the vacancy.

- **If there is only one candidate who meets the essential criteria?**

It is acceptable to shortlist that candidate and make an appointment if appropriate.

- **People continually apply unsuccessfully for the same type of posts?**

Should be treated on merit against the essential and desirable criteria.

- **Internal candidates?**

Should be treated in exactly the same way as external candidates. Please note that agency workers will be entitled to the same access to internal vacancies and be treated as an internal candidate.

- **The applicant has advised that they are related/connected via a relationship with a Councillor or an Officer ?**

The application should be reviewed and shortlisted in the usual manner against essential and desirable criteria, consideration should then be given to each case on its merit and take into account the working relationship between the applicant and the member/officer as to whether the working relationship would be close enough to cause any conflict of interest or any decision making be brought into question.

## 4. Selection Process and Interview

### Notifying Applicants

Managers will need to invite candidates to interview. If there are to be any additional tests or assessments as part of the process these should also be detailed in the letter to the candidate. They should ask if any reasonable adjustments are required and be asked to bring along their Right to Work documents.

All unsuccessful candidates should also be advised that they have not been shortlisted and will not be interviewed.

### Interview Questions

The following points are helpful to bear in mind:-

- The best pointer to future performance is how someone has performed in the past, so it is a good idea to ask open questions which relate to previous experiences, such as:-
- Tell me about....
- Describe a time when....
- Give me an example of your involvement in....
- Why did you....
- Prepare sufficient questions to cover all your selection criteria that you have decided are measurable at interview (this may be supplemented by other selection tests).
- Ask each candidate the same standard questions but be prepared to follow up with supplementary questions to establish what the candidate is really saying, especially if the response is vague and insufficient. e.g.:
- That's interesting; tell me a bit more about....
- What exactly did you do....?
- Why did you choose that option....?

**Take notes** of how well a candidate has responded to each question in relation to your model answer. You should use a separate assessment form for each candidate at interview. Notes are essential to making an objective comparison of the candidate's performance and may have to be made available in the light of a complaint.

### Making the decision

Using all the information acquired by each panel member on their assessment forms and interview notes, candidates should be evaluated objectively against the specific selection criteria.

Where a unanimous decision cannot be reached, the panel should consider looking again at the selection criteria against each candidate to see if there is a clear choice.

### References

The purpose of seeking references is to obtain objective, verifiable and factual information to support appointment decisions. References will always be obtained

directly from the referee and not from the candidate. Subjective opinion, open references and testimonials

i.e. "To Whom it May Concern" should not be used. These steps will help ensure that the council meets its commitment to safeguarding and promoting the safety and welfare of children, young people and adults at risk.

#### **Referencing requirements are as follows:**

- External candidates for permanent, temporary, casual and volunteer appointments require a minimum of two written references. At least one referee must be a present or most recent employer. If the candidate is not currently in employment and/or the last employer cannot give a reference because the organisation no longer exists, then a reference from a professional person should be sought. If the candidate has just left school/college/university the reference should be from a Headteacher, Head of Year or Head of Faculty.
- Reference should cover the previous 3 years;
- Verbal references should always be followed up by a written reference. It is essential to complete a full record of the information provided and obtain written confirmation from the referee.
- Other than in exceptional circumstances references from relatives, partners or close friends are not acceptable;
- A conditional offer is made subject to references and checks and should be accepted in writing;
- An unconditional is made when all checks and references are satisfactory.

#### **5. New Starters**

As soon as you have made an offer of appointment has been made an induction programme will be planned.

Points to note are: -

- Managers must ensure that induction takes place for all new starters for the first six months of an appointment and manage this alongside the Probationary Procedure.
- Induction is best tailored to the needs of the individual e.g. those totally new to local government may need more support than those transferring from another Town Council or local authority.



## **YATE TOWN COUNCIL RETIREMENT POLICY**

**This policy is non-contractual, any reference to  
pensions is contractual**

### **1. Introduction**

#### **1.1 The Legal Position**

The Employment Equality (Age) Act 2006 Default Retirement Age provisions have been repealed and as from 6 April 2011, there is no upper age for employment and no default retirement age. The changes are in line with Equality Act (October 2010). This means that:

- it is no longer lawful for an employment relationship to end by retirement unless the employer can justify it with sound evidence that an employee cannot work safely due to their age or the employee agrees to it;
- any Yate Town Council employee who will reach 65 on or after 6 April 2011 will be subject to the law which makes termination of employment on the grounds of age unlawful and discriminatory.

#### **1.2 Yate Town Council's Position**

Yate Town Council acknowledges and recognises:

- that the working population is getting older partly due to increased life expectancy rates and shortfalls in pension provision. This means that employees are retiring later;
- the value of retaining employees over the age of 65 and employing a workforce that reflects the diversity of the local community;
- the efficient and effective use of skills requires that employment decisions are based on competencies, qualifications, skills, potential and objective job-related criteria obtained through careful analysis of job requirements and job performance;
- that there is no default retirement age and that employees can resign/retire when they choose unless there is a disciplinary/capability issue.

### **2. Voluntary Retirement**

Employee voluntary retirement still exists as a form of bringing the employment relationship with Yate Town Council to an end and will require contractual notice to be given to Yate Town Council by the employee.

It will be up to employees to decide when to retire and this is likely to be based on the pension provision they have and their personal circumstances.

### **3. Preparing for Retirement**

The Normal Pension Age in the LGPS is linked to the employees State Pension Age (but with a minimum of age 65). A member can choose to retire and draw their pension from the LGPS at any time from age 55 to 75, provided they have met the 2 years vesting period in the scheme. If they choose to take their pension before their Normal Pension Age it will normally be reduced, as it's being paid earlier. If they take it later than their Normal Pension Age, it's increased because it's being paid later. Members must draw their benefits in the LGPS before their 75th birthday.

Some members may have to retire at the council's instigation, perhaps because of redundancy, business efficiency or permanent ill health. The members LGPS benefits, even in these circumstances will, provided they have met the 2 years vesting period in the scheme and (in the case of retirement due to redundancy or business efficiency) they are aged 55 or over, provide them with an immediate retirement pension.

If a member voluntarily choose to retire before, on or after their Normal Pension Age they can defer drawing their benefits, but they must draw them before age 75. If they draw their pension after their Normal Pension Age, their benefits will be paid at an increased rate to reflect late payment.

The Town Council will seek to assist employees to prepare for retirement through:

- exit interviews;
- by enquiring about South Gloucestershire Council pre-retirement courses;
- by considering, as part of its support for a phased approach to retirement, requests for flexible working.

### **4. Fair Reasons for Dismissal**

The fair reasons for dismissal for older workers will be identical to those for all other employees, e.g., conduct, capability, redundancy, statutory requirement or some other substantial reason (set out in s98 of the Employment Rights Act 1996).

Health and performance issues that arise will be dealt with as they would for any other member of staff.

If the Town Council is unhappy with the performance, conduct, or attitude of any worker then the process will be managed under the Town Council Managing Employee Performance Policy.

## 5. **Policy Review**

This policy will be reviewed periodically. The Town Council reserves the right to review and amend the Retirement Policy in the light of operational experiences and any changes to employment or pension legislation or to the Local Government Pension S





## **YATE TOWN COUNCIL SHARED PARENTAL LEAVE AND PAY POLICY**

**This is contractual, subject to employees complying with the relevant notification requirements**

### **1. Introduction**

- 1.1 Shared Parental Leave is designed to give parents more flexibility in how they share the care of their child in the first year following birth or adoption. Only one period of Shared Parental Leave can be taken in the case of multiple births. All eligible employees have a statutory right to take Shared Parental Leave.
- 1.2 Shared Parental Leave and Pay can be taken in up to three blocks separated by periods of work for eligible employees.
- 1.3 This is a separate right to unpaid parental leave and will not replace the current Maternity and Adoption leave and pay regimes. Employees may be able to choose to end these early and exchange for Shared Parental Leave and Pay.
- 1.4 Two weeks Paternity Leave continues to be available to qualifying fathers and the partner of a mother or adopter – see paternity leave and pay handbook.

### **2. Compulsory leave**

- 2.1 A mother can't return to work before the end of the compulsory 2 weeks of maternity leave following the birth. If you're adopting, the person claiming adoption pay must take at least 2 weeks of adoption leave.
- 2.2 On this basis eligible employees can take up to 50 weeks Shared Parental leave and 37 weeks Shared Parental Pay.

### **3. Eligibility for Shared Parental Leave (SPL)**

- 3.1 If a mother/primary adopter decides not to take all of their maternity/adoption leave entitlement, they can opt-in to SPL with the other parent (father, spouse, partner or co- adopter); it can only be shared with one person.
- 3.2 For a parent to be able to take SPL, they must satisfy the eligibility criteria set out below. The right of one parent to take leave is not only dependant on them meeting eligibility criteria, but also the other parent satisfying certain conditions. However, sometimes only one parent in a couple is eligible to get shared parental leave, but the parent who qualifies is still able to take SPL if they wish to.

### 3.3 SPL – Eligibility criteria:

- At the time of the child's birth/placement for adoption, you share the main responsibility for the care of the child with the other parent.
- You have at least 26 weeks' continuous service by the end of the 15<sup>th</sup> week before the expected week of confinement or by the end of the week that you are notified that you have been matched with a child for adoption purposes (the relevant week).
- You will remain in continuous employment up to the week before any SPL is taken.
- You or the other parent is/was entitled to statutory maternity/adoption leave and you/they have ended their entitlement to statutory maternity/adoption leave by curtailing their leave or returning to work.

In addition, the other parent must:

- Have been employed or a self-employed earner in at least 26 of the 66 weeks immediately preceding the relevant week;
- Have average weekly earnings or at least the maternity allowance threshold for any 13 of those 66 weeks.

## 4. Amount of Leave

- 4.1 Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family, providing the mother/primary adopter reduces their entitlement to maternity/adoption leave.
- 4.2 You can share with your partner the rest of the 50 weeks of maternity or adoption leave. This can be taken as up to three separate blocks of SPL. If your partner is also eligible for SPL, you can take up to 3 blocks of leave each. You can take leave at different times or both at the same time.
- 4.3 The number of weeks available is calculated using the mother/primary adopter's entitlement to maternity/adoption leave: 52 weeks' entitlement minus the number of weeks taken as maternity/adoption leave (minus first 2 weeks compulsory leave – see section 2). The remainder can be taken as SPL.
- 4.4 SPL must be taken between the child's birth and first birthday or within a year of the placement for adoption (up to the day before the first anniversary of the placement), but cannot begin earlier than two weeks following the birth/placement and is subject to the following requirements:
- Leave must be taken in complete weeks with the minimum period of one week;
  - The leave can commence on any day of the week;
  - The leave may be taken as one continuous period or up to three separate blocks.
- 4.5 Both parents can be on leave at the same time e.g. if maternity/adoption leave has

been curtailed from a future date, the other parent could be taking SPL.

## **5. Starting Shared Parental Leave (SPL)**

- 1.1 SPL can only start once the child has been born or placed for adoption and the mother/primary adopter must have done one of the following:
  - Ended their maternity/adoption leave by returning to work;
  - Provided a 'binding notice' of the date when they will end their maternity/adoption leave and commence SPL;
  - Ended maternity/adoption pay or maternity allowance.
- 1.2 The mother/primary adopter can take SPL after taking the required first two weeks of maternity/adoption leave;
- 1.3 The other parent can take SPL from two weeks after the birth/placement of the child or after paternity leave entitlement has been taken.
- 1.4 The other parent can commence SPL whilst the mother/primary adopter is still on maternity/adoption leave, providing the mother/primary adopter has given a binding notice to end their leave or pay.
- 1.5 Parents can opt-in to SPL at any time, so long as there is some untaken maternity/adoption leave to share.

## **6. Notification**

- 1.1 You should inform your line manager that you intend to take SPL at the earliest possible date.
- 1.2 Various different notices need to be given by both parents no later than eight weeks before the first period of SPL you intend to take:

- Maternity/Adoption Leave Curtailment Notice from the mother/primary adopter;
- Notice of Entitlement and Intention to take SPL from the employee;
- Period of Leave Notice from the employee.

The Application Form for Shared Parental Leave and Pay covers all of these notices and must be signed by your line manager before sending to payroll services.

If your child is born more than eight weeks early, these notice periods can be shortened.

## **7. Agreeing Shared Parental Leave (SPL)**

### **7.1 Continuous periods of Shared Parental Leave**

If you request one continuous period of SPL, it will automatically be authorised; the council cannot refuse this request, provided the eligibility criteria have been met and it does not exceed the total number of weeks of SPL available to them. Continuous periods of SPL will be confirmed in writing to you by your line manager within 14 days of the request being made.

### **7.2 Discontinuous periods of Shared Parental Leave (SPL)**

If you request two or three periods of SPL separated by periods of work, your line manager will need to consider the leave request.

Your manager, within two weeks of the date the request was made, will write to you to either agree the periods of leave requested; OR propose alternative dates; OR refuse the leave.

If you and your manager agree the leave dates within the two-week period, you are then entitled to take the leave on the agreed dates.

If agreement cannot be reached within this two-week period, you can either withdraw your request or take the total amount of leave requested as one continuous period of leave.

A single notification can contain a request for two or three discontinuous periods of leave.

## **8. Shared Parental Pay (ShPP)**

8.1 Statutory Shared Parental Pay (ShPP) is available for eligible employees to share between them whilst on

shared parental leave.

- 8.2 For employees to be eligible, both parents must meet the following eligibility requirements:
- You must both meet the criteria for SPL as listed above in section 3 above and
  - You will be absent from work caring for the child during each week in which you receive statutory ShPP and
  - You or the other parent was/is entitled to statutory maternity pay in respect of the child, but the maternity pay period has been reduced.

8.3 Where eligible, up to 37 weeks of ShPP will be available to be shared between the mother/primary adopter and the other parent. The number of weeks available will depend on the amount by which the mother/primary adopter reduces their maternity/adoption pay period.

8.4 ShPP is paid at the lower of the statutory prescribed rate (as per statutory maternity and paternity pay) or 90% of the relevant party's normal weekly earnings (subject to the lower earnings limit).

## **9. Variations**

9.1 Once periods of SPL and ShPP have been agreed, you need to write to your line manager to request any changes – giving at least 8 weeks' notice before the date to be varied and complete the Notice of Variation – SPL Form.

9.2 Only three Notifications for SPL and/or variation requests can be made intotal.

9.3 You can withdraw your notification on or before the 15<sup>th</sup> day after the notification was originally made if a discontinuous leave notification is refused and it will not count as one of your three notifications.

9.4 Variations will be confirmed in writing by your line manager.

## **10 Shared Parental Leave in Touch Days (SPLIT)**

10.1 During SPL, you and your manager are encouraged to stay in contact. Your manager may make reasonable contact with you during this time to discuss such issues as return to work, workplace developments, training opportunities, etc.

10.2 In addition, each employee taking SPL will be entitled to work up to 20 paid SPLIT days without bringing SPL to an end, if

they wish, at a time agreed with their manager i.e. to attend a training course, meeting, etc...

- 10.3. SPLIT days are options; both you and your manager must agree to them in advance.
- 10.4 An employee using a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when you are receiving ShPP, this will be effectively 'topped up' so that you receive full pay for the day in question. Any work for a day or part of a day will count as **one day** for this purpose.
- 10.5 These days are in addition to keeping in touch (KIT) days already available for maternity/adoption leave.

## **11 Protection whilst on Shared Parental Leave (SPL)**

- 11.1 Employees who take SPL are entitled to the benefit of all terms and conditions of employment, except remuneration, which would have applied had they not been absent.
- 11.2 You are entitled to return to the same job if you have taken leave of 26 weeks or less, regardless of how many periods of leave you have taken. If you take more than 26 weeks' leave, you have the right to return to either the same job or a similar job if it is not reasonably practicable to return to the same position.
- 11.3 Employees are also protected against dismissal or detriment for taking or proposing to take SPL.

## **12 Annual leave**

- 12.1 You will continue to accrue annual leave during SPL
- 12.2 Your line manager will discuss appropriate arrangements for taking holiday entitlement with you before SPL starts.

## **13 Pension**

- 13.1 Shared Parental Leave will have no effect on your Pension, however Shared Parental Pay will as be explained below.
- 13.2 You will pay pension contributions on the actual pay you receive Shared Parental Leave. The employer's pension contributions will be based on your Assumed Pensionable Pay (APP) (other than during any part of relevant child related leave where the pensionable pay received is greater the APP for that part of the leave period and during any period of unpaid additional maternity leave).

## **14 Office Equipment**

Any office equipment/tool of the job such as mobile telephone or lap top must be returned to Yate Town Council for the duration of the Shared Parental Leave. Suitable alternatives/replacements will be provided during KIT days

and on return to employment.

## **15 Returning to Work**

15.1 An SPL end date will be agreed between you and your line manager prior to SPL commencing.

15.2 If you are unable to return to work on that date due to sickness, normal sickness reporting processes apply.

15.3 If you wish to return early from SPL, you must provide written notice to your line manager in order to vary this leave, at least 8 weeks before the proposed return date of return. This will count as one of the three notifications, but your manager could decide to consider the early return if three notifications have already been used.

## **16 Parental bereavement leave**

Parents or primary carers employed by the council are entitled to 2 weeks' leave if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy.

Employees are entitled to leave in respect to each of their children.

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

If you have more than 26 weeks of continuous service with the council, employees are entitled to government-set statutory parental bereavement pay (SPBP) during the leave. Otherwise the leave is unpaid.

Notice of leave and claiming of SPBP is given via the Parental Bereavement Leave & Pay claim form, as soon as reasonably practical.

Dependent on length of service, Compassionate Leave and/or Maternity Leave may be taken alternatively to or in conjunction with Parental Bereavement Leave.

## **17 Other Relevant Council Policies/Schemes**

17.1 There are other related policies and schemes:

- Adoption Leave & Pay;
- Maternity Leave & Pay;
- Paternity Leave;
- Time off Work and Leave
- Statutory Right to Request Flexible Working





## **TIME OFF IN LIEU (TOIL), OVERTIME, CALL OUT, TRAVEL AND EXPENSES POLICY**

**This policy is contractual**

### **1. Introduction**

**1.1** Yate Town Council sets out guidance for how time off in lieu (TOIL), call outs for Estates Team members of staff and travel and expenses will be managed.

**1.2** Time off in lieu (TOIL) will be granted at single rate when a member of staff has been asked to work outside their normal hours to service meetings or for those above SCP 22 to attend approved external events. Operation of TOIL is detailed in section 2 below.

**1.3** Overtime rates will be paid on Bank Holidays and on Saturday and Sunday if staff are specifically required to work by the Town Council to undertake work over and above their normal duties. If the overtime requires a member of staff to attend an event, then a further one hour will be paid representing travel time. An overtime form must be completed to be approved by the Line Manager or Town Clerk where relevant. Overtime is paid to employees paid up to SCP 22. Those paid SCP 22 and above receive single TOIL ( unless working on a bank holiday when overtime is payable regardless of SCP).

**1.4** Arrangements for Estates team call outs are detailed in section 3 below.

### **2. Operation of TOIL**

(Evening meetings to be set in line with appendix 1)

#### **2.1 How much TOIL will be granted**

i. Staff attending evening meetings or events will receive single time off in lieu, with an additional hour to cover travel time, meeting preparation and clear-up.

ii. Staff shall be granted single TOIL in 30-minute blocks, rounded up to the next half hour.

iii. If the meeting started during the normal working day, (8.30am - 5pm Monday - Thursday and 8.30am - 4.30pm on Fridays) and proceeds beyond the end of the working day, single TOIL will be granted of the working day in 30-minute blocks up to the next half hour plus 30 minutes clear- up.

#### **2.2 Recording Time off in Lieu**

TOIL is recorded online using the HR Toolkit - details of TOIL accrued must be passed to an "Administrator" of the HR Toolkit to be added;

TOIL should be taken within one month however where not practical TOIL

may be carried over, excessive TOIL (over 15 hours (pro-rata for part-timers)) accrued will be monitored by Line Manager;

- TOIL authorisation will be made by the Line Manager in the context of potential impacts on service provision;
- The following information is to be recorded on the HR Toolkit:
- Date – Date of time accrued or taken;
- Details - Details and time accrued/taken (including travel, prep and clear-up time).

### **2.3 Authorisation**

- i. Staff wishing to book TOIL must advise other members of staff in advance of the date and hours to be taken so that the potential effects on service provision and other employees are fully considered. The Line Manager or Town Clerk to approve.
- ii. TOIL is to be taken in 15-minute blocks and no less.
- iii Staff are not permitted to use TOIL in advance of the hours being accrued, i.e. a minus balance is not permitted.

### **3 Estates Team Call Outs**

3.3 A minimum of three, ideally four members of the Estates team will participate in a call out rota, to deal with out of hours Estates related issues. Call outs will be compensated as follows:

- a. All hours worked will be paid including travelling time (up to a maximum of 15 minutes each way) as this is Working Time (aggregate time into 30-minute blocks to be claimed).
- b. Bar point SCP 22 will be removed only for estates on call work. Call out work will be paid as an overtime payment for actual hours worked on call out from the point the call is received. Call out rate will be mid-point Hay 7.
- c. If total working hours are over 37 per week, call outs will be paid on the following basis:
  - call out Monday (12:00am) to Saturday (11:59pm) will be accrued at time and a half for all hours worked and;
  - Sunday and bank holidays (12:00 am – 11:59 pm) overtime will be accrued at double time for all hours worked.
- d. A call out on Christmas Day will be compensated as an overtime payment for actual hours worked on call out from the point the call is received, plus the granting of TOIL for 7.5 hours whether called out or not.
- e. Call out payments will be pensionable.

3.4 Call out packs will be provided, including torch, basic tools and vehicle key

to call out staff (so that on arrival at Poole Court, staff can attend to the call out immediately without having to access the building for the vehicle key).

3.5 Yate Town Council will commit to implementing a 'Plan B' option in the event of staff absence which impacts on the call out rota and in the event of call staff deciding 'back up' is required – either engaging other staff in exchange for equivalent call out payment, security firm or bank of councillors.

3.6 The Town Council will seek to have four employees on the call out rota (where possible) and this will be operated separately to the football rota (if on the call out rota, staff would not be on the football rota as well – with the exception of occasional situations arising relating to Plan B 2.1.4).

3.7 The following terms will apply to being on the call out rota:

- i. Staff must be contactable at all times (via work phone provided);
- ii. Staff must remain within South Gloucestershire when on the call out rota;
- iii. Staff must remain fit to drive, e.g. no alcohol and have transport available at all times during the rota period;
- iv. Staff must be available to attend work within one hour of a call out, if required during the rota period;
- v. Staff can claim from the time they take a phone call until the time they return home, i.e. working time to include travelling time (up to 15 minutes each way. (Any falsification or false information provided on time sheets will be treated as gross misconduct in accordance with the Managing Employee Performance procedure);
- vi. Travel expenses are payable to a maximum of 5 miles eachway;
- vii. Staff must carry out duties in accordance with the normal rules, disciplines and conventions of attending work;
- viii. Logging calls – employees on call complete a written log and inform the Estates Manager (or Town Clerk if it was the Estates Manager) of any call outs the next working day wherever possible;
- ix. Annual leave - every effort must be made to take annual leave at a time when the member of staff is not on call out duty. However, where this is not possible the staff member will be required to swap call out duties with a colleague;
- x. Employees must notify the Estates Manager (or Town Clerk if it's the Estates Manager) if unable to be on call at the earliest opportunity;
- xi. Call out claim forms should be submitted on a monthly basis;

3.8 The Estates Manager and Town Clerk will ensure that:

- Rotas are provided with as much notice as possible;
- Reasonable steps are taken to protect the Health and Safety of those employees on the call out rota by means of risk assessments and arrangements;

- Review of Call out rates are made occasionally ( reviewed 2022 with SGC HR and considered consistent with other places)
- Working Time regulations are adhered to (in consideration of maximum hours an employee should work and minimum rest periods);

Any claims for call out are monitored.

## **4 Travel and Expenses**

### **4.1 Car Allowance**

Where an employee, whether full-time, part-time or job share is authorised to use a private car on official business, the employee will receive an allowance in accordance with the Approved Mileage Allowance Payments Scheme (AMAPs):

### **4.2 Bicycles and Powered Two Wheelers**

Where an employee, is authorised to use a bicycle or powered two-wheeler on official business, the employee will receive an allowance of 20p per mile for bicycles and 24p per mile for motor cycles. The bicycle and powered two wheeled allowances to be reviewed annually in line with South Gloucestershire Council; the new rate to take effect from 1 April each year or during the year as necessary.

### **4.3 Car Parking**

The Council will only reimburse car parking fees incurred when visiting non-Council premises whilst on Council business, on production of a receipt. The Council will not be liable for any parking fines or road traffic penalties incurred by staff regardless of circumstances.

### **4.4 Casual Car Users**

An employee may be requested by the Town Clerk to occasionally use their car (if they have one) in the interest of efficiency. In this case they will be entitled to the travel/mileage rate agreed by the Town Council at the time and car parking charges whilst away from their base. Fuel receipts must be supplied at least equal to the value claimed.

### **4.5 Calculating Mileage**

Commuting Mileage – This refers to one journey each way from home to work and work to home on normal/contractual working days(s) and will not be reimbursed.

- (a) Journeys that start and finish at the Normal Base will be regarded as normal business mileage and will be reimbursed in full.
- (b) Journey that beginning at home, travel directly to a site address and then onto Normal Base will be reimbursed on the basis of actual mileage less normal commuting mileage.
- (c) Journeys that begin at Normal base, travel to site and then onto home will be reimbursed on the basis of actual mileage less normal commuting mileage.
- (d) Journeys that begin at home, travel to a site address and then directly back to home will be reimbursed on the basis of actual mileage less normal

commuting mileage.

(e) If an employee travels from home to work and returns twice or more times on the same day e.g. return to work for an evening meeting or as the result of a 'call out' then all mileage for these subsequent journeys from and to home will be reimbursed to a maximum of 5 miles each way.

(f) If an employee travels on days that are not normally required to work e.g. a Monday – Friday employee working on a Saturday, then all mileage for this additional journey from and to home will be reimbursed to a maximum of 5 miles eachway.

#### **4.6 Car Insurance**

Employees who use their own vehicle or a vehicle registered or insured in someone else's name, on Council business, must ensure that the insurance covering that vehicle is adequate.

The cover must be sufficient to permit the employee to drive the vehicle for business purposes. Employees should contact the Motor Insurers for any advice.

#### **4.7 Travel Claim Forms**

Claims should be checked and signed by the RFO and authorised by the Town Clerk. Mileage claims will be paid via staff payroll on a quarterly basis. Other travel expenses to be paid as and when incurred.

#### **4.8 Travel**

Where employees travel by bus or taxi or train to get to a site or meeting away from their normal base, then reasonable expenses, supported by receipts, will be reimbursed in full Standard class rail travel would apply, together with cost of reserved seating if required.

#### **4.9 Meals**

Employees are entitled to claim subsistence expenses in situations where they are working or are on conference/seminar/training course away from their base and do not arrive home until after 8.30pm. To be eligible they must necessarily incur expenditure and be on official business more than 3 miles from their home, administrative centre or establishment where they normally take their meals.

Upon production of receipt employees will be reimbursed their actual expenditure up the maximum Yate Town Council allowance. Claims should be submitted on the Monthly Car Allowance Claim Form.

In certain exceptional circumstances employees who are unable to obtain receipts and who get approval of the Town Clerk, will be able to sign to certify that they have incurred additional expenditure, and this will be reimbursed.

#### **4.10 Reimbursement of Expenses**

The following situations are regarded as 'exceptional circumstances' outside the Subsistence Policy. Expenses must have actually been incurred and claims supported by receipts.

**i. Visits Abroad**

In these circumstances the type of expenses which will be eligible for reimbursement will be agreed by the employee and the Town Clerk in advance and all reasonable claims will be reimbursed.

**ii. Meetings/Conferences, Training/Seminars Involving One or More Overnight Stays Away from Home**

Where these involve one or more overnight stays away from home, the type of expenses which will be eligible for reimbursement will be agreed by the employee with the Town Clerk in advance and all reasonable claims for accommodation and meals will be reimbursed.

**iii. Situations Involving Long Distance Travel**

In situations where an employee, in order to attend a meeting, conference, training event or seminar is required to leave home before 6.30am, then the cost of breakfast will be reimbursed.

**iv. Working from Home**

Employees will be reimbursed for reasonable expenses for consumables (such as phone calls, stamps, paper/printer ink) on production of receipts/evidence.

**4.11 Telephone Allowance**

Depending on the requirement to be available and accessible outside normal working hours, certain posts will carry a 'telephone allowance.' Employees may be entitled to reimbursement of rental charges and cost of business calls.

**4.12 Training Expenses**

Employees attending or undertaking approved training and/or development are entitled to payment of normal earning, all prescribed fees and other relevant expenses arising from these activities.

Any financial assistance provided by this Scheme is subject to the following conditions:

- The training is approved by Yate Town Council.
- The prior approval of the Town Clerk has been obtained.
- The expenditure has actually been incurred and claims are made on the standard form, supported by receipts.
- The training and/or development required will provide additional knowledge and skills for employees to undertake their duties more effectively now and in the future.

**4.13 Claimable Expenses for Qualification Courses (of any mode e.g. College based, distance learning or NVQ etc.)**

- Course registration tuition and examinations fees and compulsory student union fees. Annual membership and entrance fees are not included and will not be reimbursed under this scheme.
- In the case of approved day release attendance at a recognised or training establishment students may also claim:-

(i) Travel - where the cost of daily travel to and from College or training centre is in excess of the daily travel from home to work, the cost of travel in excess of the cost of fare travel from home to work may be reclaimed in full at public transport rates. Where use of a car has been approved mileage may be claimed at the travel/mileage rate agreed by the Town Council at the time in excess of the cost of daily travel from home to work.

Where an evening attendance is an integral part of the course study and falls on a different day from that of the day release, a travel allowance for the same amount as that applying for the day attendance can be claimed.

(ii) For examinations, travel costs may be claimed to and from examination centre at public transport rates using the travel/mileage rate agreed by the Town Council at the time.

In cases of approved full time, block release or sandwich attendance, students may also claim:-

(i) Travel to and from college (daily or at beginning and end of training period) – students may claim at public transport rates or at the travel/mileage rate agreed by the Town Council at the time for cost of travel in excess of that from home to and from the normal place of work.

(ii) Students may claim reasonable weekend return journeys home when not required for weekend study.

#### **4.14 Condition of Assistance for Qualification Courses**

Where an employee without good reason fails to sit for an examination within a reasonable period or fails to show satisfactory progress in their studies or discontinues the course, the Council may withdraw the facilities granted under this scheme. The Council may require the refunding of a proportion of the financial assistance granted, to be determined in the particular case.

The continuance of facilities under this scheme, whether for a second succeeding stage of study or for a second attempt at an examination, will only be approved if the Council is satisfied that the employee has passed their appropriate examination, has otherwise made satisfactory progress in their studies or merits assistance to enable them to sit the examination gain.

Except where the employee leaves the employment of the Council for employment with another Local Authority, expenditure incurred by the Council under the scheme to enable an employee to acquire a recognised qualification will be repaid in full in the event of the employee voluntarily leaving the employment of the Council within two years of completing the training.

Where an employee leaves the employ of the Council for employment with another Local Authority then repayment in full of the financial assistance will be made if the employee leaves within six months of completing the course. Thereafter, repayment will be made on a sliding scale, which will be calculated by reducing the total amount of financial assistance due to be repaid by 1/24 for every completed full month that the employee has remained with the Council following completion of the course (e.g. an employee leaving 8 months after completing the course will make a full repayment less 8.24 of the total amount recoverable.

An employee who has been granted facilities under this scheme and who voluntarily leaves the employ of the Council before completing the whole or a defined part of a recognised qualification shall make full repayment of the financial assistance.

Where repayment of financial assistance is required this shall not include salary paid in respect of time spent at approved courses of study.

Books paid for by the Council remain its property and will be returnable to the Council on completion of the course.

Financial assistance may be withdrawn in the event of unsatisfactory progress.

In exceptional circumstances the Members have discretion to waive repayment of all or part of the assistance given.

### **1.1 Claimable Expenses for Other Training/Development Activities**

The cost of travelling in excess of that between home and base can be claimed at public transport rates or, at NJC mileage rates/ Inland Revenue Authorised Mileage Payment Scheme (AMAPS) (dependent upon individual employee contract) If meals/refreshments are not provided during the activities subsistence can be claim.

### **1.2 Essential Course Materials**

Students undergoing approved training may also claim assistance with the cost of essential course materials which may be retained by the Council, e.g. text books, computer-based learning materials, specified as being required for the whole course by the teaching institution up to a maximum of £150. The Members will consider request for further assistance in exceptional circumstances. Attention is also drawn to 'consumables items' below relating to items not covered by the scheme.

### **1.3 General Information Covering the Provision of Financial Assistance**

This scheme is not intended to provide finance for consumable items such as stationery, pens, postage, telephone calls, newspapers, professional journals, library subscriptions.

This Scheme including allowances will be reviewed regularly.

Where appropriate any applicable changes in Conditions of Service will supersede any of the above.



NB: Short term issues directly applicable to the employment of the Town Clerk should be referred to the Chair of the Council; long term matters must be considered by the Staffing Sub Committee.

## **Evening Meetings**

### **(a) Days of the Weeks**

#### **Where Possible;**

1. Meetings of the Town Council Including Full Town Council, committees, sub- committees, working groups and project steering groups) are to be held on Monday evenings and /or Tuesday evenings;
2. Meetings of the Full Town Council, Environment and Community, Transport & Planning Committee and Finance and Governance Committee to be convened at 7.00pm .

#### **If unavoidable due to time constraints/other meeting clashes;**

3. Meetings can be held on Wednesday or Thursday evenings providing that:
  1. The staff member is agreeable/available;
  2. There are no more than two evening meetings during that particular week, including outside committee and groups services by Town Council staff.

*(Refer to (b) Frequency of Meetings below)*

### **(b) Frequency of Meetings Where Possible;**

1. There must be no more than two evening meetings during each week, including those of outside committees/groups serviced by Town Council staff.

If unavoidable due to an emergency or other time constraints;

2. A third evening meeting may be called providing that the Chair of the Council has sanctioned that such a meeting be convened, and that staff are available/agreeable.

### **(c) Length of Meeting**

All meetings to have a finish time included on the Agenda.

#### **Where possible;**

1. Meetings are not to extend beyond 9.00pm.

#### **Where unavoidable;**

2. It be permitted that meetings extend beyond 9.00pm in order to conclude discussion on council matters. If meetings extend beyond 9.30pm (or past 8.30pm involving the Estates Manager), staff must not commence work in post the following day until 11 consecutive hours later.



## **YATE TOWN COUNCIL TIME OFF WORK AND LEAVE POLICY**

**Annual Leave entitlements are contractual and sections 11-13,  
as well as any references to Managing Employee Performance Procedure.**

**All other provisions are non-contractual**

### **1. Introduction**

1.1 All employees are entitled to time off work for a number of reasons, for example, holiday, maternity, dependents leave. Some of these situations carry statutory rights, some are paid and some unpaid.

1.2 Allowing time off work has a number of benefits, it supports employee wellbeing, maintains/improves staff morale and provides a balance between work and personal commitments.

1.3 This policy sets out obligations when taking leave and the associated entitlements.

1.4 All leave must be requested in advance and authorised with the line manager.

1.5 Line managers can reject leave requests for a number of reasons e.g. service provision.

1.6 Employees found to be applying for leave dishonestly will be subject to the Managing Employee Performance procedures.

1.7 Record should be kept by managers of all leave taken by employees within their team.

### **2. Scope**

This policy covers all Yate Town Council employees. Leave due to illness is dealt with under the Managing Absence due to Ill Health Policy. Specific entitlements are detailed where relevant, i.e. for casual staff, entitlements based on length of service, etc.

### **3. Annual Leave**

3.1 Statutory paid holiday entitlement is 28 days (5.6 weeks) per year which can include bank holidays. Casual staff are only entitled to statutory annual leave, accrued, taken and paid based on the casual hours they work (see casual claim form).

3.2 All other Yate Town Council employees are provided with a paid entitlement of 33 days (including eight public/bank holidays and one extra statutory day) in a complete leave year. After five years continuous local government service this increases to 38 days (including eight public/bank holidays and one extra statutory day).

3.3 The leave year is the 12-month period from 1 April to 31 March OR for Armadillo staff is birth month to birth month

3.4 Part-time employees will receive pro-rata entitlement (which could be converted into hours if there are varying hours worked each day) – see Appendix 1 Annual leave entitlement calculations.

3.5 Managers will advise and confirm individual leave entitlements with their employees as soon as possible after commencing employment.

3.6 Annual leave can be taken in units of full or half days leave. Leave taken should be deducted from the total leave entitlement, remembering to deduct for bank holidays as they arise.

3.7 On reaching five years' local government service, a proportion of the additional five days leave is granted on the first month following the month of commencement and is pro rata to the remaining balance of that leave year. See appendix 1.

3.8 Where an employee reduces or increases their working hours, any leave entitlement will be adjusted to the new hours worked – see appendix 1.

3.9 The leave entitlement for an employee leaving or joining the council is proportionate to their completed service during the leave year.

3.10 When an employee leaves the Council and has taken in excess of their proportionate leave entitlement; the council will make an appropriate deduction from their final salary. When an employee leave and has taken less than the proportionate leave entitlement, an appropriate additional payment will be made.

3.11 Leave must be taken by the end of the leave year and cannot be carried over. Not to supersede any sickness maternity policies etc. Only the Town Clerk, in consultation with the Chair of the Staffing Sub-Committee if amount is excessive (5 days or more, 1 – 4 days can be granted at the discretion of the Town Clerk), may grant the carryover of annual leave if there are exceptional circumstances.

3.12 Employees on maternity, adoption, paternity, shared paternity and parental leave will continue to accrue annual leave  
– however annual leave cannot be taken during this leave.

3.13 Employees continue to accrue holiday entitlement whilst absent from work due to sickness, regardless of how long the period of sickness lasts. They are also entitled to take annual leave whilst on sickness leave if they wish. However, if an employee is unable to take all of their annual leave entitlement within a leave year due to illness, they are able to carry over a maximum of 28 days (the statutory entitlement), to the next leave year. See Managing Absence due to Ill Health Policy for more details.

3.14 No more than two weeks holiday may be taken at any one time unless the Town Council gives permission, with a return to work of at least two weeks between holiday bookings.

## **4 Public/Bank Holidays**

4.1 All employees get a paid holiday on each of the 8 statutory, general and public/bank holidays as they occur. This entitlement is included in the annual leave entitlement of 33/38 days above.

4.2 As leave entitlement includes bank/public holidays, employees who are due to work on a day that is a bank/public holiday will need to deduct their working hours for that day from their total leave entitlement. If a bank/public holiday falls on a day an employee was not scheduled to work, no deduction is necessary.

4.3 No substitute bank/public holiday or extra statutory day will be given if an employee is off work sick on a bank/public holiday or extra statutory day.

## **5 Extra Statutory Day**

5.1 The extra statutory day's leave is awarded to all employees. The extra statutory day is at Christmas and is the day after Boxing Day, except where Boxing Day falls on a Friday, in which case the extra day will be the Friday immediately following New Year's Day.

## **6 Time off for public duty**

### **6.1 Jury Service**

Employees called for Jury Service must inform their line manager as soon as possible and then complete a 'certificate of loss of earnings' form which they will receive from the courts. Payroll should be notified by the employee of any payment made by the courts so that the appropriate amount can be deducted from their salary.

### **6.2 Court Appearance**

Employees who are required to attend as a witness in Court proceedings should claim for loss of earnings from the Court. If such a claim cannot be made, then

paid leave will be granted.

### **6.3 Reserve Forces**

Upon proof of membership, volunteer members of the non-regular forces will be granted 5 or 10 days paid leave depending on whether they are on 24- or 29-days annual leave respectively in addition to their normal annual leave, to attend summer camp. Training additional to this should be taken in off-duty time but paid leave will be granted if essential and subject to operational requirements.

### **6.4 Statutory Duties**

Any employer shall permit an employee time off for Public Duties if they are a:

- a [magistrate](#) (also known as a justice of the peace)
- a local councillor
- a school governor
- a member of any statutory tribunal (e.g. an employment tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of a school council or board in Scotland
- a member of the General Teaching Councils for England and Wales
- a member of the Environment Agency or the Scottish Environment Protection agency
- a member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
- a member of Scottish Water or a Water Customer Consultation Panel
- a [trade union](#) member (for trade union duties)

If you qualify, you are allowed reasonable time off to go to meetings or to carry your duties. The time must be agreed with your manager beforehand and your manager can refuse your request if it is unreasonable. A specific amount of time off is not laid down in law.

Whether your time off is classed as 'reasonable' will depend on:

- what your duties are.
- The time you need to carry them out
- The impact on service needs
- How much time off you have already had for public duties or trade union duties

Paid leave of absence up to two full days or four half days per month together with unpaid leave of absence up to two full days or four half days per month will be granted to employees undertaking recognised public duties. The actual times at which this leave may be taken are to be matter of agreement between the employees concerned and the Town Clerk, bearing in mind the requirements of their post and the nature of their public duties.

## **7. Time off for Medical Screening and Other Appointments**

**7.1** Wherever possible, visits to GP and other routine medical appointments should be made outside of working hours. However, when the employees are able to

show that these visits unavoidably occur during working hours, these will be permitted, subject to the employee making up the hours lost.

7.2 Employees having to attend hospital, clinic appointments or work-related appointments (i.e. sight tests, Occupational Health appointments), where the timing of the appointment is beyond their control, will be able to attend these appointments during the working hours with no expectation to make up the hours lost.

7.3 Reasonable paid time off will be granted for the purposes of medical screening and IVF treatment.

7.4 Reasonable paid time off will be granted for cosmetic surgery, in agreement with the line manager, if the medical evidence suggests that it would alleviate significant psychological or physical problems e.g. GP/surgeon letter.

## **8. Special Leave**

8.1 Additional leave with or without pay may be granted in special circumstances at the discretion of the Council.

## **9. Leave for Political Activities**

9.1 Paid leave will be given to employees who are candidates or agents in Parliamentary, European and County, District and Unitary Elections for the day of the Election and the day on which the result of the poll is declared, if necessary.

9.2 Unpaid leave will be given to employees who are candidates in Parliamentary or European Elections for the period commencing with the Notice of Election (i.e. the Notice which announces the date of Election and invites nominations) to the conclusion of the poll. (This does not affect the right to paid leave as above.)

9.3 Unpaid leave will be given to employees who are candidates in Parish or Town Council Elections on the day of the Election and the day on which the result of the poll is declared, if necessary.

9.4 Up to 5 days unpaid leave for Attendance at Party Political Annual Conferences will be given to employees to attend as delegates (even if they have not used all their annual leave). The request to be approved by the Town Council, having regard to the needs of the service.

## **10. Study Leave**

10.1 Paid leave will be given to all employees in order to sit approved examinations applicable to local government work.

10.2 In addition, up to three days study leave per year of course, pro-rata for part-time staff and for course length, will be given either prior to sitting examinations or for the purpose of completing assessed course work or assignments required by the approved training course. In the instance where a course does not have to be completed within a set period of time, the period of study leave due is to be confirmed

with the Town Clerk.

## **11. Maternity leave and maternity support leave**

The Council operates a maternity leave and pay scheme. Details of eligibility, criteria and pay can be found in the Maternity leave and pay handbook.

Maternity support leave is available to employees accompanying the expectant mother as follows:

- Employees who are the child's father, the spouse, partner, civil partner **or** nominated carer (see below) of the expectant mother or the intended parent of a child in a surrogacy arrangement are eligible. However, the employee must have been continuously employed by the Yate Town Council for at least 26 weeks by the end of the 15<sup>th</sup> week before the week that the baby is due. The employee must then continue to be employed by Yate Town Council until the date the baby is born.
- One half day paid leave to attend a specific ante-natal session which can only be accommodated in working hours.
- Five days with pay shall be granted at or around the time of birth. This can be used in conjunction with paternity or parental leave.
- Any pregnancy (not just the first child).

11.2 A nominated carer is the person the mother nominates to assist in the care of the child and to provide support to the mother at or around the time of birth. This could be a partner, child's father or another nominated carer e.g. mother's mother. Only one nominated carer is eligible for maternity support leave per pregnancy.

11.3 To apply for maternity support leave, you should first agree with your line manager before completing the adoption support leave application form and send this to Payroll.

## **12. Adoption leave and adoption support leave**

The Council operates an adoption leave and pay scheme. Details of eligibility, criteria and pay can be found in the Adoption leave and pay handbook.

12.1 Five days paid adoption support leave is available for the partner or nominated carer of the primary carer at or around the time of placement. This can be used in conjunction with paternity or parental leave.

12.2 A nominated carer is the person nominated by the primary carer to assist in the care of the child and to provide support to the primary carer at or around the time of placement. Only one nominated carer is eligible for adoption support leave per adoption.

12.3 To apply for adoption support leave, you should first agree with your line manager before completing the adoption support leave application form and send this to Payroll.

## **13. Paternity leave**



The Council operates a paternity leave and pay scheme. Details of eligibility, criteria and pay can be found in the Paternity leave and pay handbook.

#### **14. Parental leave**

14.1 This gives an employee the right to take up to 18 weeks unpaid leave to care for a child up to the age of 18 years old (including adoptions), providing they have one year's continuous employment. This is pro-rata for part-time employees. The right is for up to 18 weeks per child. In the case of multiple births, 18 weeks leave must be provided for each child.

- the employee is the mother or father of a child under 18-year-old, or
- the employee is the adoptive parent of a child under the age of 18.
- the employee has acquired formal parental responsibility for a child who is under 18 years old

14.2 The right is an individual right, so both parents are entitled to unpaid parental leave. The parent does not have to be living with the child to qualify.

14.3 Parental Leave can be taken in blocks of between one and four weeks in any one year (part weeks count as one week). The parent/carer of a disabled child may take leave in single days. The leave may be taken immediately following on from Maternity/Paternity/Adoption Leave subject to agreement of the Town Council.

14.4 Requests for parental leave must be made in writing to the line manager with a minimum of 21 days' notice of the required start date. The employer must reply to a request for Parental Leave within a time equal to the amount of time requested.

14.5 A special provision can be made for fathers to take time off immediately after the birth or adoption, providing at least 21 days' notice is given before the week in which the birth or adoption is expected. The employer may not postpone this.

14.6 The Town Clerk can postpone the leave where the needs of the Town Council make this necessary and it is reasonable, but not for more than six months and not where it would extend past the child's 18th birthday. To postpone leave, the council must write to the employee within seven days of receiving the request, explaining why the leave needs to be postponed and confirming the new start and end dates.

14.7 The contract of employment will continue but the employee will not be paid.

14.8 Managers can ask for evidence, if it is reasonable, to show that:

- the employee is the parent of a child
- the employee has parental responsibility for the child.
- The child is below the age at which the right to parental leave ceases.
- in the case of a disabled child the child is entitled to disability living allowance.

14.9 If an employee tries to claim for Parental Leave dishonestly, they will be subject to the Managing Employee Performance procedure

## **15. Dependants care leave**

15.1 The Employment Relations Act 1999 (EReIA) introduces a statutory right to unpaid dependants leave and defines 'dependant' and the 'unexpected or sudden problem' for which leave would be granted. Yate Town Council has incorporated this statutory entitlement into Dependents' Care Leave.

15.2 The definition of a 'dependant' is:

- Spouse/partner
- Child (including adopted or foster child)
- Parent
- Someone who lives with the employee as a member of the family (excluding lodgers, friends, flatmates, etc.)
- Someone who reasonably relies on the employee for assistance e.g. a neighbour with mobility problems

This is for unexpected, sudden, unforeseen, emergency matters, not where the employee knows in advance that they are going to require time off

- Caring for dependant who is ill, injured or assaulted- emergency doctor or hospital visits, not planned, routine visits);
- Having a baby – if the birth is unexpected, DCL does not apply after the birth.
- Disruption of care arrangements i.e. your child minder does not turn up.
- Dealing with a serious incident involving a child which occurs unexpectedly during school hours.

15.3 Dependent Care Leave entitles an employee to a maximum of five days per year paid leave. This leave would normally be taken in blocks of 1 or 2 days at a time, but it may be taken in hours if this is agreed between the employee and the Town Clerk. Entitlement will be per employee's leave year and pro rata for part-timers. There is no length of service requirement for the entitlement and it will apply to temporary and permanent employees.

15.4 Employees needing to take dependants care leave must telephone their line manager before they are due to start work or as soon as they can

15.5 Employees still have the option to take annual leave, unpaid dependents care leave or time in lieu.

15.6 Managers will need to notify Payroll.

## **16. Foster carer leave**

16.1 Employees who are foster carers are eligible to receive up to a maximum

of five days paid leave per annum for the purpose of attending:

- Training events.
- Statutory review, education planning and other meetings related to their foster carer responsibilities.
- Supervision sessions.

16.2 All paid leave must be authorised by the employee's manager, so employees who are foster carers, should provide as much notice as possible of the request for leave.

16.3 Foster carers are also eligible for dependents care leave.

## **17. Compassionate leave**

17.1 Up to five days paid compassionate leave is available to employees, with the agreement of their line manager and which will not be unreasonably withheld. Following the death of a dependant/close relative (see 17.3) or in the cases where a dependant/close relative has a life-threatening illness. The five days do not need to be continuous.

17.2 This leave would include time to make funeral arrangements, attend the funeral and deal with the emotional difficulties associated with bereavement and serious illness.

17.3 A dependent/close relative is defined as a:

- Spouse/partner
- Child (including adopted or foster child)
- Parent
- Someone who lives with the employee as a member of the family (excluding lodgers, friends, flatmates, etc...)
- Brother
- Sister
- Parent-in-law (including parents of the employee's partner)
- Grandparent
- Grandchild
- To include step-relatives where there is a close relationship with the employee.

### **Parental bereavement leave**

Parents or primary carers employed by the council are entitled to 2 weeks' leave if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy.

Employees are entitled to leave in respect to each of their children.

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

If you have more than 26 weeks of continuous service with the council, employees are entitled to government-set statutory parental bereavement pay (SPBP) during the leave. Otherwise the leave is unpaid.

Notice of leave and claiming of SPBP is given via the Parental Bereavement Leave & Pay claim form, as soon as reasonably practical.

Dependent on length of service, Compassionate Leave and/or Maternity Leave may be taken alternatively to or in conjunction with Parental Bereavement Leave.

## **19 Severe weather conditions**

Where possible, staff should attend for work as agreed with their line manager. Where staff do not attend work, managers should allow them, to take the day as annual leave, unpaid leave or time in lieu. Additionally, staff may be eligible for dependant's care leave if child or other dependent care arrangements are disrupted. Please see the Town Council Severe Weather Policy for further details.

## **18 Unpaid leave scheme**

18.1 This policy applies to all Town Council employees with at least 24 months service.

18.2 Subsequent periods of unpaid leave can only be requested after a further 24 months have been worked. Only where exceptional compassionate circumstances apply will a subsequent request for unpaid leave be considered.

18.3 The Town Council Staffing and Governance Sub-Committee will consider requests for unpaid leave of absence. Unpaid leave may be granted for:

- Caring responsibilities for children, elderly parents or other close relatives as defined under Dependants Care Leave;
- Extended foreign travel;
- Education or training;
- Voluntary/community work;
- Any other purposes that the Town Council considers reasonable and appropriate.

18.4 Unpaid leave will not be granted for the purpose of the employee taking up other paid employment, unless it is related or incidental to one of the above purposes

18.5 This scheme does not replace but is additional to other Town Council policies/procedures for paid/unpaid leave (e.g. Maternity Leave, Maternity Support Leave, Parental Leave and Dependants Care Leave.)

18.6 Unpaid leave of absence under the scheme is for between two and 12 months. Once agreed, the length of the period will not be varied (unless in very exceptional circumstances agreed by the Town Council).

18.7 During the absence the employee will maintain contact with their line manager or the Town Clerk.

18.8 Requests for unpaid leave should be submitted in writing to the Town Clerk for consideration, at least three months before the absence will commence. The application will provide full details of the leave requested and its purpose.

18.9 It is the responsibility of the Town Clerk, in liaison with the Staffing and Governance Sub-Committee, to ensure that effective service provision is maintained, and the approval of unpaid leave is at the Sub-Committee's discretion. Consideration will be given to any financial implications & any anticipated difficulties in securing a temporary replacement). If unpaid leave is not granted, the reasons, which must be reasonable, will be put in writing to the employee.

19.20 In situations where a temporary appointment is made to cover the post, the temporary employee's contract of employment will clearly state the employment terminates on the return of the substantive post holder. In some circumstances the temporary contract may specify an actual termination date.

19.21 An employee granted unpaid leave would be expected to use their annual leave entitlement pro-rata up to the commencement of the unpaid leave period.

19.22 During unpaid leave, employees will:-

- Have their continuity of service maintained for all contractual and statutory benefits, with the exception of annual leave entitlement;
- Need to make pension contributions as follows:
- An absence without pay of less than 30 days – employees must pay contributions for the period based on the pay they would normally have received;
- An absence without pay of more than 30 days – employees have the option to pay contributions for the whole period based on the pay they would normally have received. The employee has 30 days from the date they return to work to exercise this option and need to liaise with the Avon Pension Fund.

19.23 During unpaid leave employees will not:-

- Accrue entitlement to paid annual leave or be paid for statutory or extra-statutory holidays;
- Be entitled to other contractual benefits such as Maternity Leave, Maternity Support Leave, Parental Leave, Dependents Care Leave and Public Duty Leave;
- Receive any other salary, allowance or payments that form part of the employment conditions;
- Be entitled to have any of the periods of unpaid leave regarded as sick leave, even if they submit a fit note.

19.24 If the employee wishes to return to work early, a month's notice must be given in writing to their line manager or the Town Clerk, stating the nature of the exceptional circumstance so that the request can be considered. See 19.6 above.

19.25 The line manger must notify Payroll Services accordingly, in order to make deductions from salary.

## **19 Review of the Policy**

19.1 The Town Council will keep under review the operation of the scheme on the basis of experience.

NB Short term issues directly applicable to the employment of the Town Clerk should be referred to the Chair of the Council; long term matters must be considered by the Staffing and Governance Sub Committee.

### **Appendix 1 – Annual leave entitlement calculations**

1.1 A leave year runs from 1 April to 31 March in each year.

<b>1.2 Annual leave, bank/public holiday and extra statutory day full-time entitlement:</b>					
<b>Less than five years service:</b>					
24 days	+	8 days	+	1 day	= <b>33 days</b>
Annual Leave		Bank/Public Holidays		Extra Stat	
<b>5 years + service:</b>					
29 days	+	8 days	+	1 day	=38 days
Annual leave		Bank/Public H	olidays	Extra Stat	

**1.3 An annual leave calculator can also be used to work out the entitlements as shown below:**

**1.4 Annual leave, bank holiday and extra statutory day part-time entitlement:**

For part-time employees who work the same number of hours per day for five days a week, the entitlement would be as above where a day would equal the number of hours worked on a day.

For part-time employees who work less than five days a week and/or different hours

each day, pro rata entitlement should be calculated in hours issuing the following formula:

**Full time entitlement x contract hours worked per week / 5 = pro-rata entitlement in hours.**

**Example:**

Employee works 18.5 hours a week, with less than five years' service:  $33 \times 18.5 / 5 = 122.1$  pro rata entitlement per year.

**Leave entitlement must be rounded up,** therefore entitlement is:

**122.5 hours per year**

## 1.5 New starters

New starters begin to accrue leave on day one of employment.

When an employee commences employment with the council, they will be given an amount of annual leave dependent on where they are in the leave year.

If they start on the 1<sup>st</sup> of the month, the table below can be used to calculate Full Month entitlement by looking up the start date:

Start date	33 days entitlement*	38 days entitlement*
1 March	3	3.5
1 Feb	5.5	6.5
1 January	8.5	9.5
1 December	11	13
1 November	14	16
1 October	16.5	19
1 September	19.5	22.5
1 August	22	25.5
1 July	25	28.5
1 June	27.5	32
1 May	30.5	35
1 April	33	38

**\*Leave entitlement must be rounded up. The table above shows rounding up to the nearest half days.**

Proportionate entitlement should be calculated in hours for part-time staff should be as follows:

**Full-time entitlement in days (using table above) x weekly hours / 5**

**Example:**

Employee working 20 hours 12 minutes a week starts with the Council on 1 September, has no previous local government service (so 33 days entitlement for a full year) will be entitled to 19.5 days.

$19.5 \times 20.2 / 5 = 78.78$  hours **rounded up to 79 hours**

Where an employee starts part way through the month, they will be entitled to the entitlement for full months as per the table above, plus an entitlement for the past month worked.

Part month entitlement should be calculated for starters as per the following formula:

Annual entitlement (days or hours) / 12 x days in part month employed by council (including weekends) / number of days in the starting month



The part month entitlement above should then be added to the full month's entitlement to give the leave entitlement for the new starter.

**Examples:**

A full-time employee starts on 15 June with more than 5 years' service. Their entitlement is: Full month entitlement: 28.5 days (based on 1 July & 38 days entitlement).

Part month entitlement:  $38 / 12 \times 16 / 30 = 1.68$  days rounded up to 2 days

Total entitlement is 30.5 days.

A part time employee working 18.5 hours a week starts on 10 December with less than 5 years' service.

Full month entitlement : 8.5 days from table (based on 1 January & 33 days entitlement).  $8.5 \times 18.5 / 5 = 31.45$  hours rounded up to 31.5 hours

Part month entitlement  $31.5 / 12 \times 22 / 31 = 1.86$  hours rounded up to 2 hours

Total entitlement =  $31.5 + 2 = 33.5$  hours

## **1.6 Leavers**

When an employee leaves part way through a month, the same calculation should be used to work out how much holiday they were entitled to for the past month worked and the employee is then either permitted to take that leave or be paid for any untaken leave.

## **1.7 Additional bank/public holidays**

Where additional bank/public holidays are arranged within a year e.g. The Queen's Jubilee in 2012, the following calculation should be used:

Number of hours worked per week / 37 x 7.4

These additional hours should then be added to the leave entitlement hours for the year and deduced for the Bank/Public Holidays.

## **1.8 Proportionate additional leave on reaching five years local government service**

On reaching five years' service, an employee will receive an additional amount of leave, proportionate to the months left within their current leave year. The proportionate amount is equivalent to 0.42 days per month – in the month following the month they achieve five years' service.

Pro-rata hours for the the additional leave is using the formula:  
**Extra days entitlement x worked / 5**

LGSD start month	Get extra days leave
April	5
May	4.5 4.62
June	4 4.2
July	3.5 3.78
August	3
September	2.5
October	2.5
November	2
December	1.5
January	1
February	0.5
March	0.5

entitlement in proportion of five days calculated following  
**leave weekly hours**



## **YATE TOWN COUNCIL**

### **TRAINING & DEVELOPMENT POLICY**

**This policy is non-contractual**

#### **SCOPE**

All employees of Yate Town Council, including permanent and temporary staff, those under probation, casual and agency workers, volunteers and members must abide by the principles of this policy.

#### **1. Introduction**

1.1 The Council is committed to the principle of encouraging staff, volunteers and members to enhance their career and qualifications by further training. All sponsored training must relate directly to the needs of the Council, be relevant to an individual's duties and is subject to availability of financial resources.

1.2 The Council's training objectives are:

To provide suitably trained, qualified and motivated staff, volunteers and members for the Council at the right time and level.

To provide facilities for training and retraining to meet the changing needs of the Council.

To provide employees, volunteers and members with a greater understanding of the purpose and working of the Council and their part in it and to foster the development of job satisfaction and positive attitude towards personal development.

1.3 Members, line managers, staff and Volunteers should have regard to the following when identifying training needs and agreeing training:

- (a) The workload implications of training;
- (b) The capabilities of the applicant to benefit from the training;
- (c) If the application is for continued academic sponsorship consideration should be given to the employees past attainments;
- (d) The most economic and effective means of training, i.e. attend nearest college offering required course at the appropriate level;
- (e) The provision and availability of training budget;
- (f) Priority of each individual need with regard to budget;

(The Chair of YTC or the Chair of the Finance and Governance Committee in consultation with the Clerk have delegated powers to agree expenditure on courses and make bookings for councillor training);

- (g) A central record of all training is kept by the Service Support team.

## **2. Financial Assistance Scheme (Staff)**

If the Town Council agrees to fund a formal recognised qualification staff are required sign a declaration of undertaking before embarking on the course, agreeing to a number of conditions. This undertaking is authorised by the Town Clerk and Chair, to include:

- If the council will pay and/or assist with expenses incurred which may cover items such as tuition and examination fees;
- When employees are required to attend courses during their normal working hours, they will notify their line manager at the earliest opportunity of the dates. Any requirement to make up for lost working time will be at the discretion of the Council.
- Where the Town Council agrees to fund a formal recognised qualification, this is on the condition that the employee will be required to remain employed by the Town Council for a period of two years from the date on which the qualification is obtained. If they leave within this two-year period all costs will be reclaimed in full, except in the most exceptional circumstances. ( This excludes Apprenticeship costs)
- Where an employee without good reason fails to sit for an examination within a reasonable period; or fails to show satisfactory progress in his/her studies; or discontinues the course (allowing for one examination resit only), the Council may withdraw any funding/support and seek repayment.

The employee is responsible for registering on the appropriate courses and examinations, but not before approval has been obtained. The Council will not meet a financial commitment where prior approval has not been granted.

## **3. Induction**

All staff, members and volunteers are required to undertake an induction programme which will include information and mandatory learning specific to their role.

## **4. Apprenticeships**

The cost of Apprenticeship qualifications are met by the Town Council.

The Town Council is expected to financially support apprentices until completion,

including paying the cost of resits, when necessary. Resits are ineligible costs and are not funded by the Education and Skills Funding Agency (ESFA).

If the result notification recommends a re-take, the employer and training provider should consider a supportive action plan that responds to the weaknesses identified from the original result notification.

The action plan should clearly state the nature and extent of the re-training and include the estimated time to prepare the apprentice for the retake. The timescales and fee for a retake must be agreed between the employer and training provider

The number of resits that can be taken by an apprentice will be at the discretion of the Town Council, unless the assessment plan limits this to one.

(The ESFA recommends a limit of 2 resits, however more than 2 resits can be taken if needed, unless otherwise specified in the assessment plan.)

## **5. Review**

The Town Clerk in consultation with the Staffing and Governance Sub-Committee will review this policy in accordance with the Town Council rolling programme or as a result of any other operational or legislative change.



**YATE TOWN COUNCIL**  
**WHISTLEBLOWING POLICY**

**This policy is contractual**

**1. Introduction**

In accordance with best practice, the Town Council has adopted a Whistleblowing Policy, demonstrating that it welcomes information being brought to the attention of management.

The aim of this policy is to enable employees to disclose allegations of malpractice internally without fear of retribution.

All employees/workers/volunteers ( throughout this policy where “employees” is written this refers to employees/workers/volunteers) will be aware of the damage that can be caused to the Council’s reputation by wrongful activities and behaviour. Employees are therefore encouraged to report malpractice (whether by other employees/workers/volunteers, contractors, the public or Members of the Council), in the knowledge that reports will be taken seriously and swift action will be taken. (NB: The Staffing Policies set out practices that are considered to be unacceptable in the workplace but may not cover every eventuality.)

Normally, employees should raise concerns via the Town Clerk. However, where they perceive that such a course of action is not appropriate, they should raise the matter with the Chair of the Council.

The Council will protect the confidentiality of all matters raised by concerned employees. Managers have a duty to act on employees’ concerns.

Employees who have reported matters will be kept informed of the results of the investigations or actions taken. However, care will be taken to protect the confidentiality of third parties or disclosure of information that might jeopardise ongoing investigations.

**2. Preamble**

The Council is committed to the highest possible standards of openness, probity and accountability. In line with the commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council’s work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may fear harassment or victimisation.

This policy document makes it clear that concerns can be expressed without fear of victimisation, subsequent discrimination or disadvantage.

This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.

Any clauses in settlement agreements do not prevent you from making disclosures in the public interest.

The policy applies to all employees and contractors working for the Council on Council premises. It also covers suppliers and those providing services under a contract with the Council in their own premises.

### **3. Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

### **4. How to Raise a Concern**

As a first step, you should normally raise concerns with your immediate manager. This depends, however on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. For example, if you believe that your line manager is involved you should approach the Town Clerk, Deputy Town Clerk or the Chair of the Council.

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:-

- The background and history of the concern (giving relevant dates);
- The reason why you are particularly concerned about the situation. The earlier the concern is expressed, the easier it is to action.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable doubts for your concern.

Obtain service/guidance on how to pursue matters of concern, advice may be sought from Town Clerk, Deputy Town Clerk or Chair of the Council.

You may wish to consider discussing your concern with a colleague first and you may

find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union, professional association representative or a colleague to be present during any meetings or interviews in connection with the concerns you have raised.

If you choose to raise your concerns anonymously you will be limited as to the feedback you receive, and the action taken to look into disclosure could be limited.

## **5. How the Council Will Respond**

The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:-

- Be investigated by the Town Clerk, the Chair of the Council or through the Managing Employee Performance process
- Be referred to the police
- Form the subject of an independent inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Council will have in mind, is the public interest. Concerns or allegations, which fall within the scope of specific procedures (for example child protection or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the Town Clerk will write to you:-

- Acknowledging that the concern has been received;
- Indicating how we propose to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Telling you whether any initial enquiries have been made;
- Supplying you with information on staff support mechanisms, and;
- Telling you whether further investigations will take place and if not, why not.

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved, and the



clarity of the information provided. If necessary, the Council will seek further information from you.

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

The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## **6. The Responsible Officer**

The Town Clerk has overall responsibility for the maintenance and operation of this policy. The Responsible Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

## **7. How the Matter Can Be Taken Further**

This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:-

- Your local Council Member (if you live in the Council area);
- The external auditor;
- Relevant professional bodies or regulatory organisations;
- Your solicitor;
- The Police.

If you do take the matter outside the Council, you should ensure that you do not disclose confidential information.

### **Additional guidance**

Additional guidance on confidential reporting can be found from the sources below:-

ACAS - <http://www.acas.org.uk/index.aspx?articleid=1919>

Government - <https://www.gov.uk/whistleblowing/what-is-a-whistleblower> Public Concern at Work <http://www.pcaw.co.uk/>