



LUDLOW TOWN COUNCIL STAFFING COMMITTEE AGENDA

To: All Members of the Council, Town Clerk
Contact: Gina Wilding
Ludlow Town Council, The Guildhall, Mill Street, Ludlow, SY8 1DG
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Despatch date: 20th June 2025

STAFFING COMMITTEE

You are summoned to attend a meeting of the
Staffing Committee
at the Guildhall, Mill Street, Ludlow, SY8 1AZ
on **THURSDAY 26TH JUNE 2025 at 9:30am**

Gina Wilding

Gina Wilding
Town Clerk

Key Agenda Items:

- PAY CLAIM UPDATE
- STAFFING MATTERS

Public Open Session (15 minutes) – Members of the public are invited to make representations to the Council on any matters relating to the work of the Council or to raise any issues of concern.



1. **Health and Safety**

Councillors and members of the public are to note that the fire exit can be found to the left outside the Council Chamber and via the front door. The fire assembly point is on the pavement opposite the Guildhall. For fire safety purposes all Councillors should sign the attendance book and members of the public should sign the attendance sheet.

2. **Recording of Meeting**

Under the Openness of Local Government Regulations 2014, recording and broadcast including blogging, tweeting and other social media is permitted during this meeting.

The act of recording and broadcasting must not interfere with the meeting.

The Council understands that some members of the public may not wish to be recorded and asks that they make this known immediately.

3. **Election of a Vice Chair**

To receive nominations and elect a Vice Chair.

4. **Apologies**

To receive apologies as notified to the Town Clerk.

5. **Declarations of Interests**

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate. (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464) (NB this does not preclude any later declarations.

- a) Disclosable Pecuniary Interest
- b) Declaration of Conflicts of Interest
- c) Declarations of Personal Interest

6. **Public Open Session (15 minutes)**

Members of the public are invited to make representations to the Council on any matters relating to the work of the Council.

7. **Minutes**

To approve as a correct record and sign the minutes of the **STAFFING COMMITTEE** of 13TH MARCH 2025.

8. **Items to Action**

To note the items to action from the **STAFFING COMMITTEE** on 13TH MARCH 2025.



ITEM	ATTACHMENT
9. <u>LOCAL GOVERNMENT PAY CLAIM 2025-26</u> To note the update.	9
10. <u>POLICIES</u> To note the Council's policies in relation to HR including Appraisal Policy, Recruitment Policy, Wellbeing Policy, Managing Attendance Policy, Disciplinary and Grievance Policy, Bullying and Harassment Policy, Dignity at Work, Staff Code of Conduct, and Employee Handbook.	10
11. <u>EXCLUSION OF PRESS AND PUBLIC: PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960</u> The Chairman will move that the public be excluded from the meeting for the following item(s) of business pursuant to section 1 of the Public Bodies (Admission to Meetings) Act 1960, on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.	No papers
12. <u>STAFFING</u> To receive a report on staff roles and related information.	12
13. <u>APPRAISALS</u> To receive a report on the appraisal process.	13
14. <u>SICKNESS</u> To receive a report on staff sickness.	14
15. <u>HEALTH & SAFETY</u> To receive a report on procedures and record of incidents.	15
<p><i>M e m b e r s h i p</i></p> <p><i>Councillors: Cowell, Gill, Harris, Hepworth, Lyle, Owen and Scott-Bell (Chair).</i></p>	
<p>Date of the next Staffing Committee meeting: 9.30am on Thursday 18th September 2025</p>	

Item 7.

MINUTES



MINUTES

Minutes of a Staffing Meeting held in the Guildhall, Mill Street, Ludlow on **THURSDAY 13TH MARCH 2025** at 9:30 am.

ST/70 PRESENT

Chair: Councillor Garner

Councillors: Gill, Hall and B. Waite.

Officers: Gina Wilding, Town Clerk
Helen Jones, Senior Admin Assistant

ST/71 ABSENT

Councillor Jones and Thompson were absent.

ST/72 HEALTH & SAFETY

The Chair informed Councillors of the fire exits, fire assembly point and asked that everyone sign the attendance log.

ST/73 RECORDING OF MEETINGS

The Chair notified those present that under the Openness of Local Government Regulations 2014, recording and broadcasting is permitted during public session of Council Meetings.

ST/74 APOLOGIES

Apologies were received from Councillor Thompson (family funeral).

ST/75 DECLARATION OF INTERESTS

Disclosable Pecuniary Interests
None declared

Conflict of Interest

None declared

Personal Interests

None declared.

ST/76 PUBLIC OPEN SESSION

There were no members of the public or press present.

ST/77 MINUTES – 14th NOVEMBER 2024

RESOLVED EG/BW (unanimous)

That the open and closed session minutes of the Staffing Committee meeting held on the 14th November 2024 be approved as a true record and signed by the Chair.

ST/78 RESOLVED EG/RH (unanimous)

That the open and closed session minutes of the Staffing Committee meeting held on the 20th February 2025 be approved as a true record and signed by the Chair.

ST/79 ITEMS TO ACTION

RESOLVED EG/BW (unanimous)

That the items to action of the Staffing Committee meeting held on the 14th November 2024 be noted.

ST/80 PAY CLAIM

RESOLVED EG/BW (unanimous)

To note the Pay Claim for 2025/26.

ST/81 NEONATAL LEAVE AND PAY

RESOLVED EG/RH (unanimous)

To note the changes in legislation to be introduced in April 2025.

ST/82 EXCLUSION OF PRESS AND PUBLIC: PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960

RESOLVED EG/BW (unanimous)

That that the public be excluded from the meeting for the following item(s) of business pursuant to section 1 of the Public Bodies (Admission to Meetings) Act 1960, on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public be excluded and the meeting continue in closed session.

The meeting closed at 10:00 am.

Chair

Date

Closed Session minutes will be issued.

CLOSED SESSION MINUTES

Minutes of a Staffing Meeting held in the Guildhall, Mill Street, Ludlow on **THURSDAY 13TH MARCH 2025** at 9:30 am.

ST/83 HEALTH AND SAFETY

RESOLVED EG/TG (unanimous)

To note the investigation report and remedial actions.

That the standard operating procedure (SOP) for engaging contractors be further updated to ensure that risk assessment and method statements were received at the same time as quotations.

ST/84 STAFF TRAINING

RESOLVED EG/RH (unanimous)

To note staff training information from the previous year.

ST/85 STAFF APPRAISALS

RESOLVED EG/RH (unanimous)

To receive notice of completed staff appraisals in 2024 / 25.

ST/86 RECRUITMENT

RESOLVED EG/BW (unanimous)

To note the amended recruitment documents for the Communications and Marketing Officer position and to approve the interview panel as Cllr Garner, Cllr B. Waite and the Town Clerk.

The meeting closed at 10:00 am.

Chair

Date

Item 8.

ITEMS TO ACTION

Staffing Committee

26.06.2025

Items to Action

<u>Min No.</u>	<u>Resolution</u>	<u>Action</u>	<u>Status</u>	<u>Date</u>
13/03/25				
ST/83	<u>HEALTH AND SAFETY</u> <u>RESOLVED EG/TG (unanimous)</u> To note the investigation report and remedial actions. That the standard operating procedure (SOP) for engaging contractors be further updated to ensure that risk assessment and method statements were received at the same time as quotations.	Update and circulate SOP.	Complete	13/03/2025
14/11/24				
ST/46	<u>PAY AWARD</u> <u>RESOLVED (unanimous) EG/DT</u> To adopt the NJC annual pay award for 2024-25. To note the new pay scales.		Complete	Dec 2024
ST/47	<u>SHROPSHIRE COUNTY PENSION FUND</u> <u>RECOMMEND (unanimous) EG/RJ</u> To recommend readoption of the pension policy to Policy & Finance Committee.	Passed to and agreed by Full Council 20 th Jan 2025.	Complete	Jan 2025
ST/49	<u>STAFF TRAINING</u>			

Staffing Committee

26.06.2025

Items to Action

	<p><u>RESOLVED (unanimous) EG/DT</u> To note that sixteen members of staff attended a team working and prevention of sexual harassment training session at the Guildhall led by Cllr B Waite and Cllr E Garner on 6th Nov 2024.</p> <p>That the points raised relating to risks during the training session would be anonymised and collated for further consideration by the Committee.</p>	Risk Assessment to be brought back to Committee for annual review in Sept 2025.	Complete	May 2025
ST/52	<p><u>HEALTH AND SAFETY</u></p> <p><u>RESOLVED EG/DT</u> To note that a full investigation of a subsequent incident regarding low hanging Christmas lights will be carried out by the Deputy Town Clerk and a report will be brought back to Staffing Committee. The Town Clerk provided a short verbal update at the meeting.</p>	To be brought to Committee.	Complete	13/03/2025
2/9/2024				
ST/29	<p><u>RECRUITMENT</u></p> <p><u>RESOLVED (unanimous) EG/BW</u> To approve like for like recruitment for the post of Grounds Person to start in January 2025. That information regarding grounds person posts from other comparable Town Councils be provided for consideration at the next meeting.</p>	Advertise and fill post	Complete	Nov 2024
ST/30	<p><u>RESOLVED (4:0:2) TG/EG</u> To approve the additional duties and an increase from 30 hours to 37 hours for the Senior Admin Role.</p>	Post advertised and filled	Complete	Oct 2024

Staffing Committee

26.06.2025

Items to Action

ST/31	<u>RESOLVED (unanimous) TG/BW</u> To approve the Senior Admin role as an office-based role, and to include line management or reception staff, management of GDPR functions, and committee duties to include management of pending Items to Action.	Post advertised and filled	Complete	Oct 2024
ST/32	<u>RESOLVED (unanimous) EG/RH</u> To amend the 'Knowledge Essential' person specification to read: Good standard of education to meet the requirements of the role, including vocational and professional qualifications and experience. To approve immediate preparation of the paperwork to advertise the role for a four week period.	Altered accordingly	Complete	Sept 2024
ST/35	<u>STAFF CODE OF CONDUCT</u> <u>RESOLVED (unanimous) EG/DT</u> To approve the draft Staff Code of Conduct and alignment with the Council's existing social media policy and disciplinary policy.	Altered accordingly	Complete	Sept 2024
11/07/24				
ST/13	<u>FLEXIBLE WORKING</u> <u>RESOLVED (unanimous) BW/EG</u> To approve the request from EG to work from home up to three days a week whilst ensuring that office-based days are sufficient to cover town council events.	Update EG and other members of staff.	Complete	July 2024
ST/14	<u>ESTABLISHMENT LIST</u> <u>RESOLVED (unanimous) EG/DT</u> To approve the April 2023 staff establishment list.	Noted.	Complete	July 2024

Staffing Committee

26.06.2025

Items to Action

ST/15	<p><u>LONG TERM SICK LEAVE</u></p> <p><u>RESOLVED (unanimous) EG/BW</u> To receive the report and to note that a further Staffing Committee meeting will be called in due course.</p>	Staffing matter resolved.	Complete August 2024
ST/17	<p><u>RESIGNATION/ EARLY RETIREMENT</u></p> <p><u>RESOLVED (unanimous) EG/DT</u> To accept the resignation of RB, and to note that the council has not terminated the employment and will fill the arising vacancy in the normal way.</p>	Noted and dates diarised for action.	Complete Nov 2024

Item 9.

PAY CLAIM

Local Government Pay Claim 2025/6

23 April 2025

The national employers have now considered the claim by the trade unions in respect of this year's pay claim. They have made the following offer:

A 3.2% increase on all scale points with effect from 1 April 2025

The deletion of scale point 2 from the pay scale with effect from 1 April 2026

The other elements of the claim, namely the phased approach to achieving a minimum of £15 per hour within two years, an additional day annual leave and a reduction in the working week of 2 hours with no loss of pay are all rejected.

The national employers have also said that once the three year funding review for local government is known shortly, this could give them the freedom to negotiate a multi-year deal for future years.

The next steps are that the unions take the offer away for consideration by their members. They have been requested to respond as quickly as possible and to coordinate their replies.

LOCAL GOVERNMENT SERVICES PAY AGREEMENT 2024/25

This advice note was last updated on 23 October 2024.

The Local Government Association has informed us that the National Joint Council for Local Government Services (NJC) has agreed the new pay scales for 2024-25 to be implemented from 1 April 2024. Employers are encouraged to implement this pay award as swiftly as possible.

Backpay for employees who have left employment since 1 April 2024. If requested by an ex-employee to do so, we recommend that employers should pay any monies due to that employee from 1 April 2024 to the employee's last day of employment.

The attached Annex lists the new pay scales for clerks and other employees employed under the terms of the model contract including SCPs 50 and above. These should be retrospectively applied from 1 April 2024.

Hourly rates have been calculated using the NJC agreed formula by dividing annual salary by 52.143 weeks (which is 365 days divided by 7) divided by 37 hours (the standard working week).

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SCP	1 April 2024		Scale Ranges
	£ per annum	* £ per hour	Based on SCP
2	£23,656	£12.26	Below LC Scale (for staff other than clerks)
3	£24,027	£12.45	
4	£24,404	£12.65	
5	£24,790	£12.85	
5	£24,790	£12.85	LC1 (5-6) (below substantive range)
6	£25,183	£13.05	
7	£25,584	£13.26	LC1 (7-12) (substantive benchmark range)
8	£25,992	£13.47	
9	£26,409	£13.69	
10	£26,835	£13.91	
11	£27,269	£14.13	
12	£27,711	£14.36	

13	£28,163	£14.60	LC1 (13-17) (above substantive range)
14	£28,624	£14.84	
15	£29,093	£15.08	
16	£29,572	£15.33	
17	£30,060	£15.58	
18	£30,559	£15.84	LC2 (18-23) (below substantive range)
19	£31,067	£16.10	
20	£31,586	£16.37	
21	£32,115	£16.65	
22	£32,654	£16.93	
23	£33,366	£17.29	
24	£34,314	£17.79	LC2 (24-28) (substantive benchmark range)
25	£35,235	£18.26	
26	£36,124	£18.72	
27	£37,035	£19.20	
28	£37,938	£19.66	
29	£38,626	£20.02	LC2 (29-32) (above substantive benchmark range)
30	£39,513	£20.48	
31	£40,476	£20.98	
32	£41,511	£21.52	
33	£42,708	£22.14	LC3 (33-36) (below substantive range)
34	£43,693	£22.65	
35	£44,711	£23.17	
36	£45,718	£23.70	
37	£46,731	£24.22	LC3 (37-41) (substantive benchmark range)
38	£47,754	£24.75	
39	£48,710	£25.25	
40	£49,764	£25.79	
41	£50,788	£26.32	
42	£51,802	£26.85	LC3 (42-45) (above substantive benchmark range)
43	£52,805	£27.37	
44	£54,071	£28.03	
45	£55,367	£28.70	

46	£56,708	£29.39	LC4 (46-49) (below substantive range)
47	£58,064	£30.10	
48	£59,300	£30.74	
49	£60,903	£31.57	
50	£62,377	£32.33	LC4 (50-54) (substantive benchmark range)
51	£63,881	£33.11	
52	£65,943	£34.18	
53	£68,000	£35.25	
54	£70,065	£36.32	
55	£72,145	£37.39	LC4 (55-62) (above substantive benchmark range)
56	£74,198	£38.46	
57	£76,277	£39.54	
58	£78,315	£40.59	
59	£80,247	£41.59	
60	£82,221	£42.62	
61	£84,243	£43.67	
62	£86,319	£44.74	

Item 10.

POLICIES

APPRAISAL POLICY

POLICY:	APPRAISAL POLICY
Policy number:	AP / 24 / v.1
Available to:	All Staff, Councillors & Public (upon request)
Supersedes Version:	New policy
Approved by:	Full Council
Approval date:	17 th June 2024
Review due:	January 2028

1. Description

- 1.1 Appraisals are essential for the effective management and evaluation of staff.
- 1.2 Appraisals help develop individuals, improve organisational performance and feed into strategic planning.

2. Purpose of this policy

- 2.1 This policy reflects the aims of the Council to provide a framework through which the appraising manager (appraiser), and the employee (appraisee), maximise achievements, output, quality of work and effectiveness.
- 2.2 Annual performance appraisals enable management and monitoring of standards, agreeing expectations and objectives, delegation of responsibilities and tasks, and career and succession planning – for individuals and the Council as a whole.
- 2.3 Performance appraisals are also important for staff motivation, attitude, and behaviour development, communicating and aligning individuals and Council aims, and fostering positive relationships between management and staff.
- 2.4 Performance appraisals form part of the performance management of employees. Line managers are crucial in this system in ensuring that their team members know and understand what is expected of them.

3. Scope

- 3.1 This policy applies to all employees of the Council with the exception of casual or seasonal employees. Such staff will be performance managed in other ways.

4. Procedure

- 4.1 Formal performance appraisals are conducted annually for all permanent staff in the Council, usually in March. An interim formal appraisal for all staff to assess progress on their objectives is conducted in September, or soon after.
- 4.2 Each member of staff is appraised by their line manager. The Town Clerk is appraised by the Chair of the Staffing Committee and one other member of the Committee.
- 4.3 In order to be effective, it is important that both appraisee and appraiser are comfortable with and have bought in to the appraisal process and purpose.
- 4.4 Technical training may be sought and where necessary made available to line managers or the aforementioned Councillors to ensure they have a good understanding with what is expected from them and their responsibilities as an appraiser.
- 4.5 Each member of staff will complete a pre-appraisal form and submit this to their line manager by a pre-agreed time.
- 4.6 The line manager will arrange an appraisal meeting at a suitable time and date, in a room free from distractions. The meeting will take the form of a free-flowing conversation during which a range of views are exchanged.
- 4.7 It is anticipated that the following will be discussed at a minimum:
 - Review past 12 months performance and previous appraisal goals and objectives;
 - Discuss the information gathered in the self-appraisal form;
 - Agree and set future goals and objectives.
- 4.8 After the meeting, the appraiser completes a post-appraisal form which is to be given to the appraisee within 14 working days of the meeting. The appraisee reviews and signs the post-appraisal form, retaining one copy while the other is attached to their employee personal file.

4.9 Guidance for the Appraiser

Where it has been agreed that the appraisal should concentrate on specific aspects of the appraisee's job, information collection should likewise concentrate on those aspects.

- 4.10 Appraisers should act with sensitivity to all concerned and should not exhibit any bias in collecting information.
- 4.11 General comments should be supported by specific examples.
- 4.12 Interviews for the purpose of information collection should be held on a one-to-one basis (except in the case of the Town Clerk).



- 4.13 Any information received anonymously should not be used.
- 4.14 Information which does not relate to the professional performance of a member of staff should not be sought or accepted.
- 4.15 Those giving information should be encouraged to make fair and considered comments which they are prepared to acknowledge and to substantiate if required.
- 4.16 Any written submissions should remain confidential to the author.
- 4.17 The substance of grievance or disciplinary proceedings should never be used in the appraisal process.

4.18 Reporting

After all appraisals have been carried out the Town Clerk will produce a report for the Staffing Committee with a generic overview of the appraisals and the training needs identified.

- 4.19 Confidentiality will be respected, and the report will seek only to summarise matters. The pre-appraisal form and post-appraisal form will not be submitted as part of the report to the Staffing Committee.

5. Legal

The Equality Act 2010
Employment Rights Act 1996
Employment Relations Act 1999
National Minimum Wage Act 1998
Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000

6. Other relevant policies

Employee Handbook
Equal Opportunities Policy



STAFF ANNUAL APPRAISAL CONFIDENTIAL WHEN COMPLETE

Name

Position

Date

General

The council's Annual Review is designed to promote both the development needs of the Council and your own in the context of reviewing your past priorities and achievements. In addition, it allows you to consider obstacles to success and helps you to find ways of removing them.

The Objectives for the Scheme are:

- To enhance the quality-of-service and overall development of the Council services through encouraging each person to achieve the mutually agreed priorities;
- To identify and provide the support that enables everyone to achieve those priorities and at the same time gain satisfaction in the work.

To the post holder

Please review your current job description and objectives and comment on the achievements you feel you have made this year and the problems that have occurred. Note any significant departures from the job description as written and why this has occurred together with any impact that it has had on attainment of your priorities.

Indicate where you feel that there are opportunity areas for developing your job and role with an explanation of the benefits to the Council as well as likely costs.

Where you identify either a resource, support or knowledge-base issue as producing reasons for not achieving your priorities, be quite open and honest. In that way the Council can best consider how to offer the support that may be needed, or restructure the job.

To the Appraiser/ Line Manager

Consider carefully what has been written and be prepared to explore fully any issues that have been raised, as well as those you wish to raise independently. Give adequate time for discussion.



SECTION 1

To be completed by the post holder. Look at the most important aspects of your job description and note what the objectives and priorities were for the year. How did it go?

Job description item	Objectives and priorities	What did you achieve?	What problems did you have?





Consider your role. Use a separate sheet if you wish.

Do you feel that the job description adequately describes the job? **Yes / No**

If not, what would you add or remove?

Do you understand how your role contributes to meeting the council's overall objectives?

What do you believe your objectives and priorities should be for the coming year?

What help (e.g. training) do you feel you need to achieve them?



SECTION 2

To be completed by the Appraiser/Line Manager

Consider what the employee has written in Section-1 and make your own comments. Concentrate on areas where there are difficulties or disappointment noted, or where there is a specific wish to receive support in some form. The objectives should cover key aspects of the postholder's job. They should have direct relevance to the Society's aims and objectives for the next year.

Comment here on the overall performance.

How did it go from the council's viewpoint?
Do you agree with the assessment of achievements and problems.
Are there any other areas which you would like to discuss?

Do you agree with the proposed list of Objectives and Priorities?
Are there any which you believe should be added or removed?



SECTION 3

To be completed by the line manager and post holder following the review meeting

- 1) We have reviewed the past year and agreed on a set of objectives and priorities for the coming year. These are attached.
- 2) We have / have not revised the job description which is/is not attached.
- 3) We have/ have not agreed a plan of other development actions including training and this is/is not attached.
- 4) The post holder has/ has not made additional comments, and these are/are not attached
- 5) The line manager has/has not made additional comments, and these are/ are not attached.

Signature of Post Holder.....

Signature(s) of Interviewer(s).....

Date.....

RECRUITMENT AND SELECTION POLICY



LUDLOW TOWN COUNCIL

**RECRUITMENT
&
SELECTION
POLICY**

**Adopted Full Council 3rd September 2012
Readopted Full Council 26th April 2016**



Contents

Introduction	3
Aims	3
Elements in the Recruitment Process	3
1 Job description	3
2 Person specification	3
3 Advertisements.....	4
4 Application Packs	4
5 Applications	4
6 Shortlisting Panel	4
7 Interviews	5
8 Notification.....	6

1. Introduction

This procedure provides guidance to those involved in selecting staff on what Ludlow Town Council considers to be good practice.

The Council has made clear its commitment to equal opportunities for all by the adoption of an Equal Opportunities Policy. All selection processes must take place within the framework laid down by this policy.

All those involved in selecting candidates for jobs should be aware that legislation increasingly regulates employment behaviour. Failure to follow certain basic steps can lead to an aggrieved candidate referring a matter to an employment tribunal.

2. Aims

The key aims of the Council's selection procedures are to maximise the effectiveness of the selection process;

- i) to ensure that selection practice is in accordance with the Council's Equal Opportunities Policy and with equal opportunities legislation;
- ii) to ensure that a consistent and fair approach is adopted across the Council in the recruitment and selection of staff.

3. Elements in the Recruitment Process

3.1 Job description

The job description and the person specification (*see 2 below*) form the basis for the selection process.

On these depend the advertisement, further particulars, short listing criteria, structure of the interview and final selection.

Before deciding whether or how to fill a post the description of the duties associated with it will be reviewed by the Town Clerk to clarify the essential elements of the job and to ensure that the components remain relevant and a shortlisting criteria will be drawn up.

The job description will be included in the further particulars.

3.2 Person specification

The person specification constitutes essentially a list of abilities, experience and qualifications which are essential and/or desirable to do the job. Candidates will be assessed against it. Once these criteria have been identified they must be maintained throughout the selection process. The list should be drawn up by referring to the summary of duties or job description the appointee will be required to undertake.

A person specification functions as a yardstick in the selection process and is essential to good recruitment practice. It is also important in the event of decisions being challenged by unsuccessful candidates.

Particular care should be taken to avoid indirect discrimination.

3.3 Advertisements

Posts will be advertised both internally and externally. All advertisements will be approved by the Town Clerk and conform to an agreed Council style.

The aim of advertising is to attract an appropriate number of candidates of suitable calibre and qualification and to demonstrate that the Council is an equal opportunities employer. The advertisement should be consistent with the person specification and the job description/summary of duties and all requirements stated should be justifiable and objective. If there is some flexibility available this should be stated - for example, that applications from part-time or job share candidates would be considered. The advertisement should not be too wordy as this reduces impact.

3.4 Application Packs

Following advertisement of a post the pack which is issued to enquirers will include a copy of the Job Advert, a flow chart showing the Staffing Structure, an application form, Job Description, Person Specification (if applicable), the date of shortlisting and the statement 'If you do not hear from the Council by the X date please assume that you have not been successful in applying for this position and we thank you for your application'.

Further Particulars may be given to provide general information about the Council, its activities and about the particular post.

3.5 Applications

The Council uses application forms for recruitment in respect of all staff. All potential applicants should be directed to apply formally through the official named contact. This is essential to ensure co-ordination of the recruitment process, appropriate equal opportunities monitoring, and notification of unsuccessful candidates at the conclusion of the exercise. The form is designed also to elicit essential information from candidates.

3.6 Shortlisting Panel

As soon after the closing date as possible those involved in the shortlisting will meet to draw up a shortlist of candidates to interview.

The Shortlisting Panel will consist of the Town Clerk and up to three Members from the Staffing Committee (and the Direct Labour Force Supervisor where appropriate).

The Person Specification and Job Application must be used as the basis for shortlisting against the factual elements and criteria specified. At this stage particular care should be taken to avoid both direct and indirect discrimination. It is essential for monitoring purposes and for defence purposes in the event of a claim for unlawful discrimination that the Council keeps records of reasons for *not* shortlisting candidates.

Ideally, no more than six candidates should be identified for interview.

Particular care should be taken in fielding any queries from candidates not shortlisted, or unsuccessful following interview (see **3.7 below**).

3.7 Interviews

The Interview Panel will comprise of no more than five people, one being the Town Clerk (and the Direct Labour Force Supervisor where appropriate) and three/four Members from the Staffing Committee, and not necessarily the same Members that were involved with the Shortlisting process.

The aim of the interview is to ascertain who is the most suitable candidate for the job and to ensure that the candidates have a clear picture of what the post entails.

Before the interviews begin the Panel will establish at the outset the aspects of the candidate's qualifications and experience to be explored by each Panel member.

To ensure equity, all candidates should be asked similar questions, with supplementary questions structured around each candidate to enable individuals to demonstrate their relevant skills and abilities.

Interviewers should be careful not to imply discrimination by asking questions about personal circumstances which are unrelated to the job. Such questions are contrary to the Council's Equal Opportunities Policy. Panel members should be aware that asking the same question of all candidates does not necessarily ensure non-discrimination; the use to which answers are put may be discriminatory. It is, however, legitimate to ask questions about health where this seems relevant.

Note taking is essential at interviews to ensure that relevant information is not forgotten when assessing all the candidates at the end of the interviews. When all candidates have been interviewed the Interview Panel should compare their formal decisions about each candidate taking care to ensure that comparison should be primarily against the defined criteria in the person specification rather than against the other candidate/s.

Once a decision has been made on whom to appoint, the reasons for *not* offering the post to the other candidates should be recorded. This information is for the Council's own monitoring purposes and is essential for reference in

the case of a claim of unlawful discrimination. The reasons given should relate to the comparison against the person specification.

3.8 Notification

An offer of appointment may be made verbally following the interviews but by authorised personnel only (normally the Town Clerk) and must be confirmed in writing by the Town Clerk.

Members of the Interview Panel are recommended not to enter into discussion with unsuccessful candidates but to refer them to the Town Clerk. Similarly, they should not enter into 'negotiations' with the successful candidate; this is the responsibility of the senior officer (normally the Town Clerk).

Where requested the Town Clerk shall offer candidates feedback on their application.

EMPLOYEE WELLBEING POLICY



Employee Wellbeing Policy

Contents:

- Policy Statement
 - Management Statement
 - Version control
-
1. Principles
 2. Delegation
 3. Roles and Responsibilities

Appendices:

- A. Definitions of Wellbeing

Policy Statement

LUDLOW TOWN COUNCIL defines wellbeing as the experience of overall health. It encompasses good mental, physical, financial and social health.

The aim of this policy is to create a workplace culture where employees feel comfortable to talk, seek help and support, and where wellbeing is recognised and embedded into LUDLOW TOWN COUNCIL working practices.

LUDLOW TOWN COUNCIL is committed to being recognised as a responsible employer, that supports the wellbeing of all its employees.

LUDLOW TOWN COUNCIL recognises that its employees may encounter, throughout their lives, events that may affect them in the workplace including those related to their health, personal or domestic situation as well as work-related problems. The policy will provide a framework within which LUDLOW TOWN COUNCIL will encourage and facilitate working practices and services that support employee wellbeing.

Management Statement

This policy will apply to all employees including those employed on temporary or fixed term contracts.

Version Number	Status	Revision Date	Summary of Changes
LTC 1	Draft	September 2022	Draft Policy created
LTC 1 final	Complete	xxxxx	[Final version]

1. Principles

- 1.1 LUDLOW TOWN COUNCIL is committed to promoting and supporting the wellbeing of all of its employees, to create an inclusive culture which focusses on prevention, and where issues are identified, minimised and managed before they have a detrimental impact on employees.
- 1.2 LUDLOW TOWN COUNCIL recognises that a rounded approach to employee wellbeing can:
 - 1.2.1 foster a thriving workforce, which can deliver on its objectives.
 - 1.2.2 achieve increased employee engagement, productivity, retention and recruitment.
 - 1.2.3 reduce stigma against wellbeing issues, and overall reduced sickness absence, presenteeism and leaveism
- 1.3 All matters relating to an employee's wellbeing will be treated in confidence, except where it may be necessary to break confidentiality to preserve the wellbeing of employees.
- 1.4 LUDLOW TOWN COUNCIL recognises that the diversity of its workforce may give rise to different wellbeing needs.
- 1.5 LUDLOW TOWN COUNCIL is committed to ensuring that employees have access to a variety of support services and will signpost to appropriate professional help.
- 1.6 LUDLOW TOWN COUNCIL recognises that the environmental conditions in which employees work may have an impact on their wellbeing.
- 1.7 Where employee wellbeing issues remain unresolved, employees are encouraged to contact HR.
- 1.8 LUDLOW TOWN COUNCIL recognises that wellbeing issues may lead to time off from work, however it will endeavour to support employees staying in work, if it is agreed that it is in their best interests to do so.

2. Delegation

- 2.1 For information on the delegated authority, please refer to the LUDLOW TOWN COUNCIL Staffing Structure and Delegated Authority Framework.

3. Roles and Responsibilities

3.1 LUDLOW TOWN COUNCIL is responsible for:

- 3.1.1 ensuring all leaders within the organisation are positive role models, championing and shaping a culture where the importance of wellbeing is recognised and supported
- 3.1.2 developing a culture that encourages employees to talk about wellbeing issues they may have, whilst equipping managers to respond.
- 3.1.3 providing advice and information that promotes general wellbeing.
- 3.1.4 offering a range of approaches to wellbeing in the workplace, and services that can be accessed when required.
- 3.1.5 providing a wide range of wellbeing related learning and development opportunities.
- 3.1.6 promoting healthy working practices and providing all employees with appropriate support to allow them to achieve their potential.

3.2 Line managers are responsible for:

- 3.2.1 providing an environment which is conducive to employees engaging with them about wellbeing.
- 3.2.2 encouraging and supporting employees to take personal responsibility for their own wellbeing, by signposting employees to appropriate support services and giving them the time and encouragement to participate.
- 3.2.3 championing wellbeing within their teams and departments, and challenging ways of working that impact wellbeing.
- 3.2.4 maintaining confidentiality of employees when supporting their wellbeing, disclosing to others only with the employee's consent or when the employee is deemed at risk and their wellbeing, or the wellbeing of others, needs preserving.
- 3.2.5 seeking advice and help from HR at an early stage if any issues arise.
- 3.2.6 ensuring that they are supported when dealing with employee wellbeing issues.
- 3.2.7 monitoring attendance and encouraging employees to take regular breaks from work, as well as using their leave entitlement throughout the year.
- 3.2.8 encouraging employees to undertake learning and development activities to develop their awareness of wellbeing and wellbeing-related issues.

3.3 Employees are responsible for:

- 3.3.1 managing their own wellbeing and taking steps to seek support at an early stage if needed.
- 3.3.2 maintaining communication by raising concerns with their line managers, or other appropriate colleagues when factors are impacting their wellbeing.

- 3.3.3 using their annual leave throughout the year and taking regular breaks during the working day.
- 3.3.4 supporting colleagues, by providing information, and sharing knowledge and resources on managing wellbeing where appropriate.

Appendix A – Definitions of Wellbeing

A1. The following is neither a prescriptive nor exhaustive list of terms referred to in this policy:

Term	Definition
Health	A 'state of complete physical, mental and social wellbeing, and not merely the absence of disease or infirmity', as defined by the World Health Organization (WHO).
Wellbeing	How we manage our health and cope day-to-day. Levels of wellbeing will differ between employees and can be influenced by a variety of different factors both in and outside of the workplace.
Stress	LUDLOW TOWN COUNCIL adopts the definition of stress as used by the Health and Safety Executive (HSE): 'the adverse reaction people have to excessive pressures or other types of demand placed on them'. Stress can impact on both physical and mental health and have consequences on social and financial wellbeing. Employees may experience stress in different ways, and it may manifest differently from person to person.
Stigma	Misconceptions or misunderstandings of wellbeing issues that can be dismissive, offensive or hurtful.
Presenteeism	Attending work despite suffering from poor health or wellbeing, often resulting in increased stress, poor productivity and morale.
Leaveism	The practice of employees using allocated time off such as annual leave, time in lieu etc. when they are unwell.

MANAGING ATTENDANCE POLICY



MANAGING ATTENDANCE

POLICY AND PROCEDURE

This document applies to all employees of Ludlow Town Council

Adopted by Full Council on the 14th March 2011

Re-adopted Full Council 29th September 2014

Re-adopted Full Council 25th January 2021

Contents Table:
Managing Attendance

Introduction	3
Statement of fitness for work (fit note)	4
Responsibilities	4
Minimum standards	4
Sickness absence reporting flowchart	5
Sickness absence procedures	6
Return to work	6
Other absences from work	6
Medical appointments	6 – 7
Communication	7
Annual leave entitlement in relation to sickness	7
Abuse of scheme	7 – 8
Management referral	8
Capability procedure	8
Sick pay and accidents	8
Short term absence procedure	
Trigger points	9
Stage 1 informal meeting	9 – 11
Stage 2 – formal meeting	11 – 12
Stage 3 – formal hearing	12 – 13
Stage 4 – appeals	13 – 14
Long term absence procedure	
Stage 1 informal meeting	14 – 15
Stage 2 – formal meeting	15 – 16
Stage 3 – formal hearing	16 – 17
Stage 4 – appeals	17

Introduction:

The objective of this policy is to establish a simple and fair procedure for managing the attendance of Ludlow Town Council employees and to ensure that there is information on the causes of sickness absence, levels, trends and problem areas to:

- Contribute towards providing a healthy working environment
- Enable effective management of attendance
- Identify work related causes of absence
- Ensure that appropriate paid sick leave is available

This will take place through:

- Ensuring that all employees understand and follow sickness reporting arrangements
- Conducting return to work interviews with employees after every episode of absence
- Considering 'reasonable adjustments' for employees (where applicable)
- Monitoring absence records and taking action at the specific trigger points
- Discussing work and family life balance

Employees will be treated compassionately as well as fairly. Information received will be treated confidentially.

The basis for management practice is prompt and relevant information about sickness levels, trends and problem areas. The information will be analysed by the Town Clerk on a quarterly basis to enable strategic planning for occupational health and health and safety information.

This policy is part of the Town Councils overall strategy on promoting the health and wellbeing of employees. The strategy is supported by various employment policies such as special leave and flexible working.

Short Term absence is normally identified as absence that has no underlying long term medical condition and is attributable to minor ailments. Often the employee will only be absent for a few days in each episode. In some cases a pattern can be identified which could be related to a disability or long term condition.

However, absences that are medically certified or attributable to a disability or long term medical condition can still be regarded as short term absences.

Long Term absence is normally identified as an absence from work with an underlying medical condition for one month (or more) and / or where there is no prospect of a return to work for the employee in the near future.

Statement of Fitness for Work (Fit Note)

In summary the GP will state whether the employee is either:

1. Not fit for work, or
2. Fit for work with some adjustments

Responsibilities Town Clerk:

- Establishing an attendance culture where absence is recognised as an important factor affecting the efficient running of the Town Council
- Managing the procedures and policy
- Communicating policy and procedures to all employees

Employees:

- Ensuring they adhere to their responsibilities as outlined within this policy

Minimum Standards

Sickness absence information is collected, recorded and reported as required.

Return to work interviews are held with individual employees following every episode of absence.

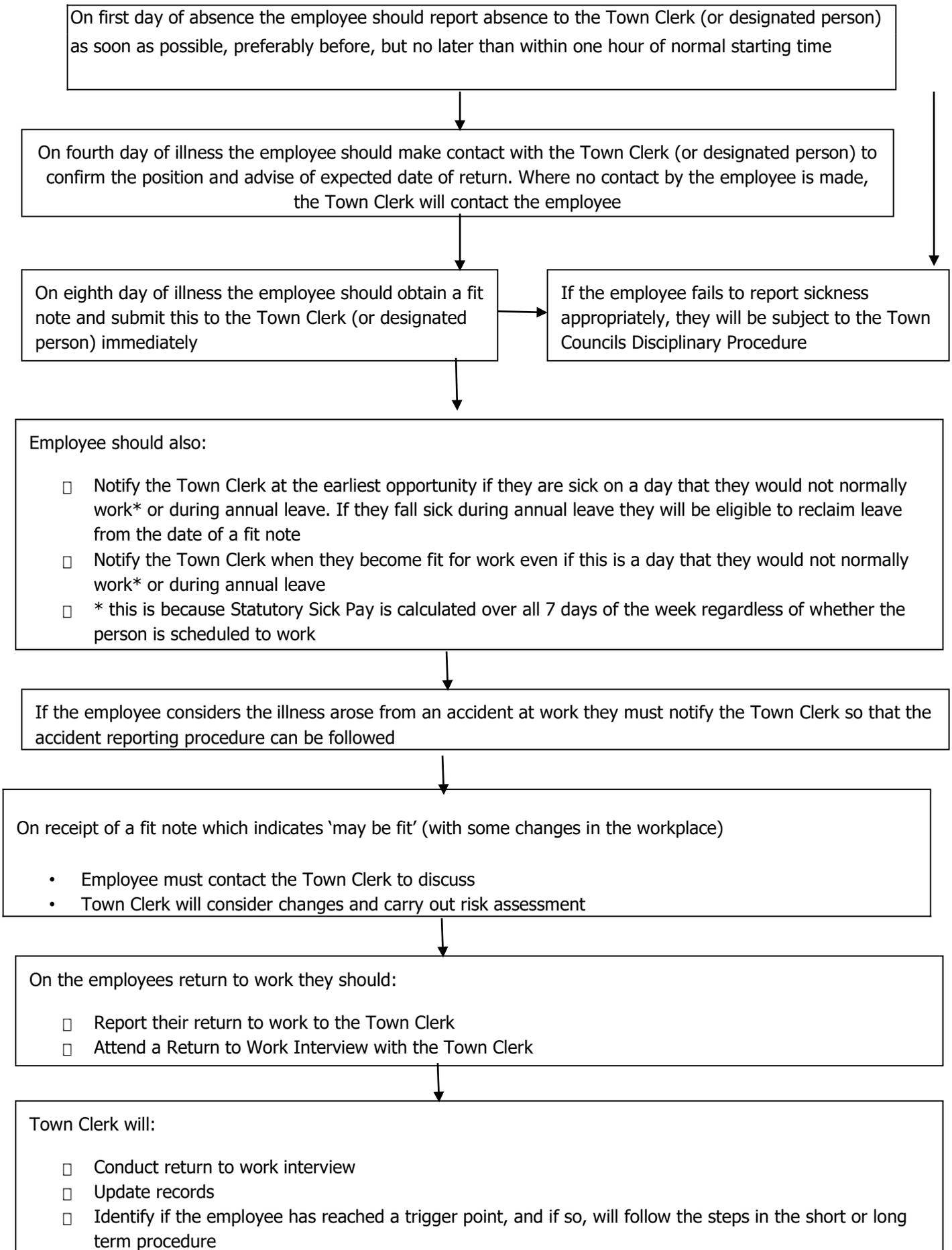
'Reasonable adjustments' are considered for disabled employees with underlying medical conditions. Reasonable adjustments could also be considered for employees without an underlying medical condition, for example following a Health and Safety assessment if a new chair were required.

All employees are aware of the sickness reporting arrangements.

Referrals are made to Occupational Health appropriately as determined by the Long Term Absence and Short Term absence procedure.

A holistic approach to managing attendance recognising that some absences are attributed to domestic or other personal reasons and ensure that employees are aware of other supporting policies, such as special leave and flexible working arrangements to avoid the inappropriate reporting of sickness absence.

Sickness Absence Reporting Procedure Flowchart



Sickness Absence Procedures

Return to Work Interview

Employees will be required to have a return to work interview with the Town Clerk after every episode of sickness. The aim of the interview is to establish the reason for absence, update the employee, enquire about the welfare of the employee, address any work related causes for absence etc.

It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention.

Where your doctor has provided a certificate stating that you "may be fit for work" we will usually hold a return-to-work interview to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice.

This interview will be recorded on the return to work interview form.

In circumstances where the employee's attendance becomes a cause for concern i.e. reaches a trigger point, the interview will become a Stage 1 informal meeting and will be recorded as such.

Other absences from work

The Town Council, in its role as an employer, has a range of family friendly policies and procedures to help employees balance the needs of home and work life.

It is important that employees are aware of these policies and that they are applied consistently and fairly, as they are an important aspect of attendance management. These policies provide a supportive framework to enable employees to take time off for specific reasons and within prescribed time limits.

These policies include:

- Leave for personal reasons, parental, bereavement, caring for others (Special Leave)
- Reservists and volunteers
- Adoption leave
- Maternity leave
- Paternity leave

Medical Appointments

Employees should arrange doctor/ dentist / optician visits outside working time where possible. However, when unavoidable, employees will be allowed time off during work time, subject to the agreement of the Town Clerk. Requests will be considered on an individual basis.

Hospital appointments are considered authorised absence and time off will be paid. Employees should provide the Town Clerk with proof of their appointment (e.g. an appointment card or hospital letter) when requesting time off to attend hospital appointments.

Time off to accompany dependants should not normally be taken as annual leave unless there are exceptional circumstances where paid time off is appropriate. Time off for cosmetic surgery should be taken from employees own leave entitlement unless the GP states that an employee is unfit and should refrain from work.

Leave to undertake IVF treatment would be expected to be taken as special leave for family or personal reasons or the employee may apply for a temporary change to their working pattern under our Flexible Working Policy.

Communication

When an employee is absent from work for a long term (one month or more), the Town Clerk will maintain at least monthly contact with the employee throughout their absence, even when they are subject to regular review by Occupational Health.

All meetings with an employee at all stages of this process, about the way forward and / or as a result of medical advice from Occupational Health will be recorded in writing, either by a letter to the employee confirming the main points of the discussion, or by sending the employee a copy of the notes of the meeting.

Annual Leave Entitlement in relation to Sickness Absence

Employees may request annual leave during any period of sickness absence in the normal way. If you intend to spend any time away from home during your sickness absence you should inform your manager of this fact in advance and provide contact details. The Council does not expect employees to take holidays while off sick. In exceptional cases only, where this may assist in an employee's recovery, the Council may agree to holidays being taken during sick leave. It is essential however that any such holidays are agreed in advance with the Council following the normal holiday request procedure. Where an employee returns to work in the current leave year, every effort will be made to allow them to take their remaining contractual annual leave entitlement to assist with their rehabilitation back to work.

Where an employee returns to work in a new leave year, they still have the right to the contractual annual leave they accrued whilst off sick during the previous leave year. However, the employee should be encouraged to take most or all of this leave in a block in the first month after their official return to duty date or to assist with extending a phased return to work.

Where an employee falls sick during the course of annual leave they shall be regarded as being on sick leave from the date of the GP's Fit Note.

Abuse of Sickness Scheme

In cases where abuse of the sickness policy is suspected, which may include failure to report sickness absence at the appropriate time, non-attendance at an Occupational Health appointment without reasonable cause, failure to submit GP Fit Note at the appropriate time, submission of forged or false fit notes etc sick pay may be suspended and consideration may be given to disciplinary action.

Management Referral

Management referrals will be made where it is clear from the beginning of an absence that the employee is unlikely to return to work in the near future or where an employee is attending work but they may have a medical problem that is, or could, potentially impact on their role or their future.

An employee shall, if required by the Town Council at any time, submit to a medical examination by a medical practitioner nominated by the Town Council, subject to the provisions of the Access to Medical Reports Act 1988 where applicable. Any costs associated with the examination will be met by the Town Council. Where it is necessary to obtain a second opinion, it should be provided by an independent medical referee.

Capability Procedure

If following an absence the employees' GP signs them off as fit to return to work but there is concern about them being able to undertake their substantive duties, the Town Clerk may request a consultation with Occupational Health in order to see if there is anything else the Town Council can do to support the employee. Whilst Occupational Health advice is sought it may be necessary to medically suspend the employee. If Occupational Health confirms that the individual is fit to carry out all duties of their substantive post, the Town Clerk may decide to invoke the capability procedure.

Sick Pay and Accidents

An employee who is absent from work as a result of an accident is not entitled to a sick pay allowance if damages may be received from a third party. The Town Council may, at its discretion, advance the allowance provided the employee agrees to refund the amount from any damages awarded.

Short Term Procedure

Frequent short term absence has a significant effect on productivity and service provision and it is important to reduce this type of absence as far as possible due to the detrimental effect on the team and morale.

Trigger points

The Town Council deems the following absences as a cause for concern:

- 4 or more episodes of sickness absence in every rolling 12 month period and / or
- 12 working days of sickness absence in every rolling 12 month period and / or
- Where the number of absences in a short period warrants immediate action e.g. 3 episodes or 9 days in 6 months
- A pattern of absence which is causing concern, for example regular Friday or Monday absences or absences regularly occurring on a particular day / week

The trigger points for part time employees will be pro rata to the number of days worked but not the number of occasions. For example if the employee works 18.5 hours per week over two and a half days (half the 'standard' week) the trigger point would be 6 working days in a 12 month period or 4.5 days in 6 months (this could be within one episode), if however, the employee works 25 hours per week over 5 days (5 hours per day) the trigger point will remain at 12 working days.

When an employee's absence reaches the trigger points listed above, the Town Clerk will follow the staged process outlined below.

Note – Disability leave, other types of special leave and pregnancy related sickness will not be counted towards the trigger points outlined above.

Stage 1 – Informal Meeting

Where an employee's absence meets the Town Councils trigger points, the employee will be invited to attend an informal meeting with the Town Clerk.

In most circumstances the employee will not be referred to Occupational Health until this meeting has taken place.

At the informal meeting the employee will be provided with a list of their absences with reasons and advised that their level of attendance at work is a cause for concern. At the meeting other areas possibly associated with the absences will also

be explored e.g. are the absences caused by a disability or personal, family or work related problems.

Once a full discussion has taken place with the employee about the nature of the absences and possible reasons why, the employee may be referred to Occupational Health. If applicable, the aim of the referral will be to establish whether the employee has a short term absence problem or, whether as a result of the meeting, the employee has an underlying health problem, which was not previously identified and to advise on possible reasonable adjustments.

Once the medical report is received from Occupational Health the employee will be invited in writing to meet the Town Clerk to conclude the informal meeting, if they wish, the employee may be accompanied by a Town Council work colleague, recognised trade union officer or recognised trade union representative.

Should a referral to Occupational Health not be required at this stage, the Town Clerk can conclude the informal meeting and decide on the appropriate outcome.

Outcomes of informal meeting

There are two possible outcomes:

1. A short term problem is identified by the Town Clerk (i.e. where there is no underlying medical condition or disability) the employee will be advised that their attendance is unacceptable and that there must be an immediate and sustained improvement. The sustained improvement will be to reduce the level of sickness absence to below the Town Councils trigger points (or to the trigger point agreed).

They will also be advised that should their attendance not significantly improve they will be subject to a formal meeting with the Town Clerk and thereafter should their attendance still not improve they could be dismissed.

The employee will be advised in writing of the main points of the meeting (including details of the level of improvement expected).

2. An underlying medical condition is confirmed, the employee will be supported but will continue to be managed through the short term absence procedure, with appropriate 'reasonable adjustments'.

In both circumstances (above), a monitoring period of 2 – 4 months should be set in order to review the employee's attendance. The monitoring period may be brought to an end earlier if the employee fails to meet the level of attendance required.

At the end of the monitoring period the Town Clerk will meet with the employee to review their absence and decide whether:

- The employees attendance has reached the level required and they are required to maintain this level of attendance. The decision will remain 'live' for one year and therefore if the satisfactory improvement proves only to be of a temporary nature then the Town Clerk has the option of returning immediately to this point in the procedure
- The monitoring period should be extended
- The level of attendance has not reached the required level and the employee will be subject to Stage 2 – Formal Meeting

Notes of the review should be made and a copy given to the employee. The employee may be accompanied by a Town Council work colleague, recognised trade union officer or recognised trade union representative.

Stage 2 – Formal Meeting

If following the review of the informal meeting an employee fails to provide an immediate and sustained improvement in their attendance within 2 – 4 months, the employee will be invited in writing to attend a formal meeting to discuss the way forward with the Town Clerk. At the meeting the employee can be accompanied by a Town Council work colleague, recognised trade union officer or recognised trade union representative.

Prior to a formal meeting, the employee will be given a full list of their absences and copies of records of return to work interviews since the informal review meeting and advice from Occupational Health (if appropriate).

At the meeting the employee will be required to give an explanation as to why their attendance has not improved and the Town Clerk will be required to demonstrate what action and discussion has taken place with the employee.

Outcomes of Formal Meeting

If the Town Clerk is satisfied that the absences are attributable to short term sickness and has undertaken everything possible she will advise the employee of the following:

- Their absence record is still unsatisfactory and they require an immediate and sustained improvement over the next 2 – 4 months
- The Town Clerk may require an employee to produce a GP Fit Note from the first day of each period of sickness absence, during the monitoring period (any cost incurred will be reimbursed)

- Should there not be an improvement within the next 2 – 4 months, the employee will be required to attend a final hearing with the Town Clerk who has the authority to dismiss

During the meeting, the Town Clerk can also suggest other options to try to improve the employees attendance or whether reasonable adjustments are required.

If the Town Clerk is not satisfied that the absences are attributable to short term sickness and / or has not taken satisfactory action, then she can consider the following options:

- The need for further involvement of Occupational Health
- Further extend the review period

The outcome of the formal meeting will be confirmed in writing to the employee.

Where sickness absence patterns emerge, or where it is believed that absences are not attributable to genuine sickness, this will be investigated through the Disciplinary Procedure.

At the end of the monitoring period the Town Clerk will meet with the employee to review their absence and decide whether:

- The employee's attendance has reached the level required and that they are required to maintain this level of attendance. This decision will remain 'live' for one year and therefore if the satisfactory improvement proves to be of only a temporary nature then the Town Clerk has the option of returning immediately to this point in the procedure
- The monitoring period should be extended for a further period (in exceptional circumstances)
- The level of attendance has not reached the required level and the employee will be subject to Stage 3 – Formal Hearing

Notes of the review should be made and a copy given to the employee. The employee may be accompanied by a Town Council work colleague, recognised trade union officer or recognised trade union representative.

Stage 3: Formal Managing Attendance Hearing

If following the review of the formal meeting, the employee still fails to provide an immediate and sustained improvement in their attendance within the next 2 – 4 months, the employee will be invited, in writing to attend a formal hearing with the Town Clerk. At the hearing the employee can be accompanied by a Town Council work colleague, recognised trade union officer or recognised trade union representative.

Prior to a formal hearing the employee will be given a copy of the written outcome of the formal meeting(s), a full list of absences, copies of records of return to work interviews, discussions since the formal meeting(s) and the advice from Occupational Health. The employee will also be advised that a possible outcome of the hearing is their dismissal on the grounds of 'medical incapability' or 'some other substantial reason'.

At the formal hearing, the employee will be required to give an explanation as to why their attendance has not improved and the Town Clerk will demonstrate what action, adjustments and discussion has taken place with the employee throughout the informal and formal management of the employee's absence.

Outcomes of Formal Managing Attendance Hearing

If the Town Clerk is satisfied that the absences are attributable to short term sickness only and everything else has been reasonably undertaken by the management of the situation she will be able to dismiss the employee with notice on grounds of 'some other substantial reason' (where no underlying medical condition is identified) or 'medical incapability' where an underlying medical condition is identified.

If the Town Clerk is not satisfied that the absences are attributable to short term sickness and / or satisfactory action has not been taken she can consider the following options:

- The need for further involvement of Occupational Health
- Extend the review period and agree to meet again (with the employee notified of the possibility of dismissal) should there not be a significant improvement
- The employee has reached the required level of attendance and no further action is required. This decision will remain 'live' for one year and therefore if the satisfactory improvement proves to be of only a temporary nature then the Town Clerk has the option of returning immediately to this point in the procedure
- The outcome of the Formal Managing Attendance Hearing will be confirmed in writing to the employee and include details of the appeal process

Stage 4: Appeals

An employee has the right to appeal against any formal action taken against them under this procedure. If the employee wishes to appeal they must do so in writing within 10 working days of the date on which the decision is confirmed in writing. If an employee wishes to appeal the Appeals Policy must be applied.

Once the decision to dismiss has been made and notice has been issued, the Town Clerk may advertise to recruit to the post, once it has been established that the employee has not submitted a written notification of an appeal against the decision.

Long Term Absence Procedure

Long term absence is defined as absence of 1 month or longer.

Where an employee is or is likely to be on long term absence as described above there is a duty on the Town Clerk to maintain regular contact with the employee to keep up to date with their condition and general well being, to provide them with support and to assess whether there is any change to the individuals circumstances. This may occur through formal meetings and / or telephone conversations.

Progression to formal action may not be necessary if the return to work is imminent.

Stage 1 – Informal Meeting

Where an employee has been absent from work for one month or longer the Town Clerk will meet with the employee and discuss their absence.

The purpose of the meeting will be to discuss:

- The nature of the employees ill health
- A referral to Occupational Health
- A likely return to work date / improvement in attendance
- Any support the Town Clerk is able to give
- Consideration of returning to work in a different capacity until fully fit to resume normal duties which is likely to form part of the GP's advice on the Fit Note
- Reasonable adjustments for employees with disabilities
- Pay status, if appropriate i.e. date on which reduced to half / nil sick pay
- Explanation of the formal monitoring during long term absence and that the process can ultimately lead to dismissal
- A monitoring period of 2 – 4 months should be set in order to review the employees absence

If the Town Clerk feels that progress is being made and an early return to work / improvement is likely, no further action is required except for a referral to Occupational Health to confirm fitness to return to duty.

If there is concern about the employee's ongoing health and likely recovery, a referral should be arranged with Occupational Health. A further meeting should be arranged when the Occupational Health report is received to review the advice.

An employee is not obliged to consent to any medical reports or records being shared with the Council as part of this process. However, in the absence of medical

evidence the Council will have to work on the basis of what information is available in reaching its decision.

The outcome of the meeting will be confirmed in writing to the employee.

Stage 2 – Formal Meeting

If the employee is still absent at the end of the review period they will be invited to attend a formal meeting to discuss the way forward with the Town Clerk. The meeting will be arranged at a suitable venue which will usually be the employee's place of work but in some circumstances (depending on the employee's health and well being) this may be held at the employee's home. At the meeting the employee can be accompanied by a Town Council work colleague, recognised trade union officer or recognised trade union representative.

Prior to a formal meeting, the employee will be given a full list of their absences and copies of any discussions since the informal review meeting and advice from Occupational Health (if appropriate).

If a referral to Occupational Health has not taken place at this stage then the Town Clerk will complete a referral.

The purpose of the meeting will be to discuss:

- Any progress or improvements in the employee's health
- Occupational Health advice received, particularly in relation to any adjustments, changes in hours or duties, or specialist equipment which have been recommended
- A likely return to work date
- Any support the Town Clerk is able to give
- Consideration of returning to work in a different capacity until fully fit to resume normal duties which is likely to form part of the GP's advice on the Fit Note
- Whether the employee is a member of the pension scheme and permanent ill health retirement should be considered
- Pay status, if appropriate i.e. date on which reduced to half / nil sick pay
- A further monitoring period of 2 – 4 months should be set in order to review the employees absence at which time the employee will be required to attend a Formal Managing Attendance Hearing
- It will be made clear that if, at the end of the monitoring period, the employee has been unable to return to work or the prognosis is still unclear then at the next stage of the procedure their dismissal on the grounds of medical incapability may be considered

If the Town Clerk is not satisfied that the absences are attributable to long term sickness she can consider the following actions:

- The need for further involvement of Occupational Health
- Further extend the review period and agree to meet again should there not be a significant improvement
- Consideration of other reasonable adjustments

The outcome of the Formal meeting will be confirmed in writing to the employee.

Stage 3: Formal Managing Attendance Hearing

If the employee is still absent at the end of the second review period they will be invited to attend a Formal Managing Attendance Hearing with the Town Clerk. Where consideration will be given to dismissing the employee on the grounds of medical incapability.

The meeting will be arranged at a suitable venue which will usually be the employee's place of work but in some circumstances (depending on the employee's health and well being) this may be held at the employee's home. At the meeting the employee can be accompanied by a Town Council work colleague, recognised trade union officer or recognised trade union representative.

Every effort will be made to make suitable arrangements for meetings to allow the employee to attend. Where the employee is simply too ill to take part in the process, however, the Council may proceed to dismissal in the absence of a meeting taking into account any representations made on the employee's behalf.

Prior to a formal hearing the employee will be given a copy of the written outcome of the formal meeting(s), a full list of absences, copies of records of return to work interviews, discussions since the formal meeting(s) and the advice from Occupational Health. The employee will also be advised that a possible outcome of the hearing is their dismissal on the grounds of 'medical incapability'.

At the formal hearing, the employee will be required to give an explanation as to why their attendance has not improved and any mitigating circumstances. The Town Clerk will demonstrate what action, adjustments and discussion has taken place with the employee throughout the informal and formal management of the employee's absence.

Outcomes of Formal Managing Attendance Hearing

If the Town Clerk is satisfied that the absences are attributable to long term sickness only and everything else has been reasonably undertaken by the management of the situation she will be able to dismiss the employee with notice on grounds of 'medical

incapability' where an underlying medical condition is identified. Any dismissal will be with notice.

If the Town Clerk is not satisfied that the absences are attributable to long term sickness and / or satisfactory action has not been taken she can consider the following options:

- The need for further involvement of Occupational Health
- Extend the review period and agree to meet again (with the employee notified of the possibility of dismissal) should there not be a significant improvement

The outcome of the Formal Managing Attendance Hearing will be confirmed in writing to the employee and include details of the appeal process.

Stage 4: Appeals

An employee has the right to appeal against any formal action taken against them under this procedure. If the employee wishes to appeal they must do so in writing within 10 working days of the date on which the decision is confirmed in writing. If an employee wishes to appeal the Appeals Policy must be applied.

Once the decision to dismiss has been made and notice has been issued, the Town Clerk may advertise to recruit to the post, once it has been established that the employee has not submitted a written notification of an appeal against the decision.

DISCIPLINARY AND GRIEVANCE POLICY



LUDLOW TOWN COUNCIL

DISCIPLINARY & GRIEVANCE POLICY AND PROCEDURE

**Adopted by Full Council on the 14th March 2011
Re-adopted by Full Council 2nd February 2015
Amended and re-adopted by Full Council 9th February 2018
Amended and re-adopted Full Council 16th September 2024
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CONTENTS

- 1 Policy statement**
 - 2 Purpose/Process**
 - 2.1 Introduction**
 - 2.2 Rules and disciplinary procedures**
 - 2.3 General requirements**
 - 2.4 Handling discipline: an overview**
 - 2.4.1 Encourage improvement**
 - 2.4.2 Act promptly**
 - 2.4.3 Gather the facts**
 - 2.4.4 Be firm and fair**
 - 2.4.5 Suspension with pay**
 - 2.4.6 Stay calm**
 - 2.4.7 Be consistent**
 - 2.4.8 Consider each case on its merits**
 - 2.4.9 Follow the disciplinary procedure**
 - 2.4.10 Is disciplinary action necessary?**
 - 2.5 Informal procedure**
 - 2.6 Mediation**
 - 2.7 Formal Process**
 - 2.8 Protection from Victimisation**
 - 2.9 Disciplinary**
 - 2.10 Employment Tribunals**
 - 2.11 The law on dismissal**
 - 2.12 Criminal charges or convictions**
 - 3 Retention of documentation relating to disciplinary action**
 - 4 Time limits for warnings**
 - 5 Training**
 - 6 Review**
 - Appendix A Examples of Misconduct**
 - Appendix B Disciplinary Process**
 - Appendix C Grievance Process**
- Disciplinary Policy**

1. Policy statement

The Town Council recognises that good management can prevent the development of potential disciplinary problems and that employees need clearly defined standards within which to undertake their duties and conduct themselves at work. This enables them to function most effectively in contributing to the provision of quality services and in their relationships with managers, colleagues, members of the public and others.

Staff should read the Council's **Staff Code of Conduct** as this sets out expected standards and conduct in the workplace.

On those occasions where the specified standards of conduct are not being met and there is a need to consider disciplinary action, the prime aim will be to help employees correct their inappropriate conduct within a procedural framework that ensures fair treatment for all and that is consistent in approach in accordance with agreed procedure.

The Town Clerk must be involved and members of the Town Council consulted if dismissal is being considered. Suspension on normal pay pending an investigation is permitted, but the Council must first be consulted. Any investigation should ordinarily be completed within 10 -20 working days.

Depending on the circumstance of the case, as an alternative to dismissal an employee may be demoted (if a vacancy exists) or suspended without pay and privileges for up to five days. Such a decision may only be made at a disciplinary or appeal hearing.

Where the facts of the case appear to call for disciplinary action, the Town Clerk will decide whether the misdemeanour amounts to misconduct or gross misconduct in consultation and taking advice where necessary. The matter will be given a high priority and action taken in accordance with procedures that are based on the following principles:

- No disciplinary action will be taken against an employee until the case has been fully investigated.
- At every stage in the procedures the employee will be advised of the nature of the complaint against him/her, provided with any supporting evidence and be given the opportunity to state his/her case before any decision is made.
- At all formal stages the employee will have the right to be accompanied by a union official, professional association representative or work colleague during a disciplinary hearing.
- The employee will be heard in good faith and there will be no pre-judgement of the issue.
- No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct when the penalty may be dismissal without notice or payment in lieu of notice.

- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.
- An employee will have the right to appeal against any formal disciplinary action taken.
- Where an alleged offence results in police or other external investigations, the internal procedure and related time scales will ordinarily continue to apply.

This policy is supported by the following procedures, which must be followed.

2. Purpose

2.1 Introduction

Disciplinary procedures are an aid to the effective management of people, and should not be viewed primarily as a means of imposing sanctions or as leading to dismissal.

The use of the formal disciplinary procedures should be considered a "last resort" rather than the first option. Many problems can be sorted out through informal dialogue between managers and staff – a "quiet word" is often all that is needed.

2.2 Rules and disciplinary procedures

Clear rules benefit employees and employers. Rules set standards of conduct and performance at work and make clear to employees what is expected of them. A good disciplinary procedure helps employees keep to the rules, and helps employers deal fairly with those who do not.

Rules will normally cover issues such as absence, timekeeping and holiday arrangements, health and safety, use of the Town Council's equipment and facilities, misconduct/gross misconduct, sub-standard performance, and discrimination, sexual harassment, bullying and harassment.

This disciplinary procedure is the means by which rules are observed and standards are maintained. It provides a method of dealing with any shortcomings in conduct or performance and can help an employee to become effective again. The procedure must be applied fairly, effectively and consistently.

These procedures apply to all Town Council employees, irrespective of their length of service, status or number of hours worked.

2.3 General requirements

The ACAS Code of Practice Disciplinary and Grievance procedures ('the ACAS Code') should be complied with at all times. Attempts should still be made initially to resolve workplace problems informally, by talking about them as and when they happen. When that does not resolve the issue, however, the disciplinary procedure may be invoked.

Having to discipline or dismiss an employee is never a comfortable process. This process can be eased by talking things through informally. Where that does not work, using the new laws for resolving disputes will ensure everything is clear and unhidden, providing a fair process for all concerned. It is necessary to act reasonably at all times.

It should be noted that in the event of disciplinary action against the Town Clerk the words "Town Clerk" should be replaced by "Town Mayor" in the following procedures.

The Town Clerk is responsible for specifying the expected standards of behaviour, the enforcement of rules and ensuring that any breaches are tackled promptly. Any complaint or allegation regarding the conduct of an employee should, in the first instance, be referred to the Town Clerk who would normally deal with a first and relatively minor infringement informally.

2.4 Handling discipline: an overview

2.4.1 Encourage improvement

The main purpose of operating a disciplinary procedure is to encourage improvement in an employee whose conduct or performance are below acceptable standards. Such improvement to be identifiable within an agreed period

2.4.2 Act promptly

Problems dealt with early enough can be "nipped in the bud", whereas delay can make things worse as the employee may not realise that they are below standard unless they are told.

2.4.3 Gather the facts

By acting promptly the relevant supervisor or manager can clarify what the problem is and gather information before memories fade, including anything the employee has to say. Where necessary, statements should be obtained from witnesses at the earliest opportunity. Keep records of what is said, copies may need to be given to the individual if the matter progresses any further. Relevant personal details such as previous performance, length of service and any current warnings will need to be obtained before the meeting, as well as any appropriate records and documents.

2.4.4 Be firm and fair

Whilst maintaining satisfactory standards and dealing with disciplinary issues requires firmness on the part of the manager, it also requires fairness. The manager needs to be as fair as possible, keep an open mind, and not prejudge the issues.

2.4.5 Suspension with pay

Where there appears to be serious misconduct, or risk to property or other people, a period of suspension with pay should be considered while the case is being investigated. This allows tempers to cool and hasty action to be avoided. Any suspension must be with pay, and any period of suspension should be as short as possible. The employees should be told why they are being suspended, and that they will be called in for a disciplinary meeting as soon as possible. Suspension should not be used as a sanction before the disciplinary meeting and decision, and employees should be treated fairly and consistently.

2.4.6 Stay calm

Enquiries, investigations and proceedings should be conducted with thought and care. The discipline of an employee is a serious matter and should never be regarded lightly or dealt with casually.

2.4.7 Be consistent

The attitude and conduct of employees may be seriously affected if management fails to apply the same rules and considerations to each case. All employees should be aware of the Town Council's normal practice for dealing with misconduct or unsatisfactory performance.

2.4.8 Consider each case on its merits

While consistency is important, it is also essential to take account of the circumstances and people involved. Personal details such as length of service, past disciplinary history and any current warnings will be relevant to such considerations. Any provocation or other mitigation also needs to be taken into account. Any decision to discipline an employee must be reasonable in all the circumstances and must not discriminate on grounds of age, race, sex, disability, sexual orientation or religion or belief.

2.4.9 Follow the disciplinary procedure

The disciplinary procedure must be followed and the Town Clerk should never exceed the authority limits.

If the employee is dismissed or suffers a disciplinary penalty short of dismissal (such as suspension) the ACAS Code must have been followed. If they have not been followed and the employee makes a claim to an employment tribunal the dismissal may be ruled unfair or awards may be increased. To make a claim to an employment tribunal, employees will ordinarily have to have two year's service.

2.4.10 Is disciplinary action necessary?

Having gathered the facts, the Town Clerk should decide whether to:

- Drop the matter – there may be no case to answer or the matter may be regarded as trivial.
- Arrange counselling/take informal action – this is an attempt to correct a situation and prevent it from getting worse without using the disciplinary procedure
- Consider using an independent mediator, who will not take sides or judge who is right but who can help the parties reach their own agreement
- Arrange a disciplinary meeting - this will be necessary when the matter is considered serious enough to require disciplinary action.
- A panel of trained councillors mainly from the Staffing & Appeals Committee will be identified (and reviewed annually) from which members will be selected to participate in a hearing and, if necessary, any appeal.

2.5 Informal procedure

When an employee is not performing satisfactorily or is misbehaving at work the first priority should be to help them to improve. Informal action may often be a more satisfactory method of resolving problems than a disciplinary meeting. Minor breaches of conduct will be dealt with by an informal discussion which will point out any shortcomings and encourage improvement and may result in the giving of an informal warning. No right of appeal exists for informal warnings. A note summarising the issues and outcome, which the employee should fully understand, will be retained on the employee's personal file, a copy having been given to the employee

After careful consideration (even adjourning the meeting where necessary to allow full consideration of the matters raised), if the employee's explanation is not satisfactory, the Town Clerk will write a letter to the employee setting out the problem, what the employee is expected to do about it, when an improvement is expected to be seen, and what will be done if there is no improvement.

Informal warnings do not constitute action under the formal procedure but there will be recourse to the formal procedure for persistent breaches of conduct, if there is no improvement, or if any improvement fails to be maintained.

If the situation still does not improve, and further action against the employee is necessary the Town Council will start the standard formal procedure as set out in Section 2.7 below.

2.6 Mediation

In some cases, where formal disciplinary action is not appropriate, an independent mediator may help solve disagreements over disciplinary issues. A mediator will not take sides or judge who is right but can help the parties reach their own agreement where the employer and employee are unable to solve a disagreement alone. A mediator may also recommend a way forward if both parties agree that they want this.

2.7 Formal Process

For more serious matters or if, following informal action, the employee fails to meet the required standard then formal action will follow.

Before any meeting sufficient investigation will need to be carried out to enable a clear view of the facts to emerge and be available at the meeting. The employee should be advised in writing what is being alleged, and his or her rights under the disciplinary procedure, including the right to be accompanied by a colleague or trade union official. The employee should have time to prepare, and proper opportunity to state their case.

When deciding whether a disciplinary penalty is appropriate and what form it should take, consideration should be given to:

- Whether the rules of the Town Council indicate what the likely penalty will be as a result of the particular misconduct.
- The penalty imposed in similar cases in the past.
- The employee's disciplinary record, general work record, work experience, position and length of service.
- Any special circumstances which might make it appropriate to adjust the severity of the penalty.
- Whether the proposed penalty is reasonable in view of all the circumstances.

2.8 Protection from Victimisation

All workers shall be protected from intimidation, victimisation or discrimination for making a complaint of any kind, including sexual harassment or for assisting in an investigation. Retaliating against a worker for complaining about or assisting in an investigation is a disciplinary offence.

2.9 Disciplinary

If the Town Council is considering disciplining an employee the ACAS Code shall be followed in all dismissals except.

2.10 Employment Tribunals

Employees who feel they have been unfairly dismissed (and meet the qualifying conditions) or wish to claim compensation within the prescribed limit for being dismissed in breach of contract, have a legal right to make a complaint to an employment tribunal. Such complaints must normally be received by the tribunal within three months counting from and including the individual's last day of employment. A breach of contract claim of wrongful dismissal may alternatively be made in a county court or the High Court, in which case the time limit is six years from the termination of employment.

In most cases, internal appeal decisions are reached well within this time frame, but exceptional cases may take longer to be heard. If the disciplinary process is in progress then employment tribunals have discretion to extend the time limit for presenting a case in the light of all the circumstances.

If the disciplinary or dismissal procedures are not completed when the case goes to a tribunal the tribunal will decide whether that is the fault of the employee or the Town Council. If it is the fault of the Town Council the compensation payable will be increased by up to 25%. If it is the employee's fault the compensation may be decreased in the same way. If there is no award, there is no additional penalty.

An employment tribunal will automatically find a dismissal unfair if a fair procedure has not been followed which is why adherence to the ACAS Code is so important. The tribunal will also, except in exceptional circumstances, increase compensation for the employee by up to 25%. Equally, if the employment tribunal finds that an employee has been dismissed unfairly but has failed to participate in the procedure (for instance they have failed to attend the disciplinary meeting without good cause), compensation may be reduced by up to 25%.

A tribunal can rule that a dismissal is unfair even though procedures have been followed exactly. The tribunal must be satisfied that the Town Council has acted reasonably in the circumstances.

2.11 The law on dismissal

If disciplinary action could end in dismissing an employee, the Town Council must ensure the dismissal is fair. Fairness involves 2 key points:

The reason for the dismissal must be one allowed by the law:

- a. Capability or qualifications of the employee
- b. Conduct of the employee
- c. Redundancy
- d. Contravention of a duty or restriction or
- e. Some other substantial reason

The Town Council must act fairly. This means following the key principles set out below:-

- a. Procedures should be used to encourage employees to improve, where possible, rather than just as a way of imposing a punishment.
- b. The Town Council must inform the employee about the complaint against him or her; the employee should be given an opportunity to state his or her case before decisions are reached.
- c. The employee is entitled to be accompanied at disciplinary meetings.
- d. Disciplinary action should not be taken until the facts of the case have been established.
- e. An employee should never be dismissed for a first disciplinary offence, unless it is a case of gross misconduct.
- f. The employee should always be given an explanation for any disciplinary action taken and should know what improvement is expected.
- g. The employee must have an opportunity to appeal.

An employee cannot take a case of unfair dismissal against the Town Council until he or she has been employed by the Council for two years or more. There are some important exceptions to this rule. Some dismissals are automatically unfair whenever they occur e.g. the Town Council cannot fairly dismiss a woman for becoming pregnant or a trade union official or health and safety officer for carrying out legitimate duties.

2.12 Criminal charges or convictions

An employee should not be dismissed or otherwise disciplined merely because he or she has been charged with or convicted of a criminal offence. The question to be asked in such cases is whether the employee's conduct merits action because of its employment implications.

Where it is thought the conduct warrants disciplinary action the following guidance should be borne in mind:

- The Town Council should investigate the facts as far as possible, come to a view about them and consider whether the conduct is sufficiently serious to warrant instituting the disciplinary procedure.
- Where the conduct requires prompt attention the Town Council need not await the outcome of the prosecution before taking fair and reasonable action.
- Where the police are called in they should not be asked to conduct any investigation on behalf of the Town Council, nor should they be present at any meeting or disciplinary meeting.

In some cases the nature of the alleged offence may not justify disciplinary action, e.g. off-duty conduct which has no bearing on employment, but the employee may not be available for work because he or she is in custody or on remand. In these cases the Town Council should decide whether, in the light of the needs of the organisation, the employee's job can be held open. Where a criminal conviction leads, for example, to the loss of a licence so that continued employment in a particular job would be illegal, the Town Council should consider whether suitable alternative work is available.

Where an employee, charged with or convicted of a criminal offence, refuses to cooperate with the Town Council's disciplinary investigations and proceedings, this should not deter the Town Council from taking action. The employee should be advised in writing that unless further information is provided a disciplinary decision will be taken on the basis of the information available and could result in dismissal.

3. Retention of documentation relating to disciplinary action

Consistent handling of disciplinary matters will be difficult unless simple records of earlier decisions are kept. These records should be confidential, detailing the nature of any breach of disciplinary rules, the action taken and the reasons for it, the date action was taken, whether an appeal was lodged, its outcome and any subsequent developments.

All documentation relating to any disciplinary action taken by the Town Council will be dealt with in accordance with the Data Protection legislation in force at the time. The Data Protection Act 1998 governs the keeping of manual and computer records, and allows the “data subjects” access to personal and personnel records about them. In each particular case copies of the relevant records should be given to the employee concerned, although in certain circumstances some information may be withheld e.g. to protect a witness.

4. Time limits for warnings

Disciplinary action will not count against an individual indefinitely.

Records of warnings should be kept, but should generally be disregarded after six months for first written warnings, but after 12 months for a final written warning.

Warnings should cease to be “live” following the specified period of satisfactory conduct and should thus be disregarded for future disciplinary purposes.

There may be occasions where an employee’s conduct is satisfactory throughout the period the warning is in force, only to lapse very soon thereafter. Where a pattern emerges and there is evidence of abuse of the system, the employee’s disciplinary record should be borne in mind in deciding how long any warning should last.

5. Training

Proper training and supervision are essential to the achievement of satisfactory performance. Regular discussion with employees about performance, either formally or informally, will help to identify any problem areas and allow remedial action to be taken promptly. Inadequate performance, particularly during a probation period, should be identified as quickly as possible so that appropriate remedial action can be taken. Performance will also be discussed during an employee’s annual appraisal.

Those responsible for using and operating the disciplinary rules and procedures will be trained for the task. Ignoring or circumventing the procedures when dismissing an employee is likely to have a bearing on the outcome of any subsequent tribunal complaint. Good training helps managers achieve positive outcomes, reducing the need for any further disciplinary action.

6. Review

This policy will be reviewed annually, or more frequently if there are changes to legislation or situations demand it.

The Town Council embraces a culture where employees are consulted and problems discussed, which is less likely to need to proceed down the formal disciplinary process.



Examples of Misconduct

Serious Misconduct

- Unsatisfactory attendance and/or timekeeping
- Failure to use safe and hygienic work practices and observe safety regulations
- Unauthorised absence from the workplace
- Unwillingness to carry out reasonable duties
- Minor infringements of the Council's policies relating to equality, diversity and code of conduct
- Unwarranted angry response or behaviour
- Negligence in the use of equipment or property
- Failings in preserving of the dignity, respect and privacy of others
- Failure to file securely confidential information about a service user
- Offences against the law of the land that impact on the employee's ability to perform their duties

Gross Misconduct

- Theft or fraud e.g. deliberate falsification of timesheets
- Serious negligence or blatant disregard of safety regulations that causes or threatens to cause injury to others
- Breaches of computer security
- Misuse of computer and internet services
- Serious acts of insubordination and repeated or blatant refusal to obey reasonable instructions
- Insulting, indecent or offensive behaviour towards a fellow employee or any other person whilst acting or purporting to act on behalf of the Town Council
- Serious acts contrary to the Council's equality policy, e.g. harassment or discrimination on the grounds of sex, race, religion or age
- Insulting, indecent or offensive behaviour towards a fellow employee or any other person withstanding or purporting to act on behalf of the Council
- Fighting or threatened physical assault on another person
- Wilful damage to the Council's or other people's property
- Serious acts of abuse, mistreatment or neglect of a service user
- Unauthorised disclosure of confidential information

- Conviction in a court of law of an offence which seriously undermines the employment relationship
- Being under the influence of alcohol or drugs whilst on duty
- Smoking or using e-cigarettes within the confines of Council buildings or vehicles
- Sexual Harassment
- Conduct bringing the Council into disrepute

These examples are intended to demonstrate the difference between those acts

- that are generally recognised as constituting gross misconduct and
- that are regarded as serious enough to warrant disciplinary action but not sufficiently so to be considered as gross misconduct.

They are examples only and are not intended to comprise an exhaustive list of all situations that may arise when considering whether or not the matter is gross misconduct.



DISCIPLINARY PROCESS

1. INTRODUCTION

This disciplinary 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.

1.1 This policy indicates the disciplinary procedure that will normally be followed in the event of misconduct. The following list provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings. The list is not exhaustive and is amplified in the Appendix A.

- i. Unsatisfactory time keeping.
- ii. Absenteeism, including any absence from work during a working day without prior authorisation or instruction.
- iii. Failure to comply with rules and regulations applicable to job requirements.
- iv. Failure by an employee to perform the duties and responsibilities of his or her post to the standard expected by the council.
- v. Insubordination.
- vi. Any other conduct that from time to time is defined by the council as amounting to misconduct.

1.2 In first instances of minor misconduct the Town Clerk may speak to the employee informally before implementing a formal disciplinary procedure.

2. SCOPE

The procedure applies to all employees.

3. VERBAL WARNINGS

Verbal Warnings are issued for most first instances of general misconduct, depending on the seriousness of the offence. If the employee is given a Verbal Warning he or

she will be warned of the likely consequences of any further disciplinary offences or a failure to improve his or her conduct to the satisfaction of the council. A note confirming the Verbal Warning will be placed on the employees personnel file and a copy will be provided to the employee. A Verbal Warning will normally remain in force for 6 months.

The Verbal Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

4. FIRST WRITTEN WARNING

In the case of a serious offence or repetition of an earlier minor offence the employee will normally be given a First Written Warning. A First Written Warning will be issued by the Town Clerk and will set out:

- i. the nature of the offence and the improvement required (if appropriate) and over what period;
- ii. the likely consequences of any further offence or failure by the employee to improve his/her conduct to an acceptable standard;
- iii. that further offences will result in more serious disciplinary action; and
- iv. the employee's right of appeal.

A first Written Warning will normally remain in force for 6 months.

The First Written Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

5. FINAL WRITTEN WARNING

If further misconduct occurs within the time period specified in a First Written Warning, or if the misconduct is sufficiently serious the employee will be given a Final Written Warning. A Final Written Warning will be issued by the Town Clerk after the consultation with the Chair of the Staffing & Appeals Committee and will set out:

- i. the nature of the offence and the improvement required (if appropriate) and over what period;
- ii. the likely consequences of any further offence or a failure by the employee to improve his/her conduct to an acceptable standard;
- iii. that further offences will result in more serious disciplinary action up to and including dismissal; and
- iv. the employees right of appeal.

Final Written Warnings may also be issued in circumstances where the misconduct does not amount to gross misconduct, but is sufficiently serious enough to warrant only one written warning.

6. FORMAL COUNCIL DISCIPLINARY PROCEDURE

- 6.1 In the case of further misconduct within the time period specified in any Final Written Warning or if the misconduct is sufficiently serious and the Town Clerk deems it to be appropriate to contemplate the dismissal, demotion or suspension (without pay) of the employee after discussion with the Chair of the Staffing & Appeals Committee the following formal disciplinary procedure will be followed.
- 6.2 The Town Clerk will investigate the alleged misconduct and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses.
- 6.3 The council will set out in writing the alleged conduct or other circumstances which lead the council to contemplate dismissing the employee or taking disciplinary action against the employee and the basis for the allegation and will send the employee a copy of the statement requesting the employee to attend a disciplinary meeting to discuss the matter. The employee will be provided with a reasonable opportunity to consider his or her response to the information provided in the statement before attending the meeting. The employee must take all reasonable steps to attend the meeting.
- 6.4 Disciplinary meetings will normally be convened within 5 working days of the council sending the employee the written statement referred to in 6.3 above. The Panel will be constituted normally by 3 members of the Staffing & Appeals Sub-Committee. The employee may be accompanied to any disciplinary meeting by a fellow employee or by a representative of a trade union. The council will be represented by the Town Clerk.
- 6.5 If the time or date proposed for the meeting is inconvenient (either for the employee or for the employees companion should he or she wish to be accompanied to the meeting pursuant to 6.4 above) the employee may ask to postpone the meeting by up to 5 working days.
- 6.6 The 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/Town Clerk time to consider their decision.
- 6.7 After the meeting the Chair of the Panel will inform the employee of its decision and any applicable sanction within 5 working days. The meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing.
- 6.8 If the employee wishes to appeal against the decision he or she must notify the council in writing within 5 days of receiving written notice of the decision.
- 6.9 If the employee notifies the council that he or she wishes to appeal, the employee will be invited to attend a disciplinary appeal meeting before members of the Staffing & Appeals Sub-Committee NOT involved in the disciplinary hearing. The employee

must take all reasonable steps to attend that disciplinary appeal meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a fellow employee or by a representative of a trade union.

- 6.10 A disciplinary appeal meeting will normally be convened within (7) working days of the council receiving notification that the employee wishes to appeal pursuant to 6.8 above. If the meeting date is inconvenient for the employee or the employee's companion he or she may ask to postpone the meeting by up to [5] working days.
- i. Any new evidence that the employee wishes to put forward will be considered, as will any new evidence from the council. The original disciplinary penalty will be reviewed.
 - ii. The disciplinary appeal sanction originally imposed cannot be increased upon appeal.
 - iii. The disciplinary appeal meeting will not necessarily take place before any disciplinary sanction imposed by the council takes effect. If the employee's appeal is against dismissal and the appeal is successful the employee will be reinstated and continuity of employment will be preserved.
 - iv. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Panel members time to consider its decision.
- 6.11 After the disciplinary appeal meeting the council will inform the employee of its final decision within 5 working days. The meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing.

7. COUNCIL DISMISSAL PROCEDURE FOR USE IN GROSS MISCONDUCT

- 7.1. The list in Appendix A provides examples of conduct that will normally be regarded by the council as Gross Misconduct. This list is not exhaustive.
- 7.2. If an employee is accused of any Gross Misconduct he or she may be suspended from work on full pay pending the outcome of an investigation into the alleged offence(s). Such a period of suspension will not normally exceed 10 working days unless there are exceptional circumstances. A decision to suspend will be taken by the Town Clerk in consultation with the Chairman of the Staffing and Appeals Committee
- 7.3. The Town Clerk will investigate the matter and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses. As part of the investigation the employee will be interviewed.
- 7.4. The council will set out in writing the alleged conduct or other circumstances which lead the council to contemplate dismissing the employee or taking disciplinary action against the employee and the basis for the allegation and will send the employee a copy of the statement inviting the employee to attend a disciplinary meeting to discuss the matter. The employee will be provided with a reasonable opportunity to consider

his or her response to the information provided in the statement before attending the meeting. The employee must take all reasonable steps to attend the meeting.

- 7.5. Disciplinary meetings will normally be convened within 5 working days of the council sending the employee the written statement referred to in 6.3 above will be. The Panel will be constituted normally by 3 members of the Staffing & Appeals Sub-Committee. The employee may be accompanied to any disciplinary meeting by a fellow employee or by a representative of a trade union. The council will be represented by the Town Clerk.
- 7.6. If the time or date proposed for the meeting is inconvenient (either for the employee or for the employees companion should he or she wish to be accompanied to the meeting pursuant to 6.4 above) the employee may ask to postpone the meeting by up to 5 working days.
- 7.7. The 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/Town Clerk time to consider their decision.
- 7.8. After the meeting the Chair of the Panel will inform the employee of its decision and any applicable sanction within 5 working days. The meeting may be reconvened for this purpose and the decision will be confirmed to the employee in writing.
- 7.9. Depending on the offence and circumstances there may be occasions when the employment will be terminated immediately without notice or pay in lieu of notice.
- 7.10. The council will send the employee a statement, setting out the allegations of misconduct that led to the employee's dismissal and the council's basis for thinking that the employee is guilty of that misconduct. The date on which the employment terminated will be confirmed to the employee and the employee may be reminded of any continuing obligations he or she may have following the termination of employment. This statement will also explain the employees right to appeal against the councils decision.
- 7.11. If the employee wishes to appeal against the Council's decision he or she must notify the council in writing within 5 working days of receiving notice of the Council's decision pursuant to 7.5 above.
- 7.12. If the employee appeals the council will invite the employee to attend a disciplinary appeal meeting before the Staffing and Appeals Sub-Committee. The employee must take all reasonable steps to attend the meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a fellow employee or by a representative of a trade union.
- 7.13. The panel will be a total of three Members made up from Members of the Staffing and Appeals Sub-Committee who have NOT been involved in the earlier stages of the disciplinary procedure and other trained Members of the Town Council.

- 7.14. Any disciplinary appeal meeting will normally be convened within 7 working days of the Council receiving notice from the employee that he or she wishes to appeal pursuant to 7.11 above. If the date of the meeting is inconvenient for the employee or his or her companion the employee may ask to postpone the meeting by up to 5 working days.
- i. Any new evidence that the employee wishes to put forward will be considered as will any new evidence from the council. The original disciplinary decision will be reviewed.
 - ii. The disciplinary sanction originally imposed cannot be increased upon appeal.
 - iii. The disciplinary appeal will not necessarily take place before any disciplinary sanction imposed by the council takes effect. If the employee's appeal is against dismissal and the appeal is successful he or she will be reinstated and continuity of employment will be preserved.
 - iv. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Staffing and Appeals Sub-Committee time to consider its decision.
- 7.15. After the disciplinary 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.

8. GENERAL PROCEDURAL INFORMATION

- 8.1. Verbal Warnings and Written Warnings will normally be issued by the Town Clerk. Disciplinary proceedings raised under the Council's disciplinary procedure will also normally be investigated and any meetings to discuss the disciplinary proceedings conducted by the Town Clerk.
- 8.2. Where formal disciplinary proceedings or any other employees relations matters, these will be instigated against the clerk are dealt with by the Staffing and Appeals Sub-Committee, Verbal Warnings and Written Warnings will be given by the Chairman of that Committee. All investigations and hearings will be carried out by the Staffing and Appeals Sub-Committee. Any disciplinary appeal meeting will be conducted by a total of three Members made up from Members of the Staffing and Appeals Sub-Committee who have NOT been involved in the earlier stages of the disciplinary procedure and other trained Members of the Town Council.
- 8.3. If the disciplinary offence constitutes a potential criminal offence, including sexual harassment such as a sexual assault, indecent exposure, stalking and/or offensive communications, the Town Clerk or Deputy Town Clerk will provide the complainant with appropriate support should they wish to report the matter to the police.



GRIEVANCE PROCESS

1. INTRODUCTION

1.1. This procedure applies to all employees of the council.

1.2. 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 grievances seriously and resolves them as quickly as possible; and
- To ensure that employees are treated fairly and consistently throughout the council.

1.3. Matters excluded from this procedure are as follows: -

- Appeals against salary or gradings;
- Appeals against disciplinary actions;
- Income tax, national insurance matters, rates of pay collectively agreed at the national or local level;
- Rules of pension schemes; and
- A grievance about a matter over which the council has no control.

2. INFORMAL GRIEVANCE PROCEDURE

In the interests of maintaining good working relations the employee is encouraged to first discuss any grievance with the Town Clerk with a view to resolving the matter informally if appropriate. If the employee feels that this is not appropriate or he or she wishes to pursue a formal grievance they should follow the procedure detailed below.

3. FORMAL GRIEVANCE PROCEDURE STANDARD COUNCIL GRIEVANCE PROCEDURE

3.1. The employee must set out his/her grievance in writing ("Statement of Grievance") and provide a copy to the Chair of the Staffing & Appeals Committee.

- 3.2. Once the Committee has had a reasonable opportunity to consider its response to the information provided in the Statement of Grievance the employee will be invited to attend a grievance meeting to discuss the matter with 3 Members of the Committee.
 - i. The employee must take all reasonable steps to attend the meeting.
 - ii. Grievance meetings will normally be convened with 14 days of the council receiving the Statement of Grievance.
 - iii. The employee has the right to be accompanied to a grievance meeting by a fellow employee or by a Trade Union representative (see 5.5).
 - iv. If the meeting is inconvenient for either the employee or his or her companion, the employee has the right to postpone the meeting by up to 5 working days.
- 3.3. A grievance meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Town Clerk time to consider the decision.
- 3.4. After the meeting the employee will be informed of the council's 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.
- 3.5. If the employee wishes to appeal against the council's decision he or she must inform the council within 5 working days of receiving the decision.
- 3.6. If the employee notifies the Council that they wish to appeal, the employee will be invited to attend a grievance appeal meeting before Members of the Staffing and Appeals Sub-Committee or trained Panel Members NOT involved in the initial hearing. The employee must take all reasonable steps to attend that meeting. The employee has the right to be accompanied to a grievance appeal meeting by a fellow employee or by a Trade Union representative.
- 3.7. A grievance appeal meeting will normally be convened within 7 working days of the council receiving notice that the employee wishes to appeal pursuant to 3.5. above. If the meeting time is inconvenient for the employee or his or her companion, the employee may ask to postpone the meeting by up to 5 working days.
- 3.8. 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.

4. MODIFIED COUNCIL GRIEVANCE PROCEDURE FOR FORMER EMPLOYEES

- 4.1. If an ex-employee wishes to raise a grievance, he or she must set out their grievance and the basis for that grievance in writing to the Mayor and provide a copy to the Town Clerk.
- 4.2. Following receipt of a statement of grievance pursuant to 4.1. above, the council will either write to the ex-employee inviting him or her to attend a meeting to discuss the

grievance, or to ask for the ex-employee's agreement to the council responding to the grievance in writing.

- 4.2.1. If the ex-employee does not agree to the matter being dealt with by correspondence within 7 working days of the council writing to them pursuant to 4.2. above steps 3.1. to 3.4. of the standard council grievance procedure will be followed. The meeting will be conducted members of the Staffing & Appeals Committee.
- 4.2.2. If the ex-employee does agree to the matter being dealt with by correspondence, Staffing & Appeals Committee will consider his or her grievance and will respond to the ex-employee in writing within [14 days] of the receipt of such confirmation setting out the basis for the council's decision.

5. GENERAL PROCEDURAL INFORMATION

- 5.1. Grievances raised under the standard council grievance procedure will normally be investigated, and any meetings to discuss the grievance will be conducted by the Town Council.
- 5.2. If an employee's grievance is about the Town Clerk it should be raised with the Chairman of the Staffing and Appeals Committee. All investigations and any grievance meeting will be conducted by the Staffing and Appeals Sub-Committee and any grievance appeal meeting will be conducted by a total of 3 Members of the Council who have NOT previously been involved in the case together with other trained Members.
- 5.3. Where a grievance is raised by the Town Clerk on any employee relations matter these will be dealt with by the Staffing and Appeals Sub-Committee.
- 5.4. A copy of the Statement of 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 personnel file, together with any notes or evidence taken or compiled during the course of the procedure.
- 5.5. No employee may be represented by a fellow employee or by a Trade Union Representative without the employee being present.

BULLYING AND HARRASSMENT



Protocol on Bullying & Harassment

**Adopted by Council on the
6th February 2012**

Readopted 9th November 2015



PROTOCOL ON BULLYING AND HARASSMENT

Introduction

Analysis of complaints lodged to the Standards Board for England indicate that there is a significant problem of bullying and harassment occurring at town/parish level between Members and officers. It may be that this is caused in part because of the lack of clarity between the respective roles of officers and Members and of the relatively isolated nature of the position of Town/Parish Clerk.

“Lack of respect for others” is a breach of the Code of Conduct. The Standards Board for England regards complaints of bullying and harassment extremely seriously.

The attached protocol is therefore commended for adoption to ensure that members and officers operate in an environment of mutual trust and respect.

MODEL PROTOCOL ON BULLYING AND HARASSMENT (INCLUDING GRIEVANCE PROCEDURES AND WHISTLE BLOWING)

1. Background

- 1.1 The relationship between Councillors and officers is an essential ingredient that should contribute to the successful working of the Council. This relationship within the Council should be characterised by mutual respect, informality and trust. Councillors and officers must feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. Objective criticism is usually acceptable but can be unacceptable if the criticism becomes personal. The Protocol gives guidance on what to do on the rare occasions when things go wrong.
- 1.2 Everyone should be treated with dignity and respect at work. Bullying and harassment of any kind are in no-one’s interest and should not be tolerated in the workplace.

2. What is bullying and harassment?

- 2.1 Examples and definitions of what may be considered bullying and harassment are provided below for guidance. For practical purposes those making a complaint usually define what they mean by bullying or harassment – something has happened to them that is unwelcome, unwarranted and causes a detrimental effect. If officers complain they are being bullied or harassed, then they have a grievance which must be dealt with regardless of whether or not their complaint accords with a standard definition.

3. **How can bullying and harassment be recognised?**

- 3.1 There are many definitions of bullying and harassment. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means to undermine, humiliate, denigrate or injure the recipient.

- 3.2 Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

- 3.3 Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the “grey” areas that cause most problems. Examples of what is unacceptable behaviour include:-

- inappropriate behaviour
- intimidation/humiliation
- excessive criticism
- autocratic/dictatorial behaviour
- shouting
- browbeating
- haranguing
- swearing
- ridiculing
- expressions of intolerance
- general discourtesy

- 3.4 Bullying and harassment are not necessarily face to face, they may be by written communications, e-mail (so called “flame mail”) and telephone.

4. **Why does the Council need to take action on bullying and harassment?**

- 4.1 There is an implied term of mutual trust and confidence in every contract of employment. Where the Town/Parish Council is aware of a situation of bullying or harassment of an officer by one of its Councillors, but fails to act to stop it, it will be in breach of that implied

term of employment contract and may be held liable for the constructive dismissal of that officer.

4.2 It is in every employer's interest to promote a safe, healthy and fair environment in which people can work.

4.3 A Town/Parish Council's duty of care to an officer relates to all forms of personal injury, which will include mental as well as physical health. If a risk to health was foreseeable but no action was taken then the Town/Parish Council could be at fault and compensation could be sought.

5. **The Members' Code of Conduct**

5.1 Members are obliged by paragraph 2 of the Code of Conduct to:-

- "promote equality by not discriminating unlawfully against any person"
- "treat others with respect" and
- "not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority" all of which are relevant to the Town Clerk and his or her staff.

5.2 A proven allegation of bullying or harassment will always be a breach of the Code of Conduct and the Member involved is liable to be reported to the Standards Board for England. The Standards Board for England has indicated that it regards such allegations very seriously and are therefore unlikely to refer the matter for local investigation or determination.

5.3 If there are instances of bullying or harassment by Members towards officers or other Members, those Members who are aware of the incident may report it to the Standards Committee of Shropshire Council. It is also open to officers who are either the subject of bullying or harassment or who witness such an incident to similarly report it to the Standards Committee for investigation/action.

6. This Protocol is to be construed in accordance with the Ludlow Town Council Grievance Policy.

DIGNITY AT WORK



LUDLOW TOWN COUNCIL

DIGNITY AT WORK POLICY

Adopted Full Council 19th November 2012

Reviewed and Re-adopted 13th May 2015

Ludlow Town Council

Dignity at Work Policy

1. Introduction.....	2
2. Definition of Harassment and Bullying	3
Difference between Management and Bullying	4
Reporting criminal offences to the police	4
3. Dealing with a Complaint	5
Taking Advice	5
Solutions.....	5
Informal	5
Formal	6
Disciplinary action.....	7
Support.....	7
Malicious complaints.....	7
Appendix 1: Additional Guidance - What to do if you feel you are being bullied or harassed.....	8
Appendix 2: Guidance for those accused of harassment or bullying	9
Appendix 3: Formal Complaint Form– Dignity at Work Procedure	10

1. Introduction

- 1.1 We want to ensure that Ludlow Town Council is a great place to work. We always aim to provide a working environment that respects the rights of each employee and member and where colleagues and members treat each other with respect. Any behaviour that undermines this aim is unacceptable.
- 1.2 Any harassment or bullying may be classed as gross misconduct.
- 1.3 This policy deals with situations where employees believe they are being harassed or bullied by colleagues or members at any level. For example, this can include an employee bullying a colleague in a different team or of a higher grade.
- 1.4 Complaints about bullying or harassment by members or the Town Clerk should be directed to the person who has the statutory role of Monitoring Officer.
- 1.5 If an allegation of harassment or bullying involves a council employee and an individual working for a partner agency, the complaint should be handled jointly by the council and partner agency, taking account of the respective policy arrangements.
- 1.6 In line with the requirements of the Equality Act 2010, the Council will publish workforce data, including information on complaints made under this procedure.

2. Definition of Harassment and Bullying

2.1 Harassment is defined in law by two pieces of legislation. The Protection from Harassment Act 1997 defines harassment as repeated behavior that causes "alarm or distress". Its main purpose is to protect people from what became popularly known as 'stalking' by making it a criminal offence.

The Equality Act 2010 outlines three definitions of harassment:

- unwanted conduct that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for a person that is related to age, disability, gender re-assignment, race, religion or belief, sex, or sexual orientation;
- unwanted conduct of a sexual nature (sexual harassment); or
- treating a person less favourably than another person because they have either submitted to, or did not submit to, sexual harassment or harassment related to sex or gender re-assignment.

2.2 Harassment can take many forms and may include:

- unnecessary and unwanted physical contact ranging from touching to serious sexual or physical assault;
- making sexist, racist and homophobic comments or innuendo; derogatory remarks about disability or age; slogans, insults, comments of a personal nature; suggestive remarks, inappropriate jokes or language;
- unwanted non-verbal conduct, including sexually suggestive gestures, staring and leering;
- display, storage or circulation of offensive material (including information held on computer);
- conduct that belittles, threatens, ridicules, intimidates or abuses, or undervalues an individual because of characteristics such as gender, sexual orientation, disability, race, age or religion or belief including offensive comments about appearance or dress;
- unwanted sexual attention or advances;
- suggestions that sexual favours may help career advancement or some other employment benefit (or that refusing them could have negative consequences); and
- unfair treatment, which might include deliberate exclusion from conversations or events at work, for reasons based on characteristics such as age, culture, disability, ethnic origin, gender, race, religion or sexual orientation.

2.5 Harassment usually relates to matters such as race, gender, disability, sexual orientation, age or religion or belief. Bullying is a more general form of behaviour that is not based on any one clearly identifiable aspect of the person concerned. It is usually persistent (i.e. more than a one-off incident). Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions, like deliberately ignoring someone at work. An occasional raised voice or argument of itself may not constitute bullying.

2.6 Examples of bullying include:

- persistently criticising someone unnecessarily;
- shouting at colleagues in public or private;
- deliberately ignoring or excluding a person;
- withholding information or removing areas of responsibility without justification;
- spreading malicious rumours;
- making inappropriate personal comments;
- blocking leave or training applications without reason;
- setting objectives with impossible deadlines with the deliberate intention of undermining an individual;
- spontaneous rages, often over trivial matters;
- undermining a person's self respect by condescending or threatening treatment that humiliates, intimidates or demeans;
- inappropriate behaviour at a function arranged by the Council; and
- “cyber-bullying”: the sending or posting of harmful, cruel or offensive text or images by email, internet, social networking websites or other digital communication devices.

2.7 For harassment or bullying to happen, there does not always have to be a deliberate intention to cause distress or hurt. It is the impact the behaviour has on the complainant – their perceptions and feelings – that should be considered when investigating whether bullying or harassment has taken place. Differences in attitude and culture or misinterpretation of social signals mean that what may cause embarrassment, distress or anxiety to one person may not do so to another. However, in employment law, the concept of reasonableness is taken into consideration when determining whether the behaviour complained of amounts to harassment or bullying.

Difference between Management and Bullying

2.8 Bullying must be distinguished from the right of, and obligation placed on, managers to exercise proper supervision of employees in the course of their duties, which may include legitimate, constructive and fair criticism of an employee's performance or behaviour at work. Managers are entitled to be decisive, have expectations around performance and conduct, and to use disciplinary and capability procedures when appropriate. It is perfectly acceptable for a manager to request a one-to-one meeting with an employee to discuss work issues. Similarly, reasonable (although perhaps unpopular) requests by a manager of his/her employees in the normal course of their duties will not be viewed as acts of harassment or bullying.

2.9 However, it is unacceptable to condone bullying behaviour under the guise of a particular management style. Managers will exercise their supervision in a fair, constructive, consistent and reasonable manner that does not compromise the employee's dignity.

Reporting criminal offences to the police

2.10 Those forms of harassment which are criminal offences, including hate crimes, may be reported to the police. Internal investigations and disciplinary action may still take place within the Council, whether or not the police decide to proceed, although not usually until a police investigation has concluded. The Council would always try to consider the legitimate concerns of the complainant about involving the police.

3. Dealing with a Complaint

Taking Advice

- 3.1 The Council recognises the sensitive nature of harassment and bullying. Employees who believe they are being harassed or bullied are encouraged to discuss their situation before deciding what action to take. Employees can discuss the matter with their manager, senior manager or a Trade Union representative on an informal basis. Further guidance is outlined in [Appendix 1](#).
- 3.2 The aim of taking this advice is to:
- help individuals consider objectively what has happened;
 - discuss what outcome the individual would wish to see;
 - draw attention to available procedures and options;
 - help weigh up the alternatives; and
 - generally assist the individual in dealing with the situation.
- 3.3 Confidentiality will be maintained as far as possible. If an employee decides not to take any action to deal with the problem and the circumstances described are serious, however, the Council reserves the right to investigate the situation. It has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged harasser's/ bully's behaviour. The Council will, as far as possible, protect a complainant's wish for confidentiality, though where a complaint identifies unlawful discrimination, a safety concern or a potentially criminal act, the Council has a legal responsibility to take appropriate action which might mean confidentiality cannot be preserved. In such circumstances, the Council will provide the complainant with support and assistance.

Solutions

- 3.5 It is for the individual to decide which route to take in solving any problem that has occurred. There are two types of solution available – informal and formal. On occasions mediation may also be offered as an alternative way to resolve a complaint.

Informal

- 3.6 An informal approach will usually be the most helpful way of dealing with concerns around dignity at work. It alerts the other individual to change aspects of their behaviour whilst hopefully maintaining constructive working relationships in the longer term.
- 3.7 Sometimes it may be possible to address concerns informally in an indirect way. For example, by:
- asking a colleague to help to find ways of bringing the topic of bullying or harassment into a conversation in the presence of the person causing the offence; or
 - asking for bullying and harassment, or the Council's Dignity at Work Policy, to be discussed at a team or council meeting to ensure all colleagues are aware of the issues.
- 3.8 Employees can choose to solve the matter themselves by approaching the alleged harasser or bully, informing him or her that their behaviour is unwelcome and that it must stop. This could be done face to face or in writing.

3.9 If it would be too difficult or embarrassing to raise the issue directly with the person creating the problem, a work colleague or a union representative can offer support, and can accompany the employee when speaking to the alleged harasser or bully.

Formal

3.10 Where informal solutions fail, or the allegations of harassment or bullying are particularly serious, employees can bring a formal complaint. The procedure is set out below.

3.11 Witnesses who are employed by the Council will be required to cooperate with the investigation.

3.12 Complaints will be investigated as swiftly as possible. Timescales will differ depending on issues such as the complexity of the case and availability of witnesses. The complainant and subject of the complaint will be updated on progress and likely completion date of the investigation.

3.13 Employees and witnesses can be assured that they will not be victimised for making, or assisting a colleague in making, a complaint, even if it is not upheld, as long as it is made in good faith. Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality – a failure to do so will be a disciplinary matter.

3.14 Step 1: Lodging a formal complaint and conducting an investigation

- The employee should put the complaint in writing and a form is provided at [Appendix 3](#) for this purpose. This should outline the alleged incidents, when they occurred, the harm caused, the names of any witnesses and the name of the alleged harasser or bully, as well as details of informal action that has already been taken.
- The employee should pass their complaint to their manager.
- An investigating officer will be appointed and will conduct investigatory interviews with the complainant, the individual against whom the complaint has been lodged and any relevant witnesses.
- All those being interviewed have the right to be accompanied by a work colleague or trade union representative.
- The investigating officer will submit a full report to the relevant committee, unless the complaint is about them in which case an alternative will be appointed to deal with the matter.

3.15 Step 2: Meeting to discuss the outcome

- The Manager will invite the employee to a meeting to inform them of the findings of the investigation.
- The employee may be accompanied by a work colleague or trade union representative.
- At the end of or after the meeting, the Manager will inform the employee of his or her decision as to whether or not their complaint has been upheld and what actions, if any, are proposed.
- The employee will be notified of their right to appeal against that decision.
- The decision will be confirmed in writing.

3.16 **Step 3: Hearing the appeal**

- If the employee wishes to appeal, he or she must inform the relevant person in writing within 10 working days of written notification being sent. The letter must state the grounds for the appeal.
- The purpose of the appeal is to consider whether the process of the investigation was fair and/or whether the conclusions and recommendations are reasonable in all of the circumstances. The purpose is not to reinvestigate the complaint.
- The employee will be invited to attend a further meeting.
- The employee may be accompanied by a work colleague or trade union representative.
- The decision of the appeals panel will be confirmed in writing within 5 working days and will be final.

Disciplinary action

- 3.17 If the complaint is upheld and disciplinary action is considered appropriate, the matter will be passed to the appropriate person. The outcome of a disciplinary process will remain confidential. This means that if a warning is issued, the complainant will not be told, as this is a matter between the Council and the employee / member being disciplined.

Support

- 3.18 The Council recognises that all employees involved in harassment or bullying at work may experience emotional or psychological reactions to their experiences. This includes the complainant, the person against whom the allegations have been made and any witnesses who may be involved in the process. Support and / or counselling will be offered as appropriate through the Occupational Health provider.
- 3.19 Guidance for those accused of bullying or harassment is included as [Appendix 2](#).

Malicious complaints

- 3.19 Where a complaint is found to be untrue and may have been motivated by spite, or an intention to bully or harass on the part of the complainant, or for some other unacceptable motive, the complainant will be subject to the disciplinary procedure, as will any witnesses who have deliberately misled the Council during its investigations.

Appendix 1: Additional Guidance - What to do if you feel you are being bullied or harassed

Bullying and harassment are often clear cut but sometimes people are unsure whether or not the way they are being treated is acceptable. If this applies to you there are a number of things to consider, including:

- has there been a change of management or organisational style to which you just need time to adjust – perhaps because you have a new manager or work requirements?
- can you talk over your worries with your manager / supervisor, union representative or colleagues?
- can you agree changes to workload or ways of working that will make it easier for you to cope?

If you believe that you are being bullied or harassed, then there are a number of options to consider, and these are set out below. You should take any action you decide upon as quickly as possible. It is usually more difficult to investigate and prove an allegation about something that took place some months or years ago.

It is useful to go to see someone with whom you feel comfortable to discuss the problem. This may be your manager or your trade union representative. Alternatively, you can seek advice elsewhere, perhaps from a Citizens Advice Bureau, or by ringing the Acas helpline (08457 47 47 47).

Keep a diary of all incidents – records of dates, times, any witnesses, your feelings, etc. Keep copies of anything that is relevant, for instance emails or notes of meetings.

Ask the person to stop whatever it is they are doing that is causing you distress. Often people are genuinely unaware of the effect of their actions and will stop. Honest 2-way communication may resolve the problem and even if it doesn't and you later make a formal complaint, you will have some evidence that the other person knew there was a problem.

If you find it difficult to tell the person yourself, you may wish to ask someone else – a colleague or trade union representative – to act on your behalf. Alternatively, you could consider writing a memo to them to make it clear what it is you object to in their behaviour. Keep copies of this and any reply.

Be firm, not aggressive. Be positive and calm. Stick to the facts. Be prepared to describe what happened, even if you find it embarrassing.

If you do decide to make a formal complaint, follow the procedure outlined in the Dignity at Work Policy. This tells you who to complain to and how your complaint will be dealt with.

If you have access to a union representative or other adviser, ask them to help you state your grievance clearly, as this can help in its resolution and reduce the stress of the process.

After an investigation it can be useful to consider different ways of resolving your complaint, such as mediation or counselling.

The Council may decide to take disciplinary action against the bully / harasser in accordance with the disciplinary procedure. Disciplinary procedures may also be used for disciplinary action against someone who makes an unfounded and malicious allegation of bullying or harassment.

Finally, but importantly, don't forget that support is available via your manager or your trade union if you are a member.

Appendix 2: Guidance for those accused of harassment or bullying

If you are told that a person views your own behaviour as offensive and demeaning, you should:

- read this Policy in full;
- respect the right of all employees and members to work in an environment that is free from harassment or bullying;
- remain calm and listen carefully to the complaint and to the particular concerns expressed – remembering that, in the first instance, it is the other person's reaction to the behaviour which is important, not the reaction you think they should have had;
- try to agree on how to deal with the situation productively;
- consider whether the complaint can be justified in any way, and whether it is appropriate for you to change your behaviour; and
- make sure that, if you are in a position to change your behaviour or conduct easily, you do so immediately rather than persist with something the other person considers unwanted.

You should also bear in mind that:

- the first indication you may have that there is a problem is when a colleague tells you that they are offended or upset by certain aspects of your behaviour and want you to stop behaving in that way;
- all employees / members have the right to ask a person to stop behaving in a manner which is unwanted;
- if approached by someone informing you that an informal or formal complaint has been made against you, remember that the complainant may actually feel unable or unwilling to raise the issue with you first;
- differences of attitude, background, or culture may lead to a misinterpretation of social signals, so what is perceived as offensive or degrading by one person may not be or seem so to another even though you may consider your behaviour harmless, ultimately, what is important is what a third person might reasonably consider to be the nature of your conduct;
- you may wish to ask a Trade Union representative or work colleague to support you.

If you are a manager of the complainant:

If, after reflection, you feel the complaint against you is a response to reasonable management action on your part, then you should explain this. For instance, you might consider whether it is possible to further clarify why you requested a certain piece of work or deadline, or why you gave some particular feedback on the person's performance. You may be able to reach a mutual agreement on how this will be done in future in a way that is acceptable to both of you. You may still need to ask for the same thing, but asking in a different way might avoid future conflict, show that you have listened and lead to a better working relationship.

Appendix 3: Formal Complaint Form– Dignity at Work Procedure

Please complete this form, giving details of your complaint. You should then give this to your line manager.

If you need help completing this form, please contact your manager or your Trade Union representative

A copy of this form will be passed to the person you are complaining about to allow them to respond.

1. Your details

Your name:	
Job role:	
Manager:	
Trade Union Representative:	
Contact Telephone:	

2. Your complaint

Name of alleged bully / harasser	
Their job role:	

Please describe the incident(s) that have caused you concern. You should include:

- dates, times and places;
- details of the people involved including witnesses; and
- the effect of the incident(s) on you.

You should also attach any documentary evidence, for example copies of emails.

--

A large, empty rectangular box with a thin black border, occupying most of the page. It is intended for the user to provide a response or drawing.

(Please continue on a separate sheet if necessary)

How do you think the harassment and/or bullying could be stopped?

--

3. Previous Action Taken

Have you taken advice from your manager / TU rep?	Yes/No
Have you approached the alleged harasser about their unwanted behaviour under the informal stage of the procedure?	Yes/No
If no, would you be willing to consider using the informal stage of the procedure?	Yes/No
If not, please briefly explain your reasons.	

Signature:		Date:	
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Date received:	
Received by:	

STAFF CODE OF CONDUCT

POLICY:	STAFF CODE OF CONDUCT POLICY
Policy number:	SCoC / 24 / v.1
Available to:	All Staff, Councillors & Public (upon request)
Supersedes Version:	New policy
Approved by:	Full Council
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1. Description

- 1.1 This policy supports the good conduct of Town Council employees, who must be beyond reproach and must do nothing that might give rise to the suspicion, however ill-founded, that they are in any way influenced by improper motives.

2. Purpose of this policy

- 2.1 To provide a clear framework of guidance to enable employees to work to the highest possible standards.
- 2.2 Local government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality.
- 2.3 Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.
- 2.4 Employees must report to the Town Clerk any impropriety or breach of procedure.

3. Scope

- 3.1 This code covers all employees of Ludlow Town Council.
- 3.2 The standards set out here must also be followed by agency staff, temporary workers and internal contractors who carry out work on behalf of the Council.
- 3.3 This guidance will not cover every specific eventuality, but the broad principles included in this document set standards for acceptable behaviour that should fit every eventuality.

4. Procedure

4.1 Equality and Diversity

All members of the local community, customers and other Council employees have a right to be treated with fairness and equity and the Council is committed to treating the people it serves or employs fairly, consistently and with respect.

All employees must ensure that they are familiar with and comply with policies relating to equality issues as agreed by the Council, e.g. the Council's Equality & Diversity Policy & Statement, in addition to the requirements of the law. This applies both in the delivery of Council services and in relation to its employment practices. The Dignity at Work Policy defines standards of unacceptable behaviour for staff in relation to their work, identifying the responsibilities of both managers and individual employees.

4.2 Standards and Attitude

Employees must give the highest possible standard of service to the public and, where it is part of their duties, provide appropriate advice to elected Members and fellow employees with impartiality.

Employees must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial delivery of services to all groups and people within that community according to the Council's policies.

In all cases, it is not enough to avoid actual impropriety, as public perceptions are very important.

Employees should at all times avoid any appearance of improper conduct, which may give rise to suspicion.

4.3 Dress Code

All employees are required to be neat, clean and tidy whilst at work, whether working on the Council's premises or elsewhere. Dress should be appropriate to the work undertaken. For example, smart casual clothing is generally acceptable to wear on a day-to-day basis although formal office wear is sometime required for more formal work situations including at council meetings.

4.4 Confidentiality and Data Protection

All information and data must be handled sensitively and processed in accordance with the Council's Data Protection Policy. All employees owe a general duty of confidentiality to the Council, have a contractual obligation in relation to confidential information and are required to protect official information held in confidence.

Employees shall not divulge to any person (other than another member of staff or member of the Town Council that requires information for the performance of their duties), any information which the member of staff has obtained by reason of their employment to the Council, except where that information is anyway in the public domain by virtue of legislation or under the Council's Publication Scheme. In particular, no member of staff shall divulge personal information regarding any employee, person or contractor, having dealings with the Council and information relating to tenders or other such issues.

Under the General Data Protection Regulations, individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information. Please see the Information & Data Protection Policy for further information.

4.5 **Political Neutrality**

Employees serve the Council as a whole. Employees must serve all elected Members.

Employees must follow the lawfully expressed policies of the Council and must not allow their own personal or political opinions to interfere improperly with their work.

4.6 **Relationships**

a) Colleagues

Good working relationships between colleagues are essential. Officers should always treat their colleagues with dignity and respect. Attention is particularly drawn to the Council's Dignity at Work Policy, a copy of which should be issued alongside this Code of Conduct.

b) Councillors

Mutual respect between employees and councillors is essential for good local government. Whilst there will be a need to work closely with councillors, a professional and courteous relationship should be maintained at all times.

c) The Local Community and Service Users

Employees should always remember their responsibilities to the whole of the community they serve and ensure courteous, effective and impartial service delivery to all groups and individuals within that community in accordance with the policies of the Council.

d) Contractors

All relationships of a business or personal nature with external contractors or suppliers, or potential contractors or suppliers, must be declared to the Town Clerk at the earliest opportunity.

Orders and contracts must be awarded in accordance with Council standing orders on merit and without discrimination. No special favour should be shown to businesses run by, for example, friends, partners or relatives.

e) The Press and the Media

All enquiries for information or comment on issues affecting the work of the Council must be referred to the Town Clerk.

Employees must not deal directly with the press or the media unless required to do so in the course of their work or they have been expressly authorised by the Town Clerk.

4.7 Tendering Procedures

Employees involved in a tendering process or who have any other official relationship with external contractors, must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

If you are responsible for engaging or supervising contractors and have previously had, or currently have, a relationship in a private or domestic capacity with contractors, you must declare that relationship to the Town Clerk.

If you become privy to confidential information on tenders or costs relating either to internal or external contractors, you must not disclose that information to any unauthorised person.

All employees must ensure that no special favour is shown to current, or recent former, employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in any capacity.

At all times, employees dealing with Tenders and Contracts must ensure that they comply with the Council's Standing Orders and Financial Regulations with respect to Contracts.

4.8 Use of Financial Resources

Employees must ensure that public funds entrusted to them are used in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

All employees involved in financial activities and transactions on behalf of the Council, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders for works, goods or services must do so in accordance with financial regulations.

Where employees have concerns over the lawfulness of certain action they should express such concerns to the Town Clerk.

4.9 Protection of the Council's Property

Employees must take all reasonable precautions to ensure that the Council's regalia, equipment and other property that is placed in their charge is kept safe and is protected from damage.

In the general interests of security in the Council's premises employees should take care not to do anything that reduces the level of security.

In particular, employees must ensure that doors and windows are shut and locked when leaving any premises and that any security alarms (if present) are set or that arrangements are in place for them to be set later. If an employee notices a potential lapse in security, they should bring it to the attention of the Deputy Town Clerk, or DLF Supervisor, or the Town Clerk.

All resources of the Council including equipment, stationery etc. are to be used for the Council's business and are not for personal use.

4.10 Anti-Bribery – Hospitality, Gifts and Sponsorship

It is illegal to offer, promise, give, request, agree, receive or accept bribes (Bribery Act 2010). This includes accepting any gift or consideration as an inducement or reward for doing, or refraining from doing, anything in an official capacity or showing favour or disfavour to any person in an official capacity.

a) Gifts

In general, the Council does not believe that it is appropriate for employees to accept gifts from service users, suppliers or any other person or organisation with which the Council has (or might have) business connections. This is because it is important to ensure that no employee acts in any way that is inconsistent with the Council's objectives or with the integrity of the Council by accepting a gift in circumstances where it could influence, or be seen to influence, that employee's actions or decisions. Acceptance of gifts by employees may be viewed by the public with suspicion and may make the Council extremely vulnerable to criticism.

For your own protection, if anyone makes an approach to you which seems to you, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, you must report the matter to the Town Clerk, disclosing the fact of the gift, its nature and the identity of the sender.

Employees should not accept personal gifts from contractors and outside suppliers. The only exceptions to this rule are;

- a) small gifts of only token value often given by way of trade advertisements to a wide range of people, e.g. calendars, diaries, tape measures and similar articles of use in the workplace; or



- b) small gifts of only token value given on the conclusion of a courtesy visit, e.g. to a factory, trade fair or other premises.

Gifts which fall outside the definition above should be politely refused and the Council's policy on the acceptance of gifts should be explained. If a gift is delivered to the office without prior warning, unless it falls within the scope of acceptable gifts the gift should be returned, or if the return of the gift would cause offence the item should be donated to the Mayor's Charity.

You are reminded that under the provisions of Section 117(2) of the Local Government Act 1972 you are forbidden "under the colour of his office or employment to accept any fee or reward whatsoever other than his proper remuneration", and that Section 117(4) provides that any person who contravenes the provisions of the subsection shall be liable on summary conviction to a fine not exceeding £200.

b) Hospitality

Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community.

Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. They should be authorised by the Town Clerk, in advance whenever possible.

When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

When hospitality must be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within Ludlow Town Council.

c) Register of Hospitality and Gifts

All hospitality offered, whether it is accepted or not, and all gifts offered or received, whether they are accepted or returned, must be entered in the Register of Hospitality and Gifts and a note made of the action taken.

If you have any doubt about a gift or offer of hospitality, please seek advice from the Town Clerk.

d) Sponsorship – Giving and Receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service, neither an employee nor any partner/civil partner, spouse nor relative must benefit from such sponsorship in a direct way without there being full disclosure to the Town Clerk of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

4.11 APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

a) Appointments

If an employee wishes to recommend an individual for employment, they must notify the Town Clerk.

Any potential candidate for employment by the Council recommended by an existing employee will be assessed equally alongside all other candidates. Employees shall not canvass any Member or other employee of the Council in respect of candidates seeking employment with the Council.

Employees shall disclose to the Town Clerk any close relationship (partner or family member) between themselves and any person who they know is a candidate for employment with the Council. (The Town Clerk shall make any such disclosure to the Chair of the Staffing Committee.)

To avoid accusations of bias, employees must not be involved with appointments where they are related to any applicant or otherwise have a close personal relationship with them.

Employees who are involved in appointments must ensure that these are made on merit and on a non-discriminatory basis.

b) Outside Commitments

Any employee who wishes to take another job must, before commencing the second job, request and be granted written permission from the Town Clerk. The Council does not prohibit employees from taking secondary employment and will not unreasonably withhold permission for an employee to work in a second job, provided that the second job does not interfere, and is not likely to interfere, with the performance of the employee's job with the Council.

You should not partake in any outside interests, voluntary activity or work that are in conflict with the work of the Council. If you are in any doubt whatsoever that any outside activities or employment might be detrimental to the Council's interests, you must discuss the matter with the Town Clerk.

c) Personal Interests



You must declare, in writing, to the Town Clerk any financial or non-financial interests which could bring about conflict with the Council's interests. If you are in any doubt about a potential conflict of interest, you should bring the matter to the attention of your line manager so that a decision can be made as to how best to proceed. You must not make or become involved with any official or professional decisions about matters in which you have a personal interest.

You must declare to the Town Clerk membership of any organisation not open to the public, requiring any commitment of allegiance, or which has secrecy about rules or membership or conduct, for example, the Freemasons. The Town Clerk must make any declarations required by this paragraph, in writing, to the Chair of the Staffing Committee.

d) Use of Non-financial Council Resources for Personal Purposes

You should not use or abuse the Council's equipment and other resources for your own personal purposes, either at home or at the office, regardless of whether such use is for your personal gain.

However, in certain circumstances and with the prior agreement of the Town Clerk, it may be possible for you to make reasonable use of the Council's resources. In such a case, the Council will make an appropriate charge for the use of its resources, for example, photocopying.

5. Legal

The Equality Act 2010
 Health and Safety at Work Act 1974
 The Employment Rights Act 1996
 S27(2) of the Localism Act 2011

6. Other relevant policies

Dignity At Work
Equality & Diversity Policy
Disciplinary Procedures
Grievance Policy
Staff Handbook
Recruitment and Selection Policy
Members Code of Conduct

EMPLOYEE HANDBOOK

EMPLOYEE HANDBOOK

Adopted July 2013

Amended and adopted FC 29th January 2018

Amended by Staffing Committee 25th March 2021

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	<u>CONTENTS</u>	
SECTION	SUBJECT	PAGE
1.0	<u>INTRODUCTION TO LUDLOW TOWN COUNCIL</u>	5
1.1	The Structure of Ludlow Town Council	5
2.0	<u>CONDITIONS OF SERVICE</u>	5
2.1	Equal Opportunities	6
2.2	Hours of Work	6
2.3	Shortage of Work	6
2.4	Working Time	7
2.5	Payment of Salary	7
2.6	Pensions	7
2.7	Salary Review	8
2.8	Deductions From Salaries	8
2.9	Overtime/Time Off In Lieu	8
2.10	Absence From Work	8
2.11	Payments During sickness/Injury	9
2.12	Return to Work	10
2.13	General	10
2.14	Medical/Dental Appointments	11
2.15	Compassionate Leave	11
2.16	Parental Bereavement Leave	12
2.17	Time Off for Armed Reserve Services	13
2.18	Time Off for Jury Service	13
2.19	Time Off due to Weather Conditions	13
2.20	Parental Leave	13
2.21	Time Off for Family and Domestic Emergencies	14
2.22	Maternity Benefits	14
2.23	Paternity Leave	14
2.24	Adoption Leave and Adoption Support Leave	15
2.25	Neonatal Care Leave	15
2.26	Carers Leave	17
2.27	Holiday Entitlement	18
2.28	Redundancy	18
2.29	References	19
2.30	Probationary Period	19
2.31	Job Description	19
2.32	Job Flexibility	19
2.33	Mobility	19
2.34	Employee Training	19
2.35	Use of Private Car during working Hours	20
2.36	Use of Council Vehicles	20
2.37	Trade Union Membership	20
3.0	<u>GENERAL REQUIREMENTS OF SERVICE</u>	20
3.1	Personal Details	20
3.2	Dress Code and Identity Card	20
3.3	Use of Council Materials and Equipment	21

3.4	Notice Boards/Communication/Team Briefings	21
4.0	<u>CODE OF CONDUCT</u>	21
4.1	Offer of Gifts	21
4.2	Offer of Hospitality	21
4.3	Personal Purchases	21
4.4	Disclosure of Pecuniary or other Interests	21
4.5	Disposal of Council Property	22
4.6	Spare Time Occupation or Employment	22
4.7	Political Neutrality	22
4.8	Relationships between Officers, Councillors, The Public and Contractors	22
4.9	Appointment and Other Employment Matters	22
4.10	Inventions and Patents	23
4.11	Personal Interests	23
5.0	<u>SECURITY</u>	23
5.1	Authority To Remove Council Property	23
5.2	Use Of Financial Resources	23
5.3	Data Protection	23
5.4	The Use Of Computers	23
5.5	Email and Internet Policy	24
5.6	Use of Social Networking Policy	25
5.7	Closed Circuit Television	26
5.8	Keyholders/Alarm Setting	26
5.9	Telephone Calls	26
5.10	Statements To The Media	26
5.11	Personal Property	26
5.12	Lost Property	26
5.13	Authorised Access	27
5.14	Safeguards	27
5.15	Confidentiality	27
5.16	Council Property and Copyright	27
5.17	Wastage	27
5.18	Housekeeping	28
5.19	Alcohol and Drugs Policy	28
5.20	Hygiene	28
5.21	Other Policies and Procedures	29
6.0	<u>HEALTH AND SAFETY</u>	29
6.1	Fire Precautions	29
6.2	Use of Mobile Phones	30
6.3	No Smoking On Council Premises	30
6.4	Hearing Tests	31
6.5	Inoculations	31
6.6	Accident Procedure	31
7.0	<u>ADDITIONAL BENEFITS PROVIDED BY COUNCIL</u>	31
7.1	Welfare Services	31

7.2	Catering Facilities	32
7.3	Car Parking	32
7.4	Relocation Expense Scheme	32
7.5	Expenses	32
8.0	<u>STAFF DEVELOPMENT</u>	32
8.1	Training Time	33
8.2	Staff Development Reviews	33
9.0	<u>CAPABILITY PROCEDURE</u>	33
9.1	Introduction	33
9.2	Job Changes/General Capability Issues	33
9.3	Personal Circumstances/Health Issues	34
9.4	Short Service Staff	34
10.0	<u>DISCIPLINARY PROCEDURE</u>	34
10.1	Introduction	34
10.2	Disciplinary Rules	35
10.3	Rules Covering Unsatisfactory Conduct and Misconduct	35
10.4	Serious Misconduct	36
10.5	Rules Covering Gross Misconduct	36
10.6	Disciplinary Procedure	36
10.7	Disciplinary Authority	37
10.8	Period of Warning	37
10.9	General Notes	38
11.0	<u>CAPABILITY/DISCIPLINARY APPEAL PROCEDURE</u>	38
11.1	Appeals Against Wage or Salary Grading	38
12.0	<u>GRIEVANCE PROCEDURE</u>	39
13.0	<u>PERSONAL HARASSMENT POLICY AND PROCEDURE</u>	40
13.1	Introduction	40
13.2	Policy	40
13.3	Examples of Personal Harassment	40
13.4	Complaining about Personal Harassment	41
13.5	General Notes	42
14.0	<u>WHISTLE BLOWING</u>	42
15.0	<u>TERMINATION OF EMPLOYMENT</u>	43
15.1	Resignations	43
15.2	Terminating Employment Without Giving Notice	43
15.3	Return of our Property	43
15.4	Return of Vehicles	43
15.5	Garden Leave	43

1.0 INTRODUCTION TO LUDLOW TOWN COUNCIL

Ludlow is the largest of the market towns in South Shropshire. As the former capital of the Marches it has many historical buildings as well as a reputation for being the home of good food. Over 80% of the area is designated as an Area of Outstanding Natural Beauty and contains many and varied interesting places to visit.

1.1 *The Structure of Ludlow Town Council*

The Council and its Committees

The Council consists of 15 Councillors, elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to all their constituents including those who did not vote for them.

All Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties.

All Councillors meet together as the Council. The Council appoints a Mayor and Deputy Mayor. Meetings of the Council are open to the public. Here Councillors decide the Council's overall policies and set the budget each year. Before each Council meeting and meetings of Committees, the public is given the opportunity to present petitions, make statements or put questions to Councillors.

Council also appoints Members to the Committees detailed below:

- Policy and Finance Committee
- Services Committee
- Representational Committee
- Staffing Committee

Council Management

The Town Council makes policy and budgetary decisions.

Council Officers

The Council Staff Management Team comprises of the Town Clerk, the Deputy Town Clerk, and the Direct Labour Force Supervisor. The Management Team is supported by a team of Officers, who ensure that daily business is carried out effectively.

2.0 CONDITIONS OF SERVICE

The National Joint Council (NJC) governs the conditions of service for staff. The conditions are detailed in 'The Local Authorities Scheme of Conditions of Service'; this is known as the Green Book.

A copy of the Green Book is held in the Council offices.

All employees are provided with a statement of their conditions of employment. The purpose of the staff handbook is to clarify points raised in the statement and to inform employees of other important issues.

2.1 *Equal Opportunities*

Ludlow Town Council believes in equality of opportunity. The fullest consideration will be given to the employment needs of all prospective and existing employees. No job applicant, employee, or member of the public will receive more or less favourable treatment on the grounds of disability, race, gender, age or sexual orientation, or be disadvantaged by requirements which are not relevant.

All formal decision making processes will have regard to Equal Opportunities implications.

The Council seeks to improve physical access to Council premises for people with disabilities.

The Town Clerk ensures that the services are not being delivered in a way which indirectly or directly discriminates.

Where contractors are employed to deliver a service or where grants are awarded to recipients, they are required to demonstrate a commitment to Equal Opportunities.

The Council has a formal process for reporting racial incidents by any member of the community to any employee or Elected Member of the Council. The procedure and further information can be obtained from the Town Clerk.

If you feel that you may be subject to any form of discrimination or harassment, you have the right to proceed under the Council's grievance procedure.

2.2 *Hours of Work*

Specific hours of work are detailed in individual Statement of Employment Particulars.

The Council requires that all employees maintain a good record of attendance and timekeeping.

2.3 *Shortage of Work*

If there is a temporary shortage of work for any reason, we will try to maintain your continuity of employment even if this necessitates placing you on short time working, or alternatively, lay off. If you are placed on short time working, your pay will be reduced according to time actually worked. If you are placed on lay off, you will receive no pay other than statutory guarantee pay.

2.4 Working Time

Employees, unless they wish to opt out of the Working Time Regulations, must not exceed an average 48 hour working week. Consequently, if an employee has other employment in addition to their Council job, they should notify the Town Clerk.

2.5 Payment of Salary

Salaries are paid on or by the 25th of each month directly into your bank account.

If you change your bank account please ensure that Payroll is notified before the 1st day of the month.

It is the responsibility of each member of staff to check the details on their salary slip. Any discrepancies or questions should be raised with the Town Clerk.

Any salary overpayments must be repaid to the Council and any salary underpayments will be rectified accordingly.

SUMS DUE TO THE COUNCIL ON TERMINATION OF EMPLOYMENT

In the event of an employee terminating their employment with the Council, for whatever cause, any sums due or accruing must be repaid to the Council and may be deducted from monies owed.

Deductions in respect of income tax and NI are made in accordance with HM Revenue & Customs NI & PAYE Scheme. HMRC informs the Council of the employee's tax code number and this is used to determine the amount of tax an employee pays. Any queries relating to your tax coding should be made to HMRC.

At the end of each tax year you will be given a form P60 showing the total pay you have received from us during that year and the amount of deductions for Income Tax and National Insurance. You may also be given a form P11D showing non-salary benefits. You should keep these documents in a safe place as you may need to produce them for tax purposes.

2.6 Pensions

The Council operates a contributory Pension Scheme, known as the Local Government Pension Scheme (LGPS). The scheme is available to all employees who are aged between 16 and 75 years (irrespective of the hours worked).

You will be issued with the appropriate paperwork upon commencement of employment with The Council. Any change in personal circumstances e.g. change of name, change of nominated beneficiary, should be notified in writing to the Finance Secretary.

2.7 Salary Review

Nationally negotiated salary awards are effective from 1st April each year.

2.8 Deductions from Salaries

Deductions from salary are available for:

- Union subscriptions

2.9 Overtime/Time Off in Lieu

All members of staff are contracted on terms that specify hours of work and any rights to contractual overtime. The principle is that the job is organised so that the activities can, in normal circumstances, be completed within these hours. Where additional hours need to be worked agreement must be sought and given in advance by the Town Clerk.

Employees, in respect of basic pay at or below point 28 who are required to work:

- a. Beyond the full-time equivalent hours for the week in question.
- b. On Saturday or Sunday.
- c. At night.
- d. On public holiday.

Payment as follows:

- a. Monday to Saturday Time and Half.
- b. Sundays and Public Holidays Double time.

Additional hours can be taken as time off in lieu at the Town Clerk's discretion.

Part-time employees' area entitled to these enhancements only at time and in circumstances in which full-time employees in the establishment would qualify.

Subject Terms and Conditions within the Green Book.

Officers above Spinal Column Point 28 are not entitled to overtime payment unless it is planned overtime and agreed by the Town Clerk or where applicable, the Staffing Committee.

2.10 Absence from Work

In order to provide an efficient service, full attendance at work by all staff is of vital importance. You must attend for work punctually at the specified time(s) and you are required to comply strictly with any time recording procedures relating to your work. Lateness or absence may result in disciplinary action and/or loss of appropriate payment.

NOTIFICATION OF ABSENCE PROCEDURE:

ACTION IN THE EVENT OF ABSENCE DUE TO ILLNESS OR INJURY

The following rules apply if an employee is absent from work and must be followed:

First day of absence	You must notify the Town Clerk, no later than 9.30 am, giving the reason for the absence and its likely duration
Fourth day of absence (including rest days)	You must contact the Town Clerk with an update
Seventh day of absence (including rest days)	You must visit your Doctor and submit a Doctor's note to the Town Clerk
Continuing absence	Doctor's notes must be submitted for the entire period of absence, at appropriate intervals

In the event of any absence irrespective of the duration, the employee must on return to work complete a self-certification form, which is available from the Finance Secretary; this must be returned to the Town Clerk.

If a Doctor's note has been submitted, employees must not return to work until their Doctor signs a note that they are fit to return to work. This note must be given to the Town Clerk. Any Doctors notes submitted to the Town Clerk should be addressed 'strictly confidential'.

2.11 *Payments during sickness/injury*

You are entitled to statutory sick pay (SSP) if you are absent for four or more consecutive days because of sickness or injury provided you meet the statutory qualifying conditions. SSP is treated like wages and is subject to normal deductions.

Qualifying days are the only days for which you are entitled to SSP. These days are normally your working days unless otherwise notified to you. The first three qualifying days of absence are waiting days for which SSP is not payable. Where a second or subsequent period of incapacity (of four days or more) occurs within 56 days of a previous period of incapacity, waiting days are not served again.

Any contractual sickness/injury payments are shown in your individual Statement of Main Terms of Employment.

Any days of contractual sickness/injury payments which qualify for SSP will be offset against SSP on a day-to-day basis. A deduction will be made for any other state benefits received if you are excluded or transferred from SSP.

If you are entitled to any payments in excess of SSP and your entitlement expires, full or part payment may be allowed at our discretion where it is considered that there are special circumstances warranting it.

Where the circumstances of your incapacity are such that you receive or are awarded any sum by way of compensation or damages in respect of the incapacity from a third party, then any payments which we may have made to you because of the absence (including SSP) shall be repaid by you to us up to an amount not exceeding the amount of the compensation or damages paid by the third party and up to, but not exceeding, any amount paid by us.

2.12 Return to work

You should notify the Town Clerk as soon as you know on which day you will be returning to work, if this differs from a date of return previously notified.

If you have been suffering from an infectious or contagious disease or illness such as rubella or hepatitis you must not report for work without clearance from your own doctor.

On return to work after any period of sickness/injury absence (including absence covered by a medical certificate), you are also required to complete a self-certification absence form and hand this to the Town Clerk.

Upon returning to work after any period of sickness/injury absence, you may be required to attend a "return to work" interview to discuss the state of your health and fitness for work. Information arising from such an interview will be treated with strictest confidence.

2.13 General

Submission of a medical certificate or sickness self-certification absence form, although giving us the reason for your absence may not always be regarded by us as sufficient justification for accepting your absence. Sickness is just one of a number of reasons for absence and although it is understandable that if you are sick you may need time off, continual or repeated absence through sickness may not be acceptable to us.

In deciding whether your absence is acceptable or not we will take into account the reasons and extent of all your absences, including any absence caused by sickness/injury. We cannot operate with an excessive level of absence as all absence, for whatever reason, reduces our efficiency.

We will take a serious view if you take sickness/injury leave which is not genuine, and it will result in disciplinary action being taken.

If we consider it necessary, we may ask your permission to contact your doctor and/or for you to be independently medically examined.

The Council, reserves the right when considered appropriate, not to make payment of occupational sick pay when for example:

- an employee fails to observe the absence reporting procedure
- there is reason to doubt the validity of the employee's absence. If false information is submitted, it will be treated as gross misconduct
- the injury/illness was self-inflicted

Staff who do not qualify for Occupational Sick Pay may qualify for SSP, in which case the appropriate level of SSP will be paid.

When absence results from an accident or injury which occurs outside the course of employment, and payment is made by the Council, if the employee is subsequently able to claim the costs back from the responsible person, these must be repaid to the Council.

INSURANCE AGAINST PERSONAL ACCIDENT AND EMPLOYERS' LIABILITY

Personal Accident:

The Council insures all employees up to 70 years of age against accident and assault whilst carrying out official duties in connection with the Council's business including journeys directly connected therewith. Cover includes damage to personal effects e.g. footwear and other property worn or carried when the damage is sustained as a result of accident or assault.

Employers' Liability:

Indemnity is provided in respect of the legal liability to pay damages to employees as a result of bodily injury, illness or disease arising out of and in the course of their employment. Cover includes payment of all costs and expenses incurred in, defending any claim or for representation at any coroner's inquest or fatal injury or Court of Jurisdiction.

2.14 *Medical/Dental appointments*

Circumstances may arise where you need time off for medical/dental appointments, or for other reasons. Where possible, such appointments should be made outside normal working hours. If this is not possible, time off required for these purposes may be granted at the discretion of the Town Clerk.

2.15 *Compassionate Leave*

In the event of a death within your family the following number of days with pay will be granted:

Wife, husband, partner, mother, father, child, legal guardian	5 days
Mother-in-law, father-in-law, sister, brother	3 days
*Sister-in-law, brother-in-law, aunt, uncle, grandparents	1 day
Where you have responsibility for funeral arrangements of those Relatives stated immediately above* or any other relatives not stated	3 days

The Town Clerk has the discretion to give additional time off work.

Part-time employees

Your number of days entitlement to compassionate leave will not exceed your normal working days per week. Please contact the Town Clerk for further information.

You must notify the Town Clerk when taking such leave by completing the Compassionate Leave Request Form. This form will then be filed on your Personal History File and salaries informed to pay your entitlement compassionate leave as detailed above. This form can be obtained from the Town Clerk.

If you are unable to complete the request form prior to taking time off work, the Town Clerk must be informed of the circumstances and the form completed on your return to work. Salaries will then be instructed to pay your entitlement to compassionate leave.

2.16 Parental Bereavement Leave

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

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

Notification

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

After eight weeks, you need to give at least a week's notice to the Council to take SPBL. You can cancel it with a week's notice, or re-book it by giving a week's notice.

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

Parental Bereavement Pay

To qualify for statutory parental bereavement pay (SPBP) during such leave you must have at least six months' continuous employment and normal weekly earnings of at least the lower earnings limit. It is paid at the same rate as other statutory family leave pay, which is subject to change every year. You can check the most up-to-date figure with your line manager.

To claim SPBP, you must confirm the following information in writing within 28 days of starting any period of SPBL: your name; your entitlement to SPBP; the dates of SPBL you want to claim the pay for; the date of the child's death; and your relationship to the child. You can provide this information at the same time as giving notice to take SPBL, as set out above, so long as it is in writing.

Other leave entitlements

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

- maternity or paternity leave and pay and your child has died or been stillborn, you are still entitled to such leave and pay.

- adoption leave and pay, then the adoption leave entitlement runs for another eight weeks from the end of the week in which the child died (unless it would already have ended sooner).

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

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

2.17 *Time Off for Armed Reserve Service Duty*

In addition to normal leave entitlement, the Council will grant Volunteer Members of the non-regular forces two weeks additional leave with pay, for summer training camp or related duties. Prior approval must be obtained from the Town Clerk and adequate notice must be given.

2.18 *Time Off for Jury Service*

If you are called to attend Jury Service or to act as a witness in a court case, you must inform the Town Clerk prior to your attendance at Court and advise the days that you will be absent.

You will receive your normal salary, paid in the normal way whilst at court. When you are at Court, you must claim loss of earnings from them, and this will be recovered through the payroll.

2.19 *Time Off Due to Weather Conditions*

If unable to report for work due to adverse weather conditions and public transport is suspended, the time off must be made up or taken as time off in lieu/annual leave.

2.20 *Parental Leave*

Employees with 26 weeks' continuous service, either ending with the 15th week before the expected week of childbirth or ending the week in which agency notifies you have been matched with a child, will be entitled to take paternity leave if they expect to have parental responsibility for a child and they are either the mother's partner or one of the adoptive parents. The purpose of the leave must be either to care for the child or to provide support for the child's mother or adoptive parent. This policy relates to a child whose expected week of childbirth (EWC) is after 6 April 2024 or whose placement date, or expected date of entry into Great Britain for adoption, is on or after 6 April 2024. For a child whose EWC or placement date is before this, please speak to your manager in order to discuss your rights regarding paternity leave.

There are a number of administrative requirements that must be met in relation to taking paternity leave and employees should discuss their plans with their

line manager at as early a stage as possible. The following paragraphs set out the basic requirements, but there are additional requirements that must be met when adopting a child from overseas and employees in this position should talk to their manager who will make sure that full information is provided.

Employees entitled to take paternity leave are entitled to two weeks of leave, which can be taken as two consecutive weeks, or two non-consecutive blocks of one week.

Paternity leave cannot start before a child is born or placed and must be taken at some stage within the first year following birth or adoption (except when the child is born prematurely in which case the leave must be taken within the 52 weeks following the expected week of childbirth).

Most new parents choose to begin paternity leave on the date their child is born, but you may if you wish begin the leave at any time you choose provided that the whole of the leave is taken by the end of that year.

In order to qualify for paternity leave with regards to birth, you must notify the Council ~~Company~~ at least 15 weeks before the expected week of your child's birth, and give at least 28 days' notice before the date you would like to take each period of leave. For adoption cases, you must notify the Council ~~Company~~ within 7 days of having been notified that a child will be placed for adoption. Your notification should specify how much leave you intend to take and when you intend the leave to begin. Should your plans change, you will need to give the Council 28 days' notice of any revision.

Paternity leave is payable at the statutory rate, which is subject to change every year. You can check the most up-to-date figure with your line manager.

2.21 *Time Off for Family and Domestic Emergencies*

Leave of absence without pay may be taken to deal with appropriate domestic or family incidents i.e. to take a child to the Doctors. Please contact your Town Clerk direct.

Time off for dependants

You may be entitled to take a reasonable amount of unpaid time off during working hours to take action that is necessary to provide help to your dependants. Should this be necessary you should discuss your situation with the Town Clerk, who, if appropriate, will agree the necessary time off.

2.22 *Maternity Benefits*

Further information may be obtained from the Green Book.

2.23 *Paternity Leave*

Further information may be obtained from the Green Book.

2.24 Adoption Leave and Support Leave

The Council operates an Adoption Leave and Adoption Support Leave scheme.

2.25 Neonatal Care Leave

This policy is intended to reflect the statutory provisions and provides guidelines only. If there is any conflict between this policy and the statutory provisions, the latter will prevail.

Employees are entitled to statutory neonatal care leave (SNCL) if a child born on or after 6 April 2025, for whom they have parental responsibility, is receiving, or has received, "neonatal care" which started within 28 days of birth and has lasted for seven full consecutive days, not counting the day on which the care starts (and in adoption cases, not counting any time spent in neonatal care before being placed/entering GB) (the "qualifying period"). "Neonatal care" means medical care in hospital or any continuing hospital outpatient care (including monitoring and home visits from healthcare professionals directed by a consultant and arranged by the hospital), or palliative/end-of-life care. The SNCL must be taken for the purpose of caring for the child (save for a subsequent bereavement).

SNCL can be taken in weekly blocks for every uninterrupted week their child received neonatal care, starting no earlier than the day after the qualifying period (as above), up to a maximum of 12 weeks, and must be taken within 68 weeks of the birth. So, for the first week of SNCL taken, the earliest it can start is on day 9 of being in neonatal care.

Up until the 7th day after the child stops receiving neonatal care (including if it stops but starts again within 28 days of birth and providing the qualifying period is met), the weekly blocks can be taken either continuously or non-continuously. After that, the weekly blocks must be taken continuously.

Notification

Up until the 7th day after the child stops receiving neonatal care you only need to give notice to us to take SNCL before you are due to start work on the first day of each week of leave or, where this is not possible, as soon as reasonably practicable. If you have already started work, then officially your SNCL period will start on the following day.

When giving notice you must specify: the child's date of birth; in adoption cases, the date of placement or the date the child entered GB; the date(s) the child started to receive neonatal care; if it stopped, the date(s) it ended; the date(s) you wish SNCL to begin and how many weeks for; confirmation you are taking the leave to care for the child; and if it is the first notice for that child, confirmation you meet the eligibility requirements as to family relationship with the child.

Where the neonatal care is ongoing, you must notify us of the date the care ends, as soon as is reasonably practicable. If the child starts to receive neonatal

care again, you must notify us of the start date and the end date, as soon as reasonably practicable in each case.

You can give the above notice by telephone or by email or by letter. However, if telephoning, it would be helpful if it was subsequently put in writing at least within 28 days of the first day your SNCL in order to maintain an accurate record of what is being requested, and in any event must be done so if claiming statutory neonatal care pay (see below).

After 7 days after the child stops receiving neonatal care, you need to give us at least 15 days' notice if you want to take a single week of SNCL, or at least 28 days' notice if you want to take two or more consecutive weeks' of SNCL. The notice must be in writing and specify the same information as set out above. You can cancel it and/or rebook it with the same amount of notice.

Neonatal Care Pay

To qualify for statutory neonatal care pay (SNCP) during SNCL, you must have average weekly earnings of at least the lower earnings limit and at least 26 weeks' continuous employment by the end of the relevant week, which is: the 15th week before the expected week of childbirth (in birth and surrogacy cases); the week in which the adoption agency or local authority notified you of a match (in UK adoption cases); or the week before the neonatal care starts (in any other case). You will already meet these criteria if you have qualified for statutory maternity/paternity/adoption/shared parental pay. It is paid at the same rate as statutory paternity pay, which is subject to change every year. You can check the most up-to-date figure with your line manager.

Up until the 7th day after the child stops receiving neonatal care, to claim SNCP you must give notice in writing stating the week(s) in respect of which the payments are to be made and with the same information specified as when claiming SNCL, within 28 days of starting any period of SNCL you are claiming SNCP for. You can provide this information at the same time as giving notice to take SNCL, so long as it is in writing.

After 7 days after the child stops receiving Neonatal Care, to claim SNCP you must give us the same amount of notice and same information, in writing, as you must give if you want to take SNCL and state the week(s) in respect of which payments are to be made.

Interaction with other family leave

SNCL is in addition to other forms of statutory leave, so long as it is taken within 68 weeks of the child's birth. So, for example, if you are taking maternity / adoption / paternity leave, you may add a period of SNCL onto the end of that leave. It acts as a "top up" to give back an amount of statutory family leave that an employee has effectively lost while their child is receiving neonatal care.

If your SNCL is interrupted by the start of another pre-booked period of statutory family leave (such as paternity leave, parental leave or shared parental leave) then the interrupted SNCL period will resume straight away after the end the other leave, provided the neonatal care is still ongoing or has ended within the

last week. If the neonatal care ended more than a week ago, the remainder of the interrupted NCL must be taken consecutively with any further period of NCL that you are intending to take. Also, if the neonatal care ended more than a week ago and you want to book NCL, you should ensure that it will not be interrupted by the start of another period of family leave you have booked.

2.26 Carer's Leave

All employees are entitled to one week's unpaid leave in any 12-month period to provide or arrange care for a dependant with a long term care need. A "week" for these purposes will be equal in duration to the period you are normally expected to work in a week at the time of making the request. How that is calculated will depend on whether you have non-variable or variable hours of work.

A dependant is:

- your spouse, civil partner, child or parent;
- someone who lives in the same household as you, otherwise than by reason of being your boarder, employee, lodger or tenant, or;
- anybody else who reasonably relies on you to provide or arrange their care.

A dependant has a long-term care need if:

- they have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months,
- they have a disability for the purposes of the Equality Act 2010, or
- they require care for a reason connected with their old age.

The minimum period of carer's leave that can be taken at one time is half a working day, with the maximum period being one continuous week. Leave need not be taken on continuous days.

You must give notice of your request to take a period of carer's leave. This can relate to all or part of the leave to which you are entitled. The notice must:

- Specify that you are entitled to take carer's leave;
- Specify the days on which you would like to take carer's leave and if you will take a full or a half day; and
- Be given with at least three days' notice for one half/full/1.5 day of leave. Or, for 2 or more days' leave, with at least double the length of notice to the time you want off.

The notice does not need to be in writing, but it would be helpful if it was in order to maintain an accurate record of what is being requested.

The Council may, in our absolute discretion, waive the notice length requirement above, and as long as the other requirements are met, the request will be treated as one for carer's leave.

If the Council reasonably considers that the operation of the business would be unduly disrupted if your request was granted, we may postpone the start of the carer's leave after consulting with you to agree an alternative date(s) which is/are no later than one month after the earliest day or half day of the request. In these circumstances, the Council will give written notice to you of the

postponement, setting out the reason for the postponement and the agreed dates you can take the leave. This notice will be given no later than the earlier of:

- (a) seven days after your notice was given to the Council, or
- (b) before the earliest day or half day requested in your notice.

2.27 *Holiday Entitlement*

Ludlow Town Council holiday year runs from 1st April – 31st March. Your annual holiday entitlement is shown in your individual Statement of Main Terms of Employment (Form SMT).

You cannot carry forward more than 5 untaken holiday days from one holiday year to the following holiday year unless you have been prevented from taking it in the relevant holiday year by one of the following: a period of sickness absence or statutory maternity, paternity, adoption, shared parental, parental, parental bereavement, carer's, or neonatal care, leave. In cases of sickness absence, carry-over is limited to four weeks' holiday per year less any leave taken during the holiday year that has just ended. Any such carried over holiday which is not taken within eighteen months of the end of the relevant holiday year will be lost. No payment in lieu will be made in respect of untaken holidays, other than in the event of termination of your employment.

Whilst staff are entitled to leave, the dates upon which holidays are to be taken must be entered on to the leave card and approved by the Town Clerk prior to the leave being taken. Holiday dates will normally be allocated on a "first come - first served" basis whilst ensuring that operational efficiency and appropriate staffing levels are maintained throughout the year.

If an employee falls ill during annual leave and the employee wishes to claim the period in question as sick leave rather than annual leave, a Doctors note must be submitted to the Town Clerk.

You are required to reserve sufficient days from your annual entitlement to cover the Christmas/New Year shut-down period. If you have not accrued sufficient holiday entitlement to cover this period you will be given unpaid leave of absence.

Your entitlement to public/bank holidays is shown in your individual Statement of Main Terms of Employment.

2.28 *Redundancy*

Redundancy may arise in certain circumstances. Whenever possible, reasonable alternative employment will be offered to any employee affected. If redeployment is not practicable, notice will be given in accordance with current legislation or the individual contract of employment. Consultation with employees will take place. The appropriate level of Redundancy Pay will be made in accordance with the Council's Redundancy & Compensation Policy.

2.29 *References*

Employment references received by the Council, requesting information about current or ex members of staff, may only be actioned by the Town Clerk and will include the completion of statistical information such as absence details. A copy will be retained on the appropriate personal history file. A reference addressed 'To Whom It May Concern' should be forwarded to the Town Clerk, in the first instance.

2.30 *Probationary Period*

In accordance with the National Terms and Conditions of Employment all new employees to Local Government are subject to a six month probationary period. During this period your work performance and general suitability will be assessed and, if it is satisfactory, your employment will continue. If your work performance is not up to the required standard, or you are considered to be generally unsuitable, we may either take remedial action (which may include the extension of your probationary period) or terminate your employment at any time.

On completion of a satisfactory probationary report employment will be confirmed.

We reserve the right not to apply our full contractual capability and disciplinary procedures during your probationary period.

2.31 *Job Description*

Amendments may be made to your job description from time to time in relation to our changing needs and your own ability.

2.32 *Job Flexibility*

It is an express condition of employment that you are prepared, whenever necessary, to transfer to alternative departments or duties within our business. During holiday periods, etc. it may be necessary for you to take over some duties normally performed by colleagues. This flexibility is essential for operational efficiency as the type and volume of work is always subject to change.

2.33 *Mobility*

It is a condition of your employment that you are prepared to travel as necessary to meet the requirements of your position. This mobility is essential to the smooth running of our business.

2.34 *Employee Training*

At the commencement of your employment you will receive training for your specific job, and as your employment progresses your skills may be extended to encompass new job activities within the business. It is a condition of your employment that you participate in any training deemed necessary by us for you to reach the required levels of attainment standards.

2.35 *Use of Private Car during Working Hours*

A car allowance is payable based upon mileage incurred whilst undertaking approved Council duties. If you are using your own car for business purposes, you must ensure that your car insurance provides adequate cover. Proof of adequate insurance, Driving Licence, Tax and an MOT Certificate must be produced for scrutiny to the Town Clerk, upon renewal and at any time when so requested.

2.36 *Use of Council Vehicles*

Employees are expected to adhere to the Council's Vehicle Policy. A copy will be provided accordingly.

2.37 *Trade Union Membership*

Staff are eligible to join the UNISON Trade Union, or other unions, if they wish.

Please note that staff who take strike action will have a days pay deducted from every day spent on strike.

Recognised officials of Trade Unions are entitled to reasonable time off during working hours to carry out specified duties and to undergo approved training.

3.0 GENERAL REQUIREMENTS OF SERVICE

3.1 *Personal Details*

Any changes to the following personal details must be notified to the Finance Secretary:

Name, address, telephone number, marital status (for addressee purposes only), give birth, or if next of kin and their contact point changes in case of an emergency and car details.

3.2 *Dress Code and Identity Card*

Employees' appearance contributes to visitors' impression of the Council. It is important therefore that all employees remember this when attending work.

If your duties require you to wear protective clothing, these items will be provided by the Council. Employees must wear and maintain these items in a proper manner.

All members of staff must carry their identification card at all times and show the card on request. If your ID card is lost or misplaced, the Town Clerk should be notified immediately.

3.3 Use of Council Materials and Equipment

Council equipment should be used for work purposes only, and not for personal use. If you have any concerns regarding the use of equipment, discuss the issue with the Town Clerk.

3.4 Notice Boards/Communication/Team Briefings

Notice boards are located in each building where staff are employed. Employees should look at their Notice Boards regularly.

Notices which the Council are required to display by law, as well as job vacancies and items of general interest are placed on the Notice Boards. Staff meetings are held on a regular basis. This is to ensure that staff and management discuss corporate issues, internal communications, put forward ideas to improve working practices etc. and raise issues/concerns which staff would like discussed.

4.0 CODE OF CONDUCT

4.1 Offer of Gifts

Employees must not accept any gifts in money and must declare any other gifts offered in the Gift Record Book.

The exception to this rule is small promotional gifts of token value only, for example, a calendar or a pen or comestibles.

4.2 Offer of Hospitality

Prior to accepting offers of hospitality obtain confirmation from your Town Clerk.

Where a gift or hospitality is accepted a written note of the acceptance must be recorded by the Town Clerk

4.3 Personal Purchases

If you purchase goods or services for personal use, from a company who supply the Council, you must not seek or accept reduced prices or favourable terms.

4.4 Disclosure of Pecuniary or other Interests

Any employee or their close relatives, who have a significant interest in a private company which has an actual or potential relationship with the Council, must declare their involvement to the Town Clerk. If you fail to disclose such an interest you may be committing a criminal offence.

If staff find that through their work there is potential for a conflict arising, this must be brought immediately to the Town Clerk's attention for assistance in order to ensure that no conflict arises. This could for example arise where planners live in close proximity to a proposed development or where staff are preparing prosecution or other proceedings against someone they know. There

are many other ways where an employee, their family or friends could benefit in some way by the Council's action or inaction or where we come into contact with information where the public could perceive we had obtained advantage due to the nature of our employment with the Council.

Any employee, who is a member of a Club or Society, must ensure that they retain their professionalism at all times. Employees must not attempt to jeopardise the professionalism of the Council by working to a personal agenda.

4.5 *Disposal of Council Property*

The Council occasionally holds 'Surplus Property Sales'. When such a sale is planned all staff are notified and given the opportunity to bid for an item. Any employee who is involved with the sale and who also wishes to purchase must notify the Town Clerk.

4.6 *Spare Time Occupation or Employment*

You may not enter into another occupation or employment or conduct any trade or business which may interfere with the proper performance of your duties, or which may jeopardise the impartiality of the Council. Please notify your Town Clerk if you intend to enter into any other duties or employment.

4.7 *Political Neutrality*

Council employees are required to be politically neutral. Officers serve the Council as a whole and not just a particular group of Members. At Ludlow Town Council all employees are expected to ensure that the rights of individual Councillors are respected. The Local Government Officers (Political Restriction) Regulations 1990 and Local Government (Politically Restricted Post) (No. 2) Regulation 1990, issued under the Local Government and Housing Act 1989, prevent senior Local Government employees from also being active members of other Local Authorities and restrict the political activity of senior employees. Local Authority employees holding politically restricted posts are disqualified from membership of any Local Authority other than a Parish, Town or (in Wales) Community Council, from being an M.P. or M.E.P. and are subject to prescribed restrictions on their political activity.

A list of restricted posts is available from the Town Clerk.

4.8 *Relationships between Officers, Councillors, the Public and Contractors*

Mutual respect between all parties is necessary.

4.9 *Appointment and other Employment Matters*

Officers, who are related or have a close personal relationship with an external applicant, must not become involved in the recruitment and selection procedure.

Officers must not be involved with decisions relating to discipline promotion or pay adjustment for an employee with whom they have a personal relationship, for example partner, or relative.

4.10 *Inventions and Patents*

Inventions made or novel processes created during employment are the property of the Council. Any queries should be addressed to the Town Clerk.

4.11 *Personal Interests*

You must disclose any personal interest which may conflict with the Council's interest, such as a pressure group which is seeking to affect the Council's decisions.

All disclosures should be made to the Town Clerk and will be treated in the strictest of confidence.

5.0 SECURITY

5.1 *Authority to Remove Council Property*

Please ensure that Council property is only removed from the premises if permission has been granted by the Town Clerk.

5.2 *The Use of Financial Resources*

All employees having any financial dealings on behalf of the Council at whatever level should familiarise themselves with the Financial Regulations and Standing Orders relating to contracts both of which can be provided by the Town Clerk.

If you suspect that financial irregularity has occurred, you must discuss the issue with the Town Clerk immediately without the fear of recrimination.

5.3 *Data Protection*

We will process personal data and sensitive personal data (also known as 'special categories of personal data') relating to you in accordance with our Data Protection Policy and our Data Protection Privacy Notice (provided to you separately), as well as in accordance with the relevant data protection legislation.

We may monitor staff in accordance with our policies relating to email, internet and communications systems and monitoring at work, as detailed in this Employee Handbook and in accordance with the relevant data protection legislation.

You will comply with your obligations under our Data Protection Policy and other relevant policies as directed.

5.4 *The Use of Computers*

Confidential computer printouts must be disposed of appropriately to avoid a breach of confidentiality.

Personal computers must not be used to store details of employees, unless the proposed system has been approved by the Town Clerk. Any demonstration CD or diskette received through the post must be examined to ensure it does not contain a virus, prior to it being loaded.

It is an offence to gain unauthorised access to computer material for example, by using another officer's password, exceeding your level of authorised use, or by hacking into the computer.

Access to the Internet during working hours should only be gained in order to conduct Council business. Should an employee wish to gain access to the Internet outside working hours, permission prior to use must be sought from the Town Clerk.

Information may only be downloaded from the Internet with prior consent from the Town Clerk. Likewise, transactions may only occur with consent from the Town Clerk.

E-Government is about how Ludlow Town Council will use information and communication technology to extend access to information and services for its citizens, making them more accessible, convenient, responsive and cost effective.

The Website:

The Council's website contains news, advice, guidance, and application forms etc. (all public facing information) from every service area of the Council as well as a range of consultations and services that are available directly through the website.

www.ludlow.gov.uk

5.5 E-MAIL AND INTERNET POLICY

5.5.1 Introduction

The purpose of the Internet and E-mail policy is to provide a framework to ensure that there is continuity of procedures in the usage of Internet and E-mail within the Council. The Internet and E-mail system have established themselves as an important communications facility within the Council and have provided us with contact with professional and academic sources throughout the world. Therefore, to ensure that we are able to utilise the system to its optimum we have devised a policy that provides maximum use of the facility whilst ensuring compliance with the legislation throughout.

5.5.2 Internet

Where appropriate, duly authorised staff are encouraged to make use of the Internet as part of their official and professional activities. Attention must be paid to ensuring that published information has relevance to normal professional activities before material is released in the Council name. Where personal views are expressed a disclaimer stating that this is the case should be clearly added

to all correspondence. The intellectual property right and copyright must not be compromised when publishing on the Internet. The availability and variety of information on the Internet has meant that it can be used to obtain material reasonably considered to be offensive. The use of the Internet to access and/or distribute any kind of offensive material, or material that is not work-related, leaves an individual liable to disciplinary action which could lead to dismissal.

5.5.3 E-mail

The use of the E-mail system is encouraged as its appropriate use facilitates efficiency. Used correctly it is a facility that is of assistance to employees. Inappropriate use however causes many problems including distractions, time wasting and legal claims. The procedure sets out the Council's position on the correct use of the E-mail system.

5.5.4 Procedures - Authorised Use

- a. Unauthorised or inappropriate use of the E-mail system may result in disciplinary action which could include summary dismissal.
- b. The E-mail system is available for communication and matters directly concerned with the legitimate business of the Council. Employees using the E-mail system should give particular attention to the following points:-
 - i) all comply with Council communication standards;
 - ii) E-mail messages and copies should only be sent to those for whom they are particularly relevant;
 - iii) E-mail should not be used as a substitute for face-to-face communication or telephone contact. Flame mails (i.e. E-mails that are abusive) must not be sent. Hasty messages sent without proper consideration can cause upset, concern or misunderstanding;
 - iv) if E-mail is confidential the user must ensure that the necessary steps are taken to protect confidentiality. The Council will be liable for infringing copyright or any defamatory information that is circulated either within the Council or to external users of the system; and
 - v) offers or contracts transmitted by E-mail are as legally binding on the Council as those sent on paper.
- c. The Council will not tolerate the use of the E-mail system for unofficial or inappropriate purposes, including:-
 - i) any messages that could constitute bullying, harassment or other detriment;
 - ii) personal use (e.g. social invitations, personal messages, jokes, cartoons, chain letters or other private matters);
 - iii) on-line gambling;
 - iv) accessing or transmitting pornography;
 - v) transmitting copyright information and/or any software available to the user; or
 - vi) posting confidential information about other employees, the Council or its customers or suppliers.

5.6 ***Use of Social Networking Sites***

Any work related issue or material that could identify an individual who is a customer or work colleague, which could adversely affect the Council, a

customer or our relationship with any customer must not be placed on a social networking site. This means that work related matters must not be placed on any such site at any time either during or outside of working hours and includes access via any computer equipment, mobile phone or PDA.

5.7 *Closed Circuit Television*

Closed circuit television cameras are used on our premises for security purposes. We reserve the right to use any evidence obtained in this manner in any disciplinary issue.

5.8 *Keyholding/Alarm Setting*

If you are an allocated key holder, you must ensure that all procedures and guidelines are followed when securing the building prior to leaving. The keys and any alarm codes must be kept safe at all times. You must not give the keys or alarm code to any third party unless authorisation is obtained from the Town Clerk. Any loss or damage caused as a result of your failure to follow procedures or your negligence in ensuring the safekeeping of the keys and alarm code will result in disciplinary action which could lead to your summary dismissal. We also reserve the right to deduct the cost of any loss, repair or replacement from any monies owing to you.

5.9 *Telephone Calls*

Whilst it is acknowledged that employees may need to make occasional personal telephone calls, these are to be kept to a minimum.

Employees who misuse the telephones will be subject to disciplinary action and a monthly telephone usage report is printed and issued to the Town Clerk who will request payment for private calls made.

5.10 *Statements to the Media*

Any requests for information from the press, radio or television appertaining to the Council's business must be referred to the Town Clerk, without comment so a formal response can be made.

5.11 *Personal Property*

The Council does not accept liability for the loss or damage to personal effects. Money or valuables must not be left in offices. Motor vehicles are left on Council property at the owners' risk.

5.12 *Lost Property*

Property which appears to have been lost must be handed in at once to the Town Clerk. If a visitor or employee wishes to enquire about a lost item, they should be referred to the Town Clerk.

5.13 *Authorised Access*

In order to protect the Council interests and to provide a secure place to work, access to certain parts of Council premises is carefully controlled.

If you should see a person who is unfamiliar in a restricted area, ask if you can help them or enquire who they are looking for.

5.14 *Safeguards*

5.14.1 Although we do not have the contractual right to carry out searches of employees and their property (including vehicles) whilst they are on our premises or business, we would ask all employees to assist us in this matter should we feel that such a search is necessary.

5.14.2 Where practicable, searches will be carried out in the presence of a colleague of your choice who is available on the premises at the time of the search. This will also apply at the time that any further questioning takes place.

5.14.3 We reserve the right to call in the police at any stage.

5.15 *Confidentiality*

5.15.1 All information that:-

- a. is or has been acquired by you during, or in the course of your employment, or has otherwise been acquired by you in confidence;
- b. relates particularly to our business, or that of other persons or bodies with whom we have dealings of any sort; and
- c. has not been made public by, or with our authority;

shall be confidential, and (save in the course of our business or as required by law) you shall not at any time, whether before or after the termination of your employment, disclose such information to any person without our prior written consent.

5.15.2 You are to exercise reasonable care to keep safe all documentary or other material containing confidential information, and shall at the time of termination of your employment with us, or at any other time upon demand, return to us any such material in your possession.

5.16 *Council Property and Copyright*

All written material, whether held on paper, electronically or magnetically which was made or acquired by you during the course of your employment with us, is our property and, where appropriate, our copyright. At the time of termination of your employment with us, or at any other time upon demand, you shall return to us any such material in your possession.

5.17 *Wastage*

5.17.1 We maintain a policy of "minimum waste" which is essential to the cost-effective and efficient running of our organisation.

- 5.17.2 You are able to promote this policy by taking extra care during your normal duties by avoiding unnecessary or extravagant use of services, time, energy, etc. The following points are illustrations of this:-
- a. handle machines, equipment and stock with care;
 - b. turn off any unnecessary lighting and heating. Keep doors closed whenever possible;
 - c. ask for other work if your job has come to a standstill; and
 - d. start with the minimum of delay after arriving for work and after breaks.
- 5.17.3 The following provision is an express written term of your contract of employment:-
- a. any damage to vehicles, stock or property (including non-statutory safety equipment) that is the result of your carelessness, negligence or deliberate vandalism will render you liable to pay the full or part of the cost of repair or replacement;
 - b. any loss to us that is the result of your failure to observe rules, procedures or instruction, or is as a result of your negligent behaviour or your unsatisfactory standards of work will render you liable to reimburse to us the full or part of the cost of the loss; and
 - c. in the event of an at fault accident whilst driving one of our vehicles you may be required to pay the cost of the insurance excess up to a maximum of £250.00.
- 5.17.4 In the event of failure to pay, we have the contractual right to deduct such costs from your pay.

5.18 *Housekeeping*

Both from the point of view of safety and of appearance, work areas must be kept clean and tidy at all times.

5.19 *Alcohol and Drugs Policy*

Under legislation we, as your employer, have a duty to ensure so far as is reasonably practicable, the health and safety and welfare at work of all our employees and similarly you have a responsibility to yourself and your colleagues. The use of alcohol and drugs may impair the safe and efficient running of the business and/or the health and safety of our employees.

If your performance or attendance at work is affected as a result of alcohol or drugs, or we believe you have been involved in any drug related action/offence, you may be subject to disciplinary action and, dependent on the circumstances, this may lead to your dismissal.

5.20 *Hygiene*

- 5.20.1 Any exposed cut or burn must be covered with a first-aid dressing.

5.20.2 If you are suffering from an infectious or contagious disease or illness such as rubella or hepatitis you must not report for work without clearance from your own doctor.

5.20.3 Contact with any person suffering from an infectious or contagious disease must be reported before commencing work.

5.21 Other Policies and Procedures

The Council has a number of other policies and procedures that will have been explained to you during your induction. Copies of these will have been provided to you separately or are available on request from the office.

6.0 HEALTH AND SAFETY

Ludlow Town Council has a Health & Safety Policy Statement which is displayed at all sites and workplaces.

The principle aim is to ensure that the Council operates a safe and healthy environment, so far as is reasonably practicable, in which employee's work.

The Royal Society for the Prevention of Accidents, (RoSPA) carried out an audit in December 2005 to review the Council's Health & Safety structures and procedures.

The Annual Health & Safety Report is available to all staff via the Town Clerk.

All staff have a duty to maintain Health and Safety at all times. Staff who wilfully or by neglect fail to observe the Council Health and Safety rules render themselves liable to disciplinary action.

You should make yourself familiar with our Health and Safety Policy and your own health and safety duties and responsibilities, as shown separately.

You must not take any action that could threaten the health or safety of yourself, other employees, customers or members of the public.

Protective clothing and other equipment which may be issued for your protection because of the nature of your job must be worn and used at all appropriate times. Failure to do so could be a contravention of your health and safety responsibilities. Once issued, this protective wear/equipment is your responsibility.

6.1 *Fire Precautions*

Ensure that all electrical equipment is switched off at the end of each day and that plugs are removed from sockets, (some equipment is exempt from this, but these are clearly labelled).

Electrical equipment brought from home must be approved prior to its use by the Town Clerk and be subject to an electrical safety test. Failure to comply is a

disciplinary offence. The Town Clerk will also determine where and when it may be used.

ACTION IN THE EVENT OF A FIRE

All employees are to be fully conversant with the action required in the event of fire.

STAGE 1: If you discover a fire, sound the alarm and exit the building

STAGE 2: On hearing the alarm, contact the Fire Brigade by dialling 999

STAGE 3: The building must be evacuated immediately. All staff (and visitors) are to leave the building through the nearest door/fire exit, do not hinder your exit by collecting personal belongings. Assemble at your designated fire assembly point:

Guildhall – Opposite Guildhall on the pavement.
Depot – in the Cemetery car park.

STAGE 4: A roll call should be taken to ensure that all are accounted for. Do not leave the assembly point until you are instructed to do so

STAGE 5: Ensure that no one re-enters the building. The onus is on the employee to get out of the building as soon as possible

It is essential that you sign 'in/out' of work as appropriate on every occasion. This list is used by officers to ensure everyone is safely out of the building.

It is your responsibility to familiarise yourself with the location of fire exits and fire assembly points.

6.2 Use of Mobile Phones

All staff should be aware that both personal and work mobile phones must not be used whilst driving a vehicle. If it is essential to respond to a call, the vehicle should be parked in an appropriate safe place before responding.

6.3 No Smoking

The Council operates a no smoking/e-cigarette 'vaping' policy which encompasses both staff and customers.

Customers seen smoking or using e-cigarettes 'vaping' on Council premises must be politely asked to extinguish their cigarette.

Staff are not permitted to smoke during normal working hours except for during their half hour lunch break.

Staff are not permitted to smoke on or near the entrance to Council buildings.

Staff who fail to observe this rule will be subject to the disciplinary procedure.

6.4 *Hearing Tests*

Staff who have contact with loud machinery are entitled to free annual hearing tests. These are carried out by Occupational Health at Shirehall.

6.5 *Inoculations*

Staff who may have contact with faecal/blood matter should have Hepatitis A and B injections. Please discuss this with the Town Clerk.

Additionally such staff should also carry a leptospirosis card.

6.6 *Accident Procedure*

FIRST AID

Whenever an accident occurs on Council premises, to a visitor or an employee, a First Aider must be called immediately by phone. You are required to familiarise yourself with the current First Aiders which is displayed on your notice board.

When an accident to an employee is clearly not serious, the employee concerned should contact a First Aider to report the accident.

Pending the arrival of the First Aider at an accident considered to be serious, it is important to remember that the patient should not be moved more than is absolutely necessary.

REPORTING OF ACCIDENTS

All accidents, whether to employees or customers, must be reported to a First Aider, together with the names and addresses of any witnesses. This rule applies equally to any accident at which first aid is not provided (either because the customer does not wait or because the accident appears very slight), since what may appear very trivial at the time might later develop into a more serious condition. Staff are reminded that any accident to themselves must be reported to a First Aider who will enter the details in the Accident Book.

FIRST AID FACILITIES

Staff trained in first aid are present on all Council premises.

7.0 ADDITIONAL BENEFITS PROVIDED BY THE COUNCIL

7.1 *Welfare Services*

EYE TESTS

All employees who, in accordance with the Town Clerk, have significant use of a VDU screen are entitled to an eyesight test once every 12 months. You must

obtain a receipt (a copy of which must be sent to the Town Clerk) and claim costs via the Finance Secretary, on production of a receipt.

If the test proves that the employee requires special spectacles because his/her normal spectacles are unsuitable for VDU use and the Council is informed in writing by the optician, the Council will contribute towards a pair of basic spectacles to be kept at your place of work to the sum of £70.

A certificate from the Optician must be provided to the Town Clerk detailing the glasses are for VDU use only. The Council will also reimburse employees for renewal of lenses to the sum of £30.

7.2 Catering Facilities

A kitchen is located at the Guildhall. This area has a microwave, fridge and sink facilities available for staff use. There are basic facilities at the Depot.

7.3 Car Parking

Car parking is available at the Linney and Cemetery.

7.4 Relocation Expense Scheme

In certain cases the Council will reimburse an agreed amount to new appointees in respect of buying/selling costs, removal costs, disturbance allowance, lodging allowance and separation allowance.

7.5 Expenses

Employees who incur expenses in the course of their work in respect of travel, meals or overnight accommodation will have approved expenses reimbursed.

A 'Claim for Travel, Subsistence and Expenses' form should be completed, the appropriate receipts attached, and authorisation given by the Town Clerk. Forms should be submitted to the Town Clerk by the 5th of the month.

8.0 STAFF DEVELOPMENT

The Council recognises the crucial role training plays in developing the knowledge and skills of staff. The aim of training is to assist each employee to reach their full potential and thereby maximise their contribution to the services of the Council.

The Council's on-going programme of training and development includes the following key points:-

- Induction Training
- Health and Safety Training
- Information Technology Training
- External Vocational Training support.
- Secondments to other departments
- Corporate Training

Training is at the discretion of the Town Clerk.

Where an employee is undertaking training on behalf of the Authority and examinations are necessary to gain the full qualification then appropriate study leave will be granted at the discretion of the Town Clerk.

8.1 *Training Time*

Where training is undertaken that has been identified as training need and approved by the Council and is carried out above the 37 hours worked then the employee shall be entitled to take plain time off in lieu at a later date. This also applies to part time staff where training is carried out above their contractual hours.

8.2 *Staff Development Reviews (SDR)*

Each employee will have a performance review (appraisal) at least every 12 months. It is an opportunity for employee and the Town Clerk to discuss past performance, set future targets, identify problem areas and decide upon development and training needs. Meetings should be frank, productive and constructive.

9.0 CAPABILITY PROCEDURES

9.1 *Introduction*

We recognise that during your employment with us your capability to carry out your duties may deteriorate. This can be for a number of reasons, the most common ones being that either the job changes over a period of time and you fail to keep pace with the changes, or you change (most commonly because of health reasons) and you can no longer cope with the work.

9.2 *Job Changes/General Capability Issues*

9.2.1 If the nature of your job changes or if we have general concerns about your ability to perform your job we will try to ensure that you understand the level of performance expected of you and that you receive adequate training and supervision. Concerns regarding your capability will normally first be discussed in an informal manner and you will be given time to improve.

9.2.2 If your standard of performance is still not adequate you will be warned in writing that a failure to improve and to maintain the performance required could lead to your dismissal. We will also consider the possibility of a transfer to more suitable work if possible.

9.2.3 If there is still no improvement after a reasonable time and we cannot transfer you to more suitable work, or if your level of performance has a serious or substantial effect on our organisation or reputation, you will be issued with a final warning that you will be dismissed unless the required standard of performance is achieved and maintained.

9.2.4 If such improvement is not forthcoming after a reasonable period of time, you will be dismissed with the appropriate notice.

9.3 *Personal Circumstances/Health Issues*

9.3.1 Personal circumstances may arise which do not prevent you from attending for work but which prevent you from carrying out your normal duties (e.g. a lack of dexterity or general ill health). If such a situation arises, we will normally need to have details of your medical diagnosis and prognosis so that we have the benefit of expert advice. Under normal circumstances this can be most easily obtained by asking your own doctor for a medical report. Your permission is needed before we can obtain such a report and we will expect you to co-operate in this matter should the need arise. When we have obtained as much information as possible regarding your condition and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role.

9.3.2 There may also be personal circumstances which prevent you from attending work, either for a prolonged period(s) or for frequent short absences. Under these circumstances we will need to know when we can expect your attendance record to reach an acceptable level. This may again mean asking your own doctor for a medical report or by making whatever investigations are appropriate in the circumstances. When we have obtained as much information as possible regarding your condition, and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role.

9.4 *Short Service Staff*

We retain discretion in respect of the capability procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service, you may not be in receipt of any warnings before dismissal but you will retain the right to a hearing and you will have the right to appeal.

10.0 DISCIPLINARY PROCEDURES

10.1 *Introduction*

10.1.1 It is necessary to have a minimum number of rules in the interests of the whole organisation.

10.1.2 The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of individuals. It is our aim that the rules and procedures should emphasise and encourage improvement in the conduct of individuals, where they are failing to meet the required standards, and not be seen merely as a means of punishment. We reserve the right to amend these rules and procedures where appropriate.

10.1.3 Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case and appeal against any decision that you consider to be unjust.

10.1.4 The following rules and procedures should ensure that:-

- a. the correct procedure is used when requiring you to attend a disciplinary hearing;
- b. you are fully aware of the standards of performance, action and behaviour required of you;
- c. disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner;
- d. you will only be disciplined after careful investigation of the facts and the opportunity to present your side of the case. On some occasions temporary suspension on contractual pay may be necessary in order that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind;
- e. other than for an "off the record" informal reprimand, you have the right to be accompanied by a fellow employee at all stages of the formal disciplinary process;
- f. you will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct; and
- g. if you are disciplined, you will receive an explanation of the penalty imposed and you will have the right to appeal against the finding and the penalty.

10.2 *Disciplinary Rules*

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct shown in this handbook, a breach of other specific conditions, procedures, rules etc. that are contained within this handbook or that have otherwise been made known to you, will also result in this procedure being used to deal with such matters.

10.3 *Rules Covering Unsatisfactory Conduct and Misconduct*

(These are examples only and not an exhaustive list.)

You will be liable to disciplinary action if you are found to have acted in any of the following ways:-

- a. failure to abide by the general health and safety rules and procedures;
- b. smoking or using e-cigarettes in designated non-smoking areas;
- c. consumption of alcohol on the premises;
- d. persistent absenteeism and/or lateness;
- e. unsatisfactory standards or output of work;
- f. rudeness towards customers, members of the public, councillors or other employees, objectionable or insulting behaviour, harassment, bullying or bad language;
- g. failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours;
- h. unauthorised use of E-mail and Internet;
- i. failure to carry out all reasonable instructions or follow our rules and procedures;
- j. unauthorised use or negligent damage or loss of our property;
- k. failure to report immediately any damage to property or premises caused by you;
- l. use of our vehicles without approval or the private use of our commercial vehicles without authorisation;

- m. failure to report any incident whilst driving our vehicles, whether or not personal injury or vehicle damage occurs;
- n. if your work involves driving, failure to report immediately any type of driving conviction, or any summons which may lead to your conviction;
- o. carrying unauthorised goods or passengers in our commercial vehicles or the use of our vehicles for personal gain; and
- p. loss of driving licence where driving on public roads forms an essential part of the duties of the post.

10.4 *Serious Misconduct*

- 10.4.1 Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.
- 10.4.2 You may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.

10.5 *Rules Covering Gross Misconduct*

Occurrences of gross misconduct are very rare because the penalty is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct. Examples of offences that will normally be deemed as gross misconduct include serious instances of:-

- a. theft or fraud;
- b. physical violence or bullying;
- c. deliberate damage to property;
- d. deliberate acts of unlawful discrimination or harassment;
- e. possession, or being under the influence, of illegal drugs at work;
- f. breach of health and safety rules that endangers the lives of, or may cause serious injury to, employees or any other person.

(The above examples are illustrative and do not form an exhaustive list.)

10.6 *Disciplinary Procedure*

- 10.6.1 Disciplinary action taken against you will be based on the following procedure:-

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION
UNSATISFACTORY CONDUCT	Written warning	Final Written warning	Dismissal
MISCONDUCT	Written warning	Final written warning	Dismissal

SERIOUS MISCONDUCT	Final written warning	Dismissal
GROSS MISCONDUCT	Dismissal	

- 10.6.2 We retain discretion in respect of the disciplinary procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service you may not be in receipt of any warnings before dismissal but you will retain the right to a disciplinary hearing and you will have the right of appeal.
- 10.6.3 If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a written warning, final written warning, or dismissal, and full details will be given to you.
- 10.6.4 In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

10.7 *Disciplinary Authority*

The operation of the disciplinary procedure contained, in the previous section, is based on the following authority for the various levels of disciplinary action. However, the list does not prevent a higher level of seniority progressing any action at whatever stage of the disciplinary process.

PERSON AUTHORISED TO TAKE DISCIPLINARY ACTION IN THE CASE OF:

	MANAGEMENT	OTHER EMPLOYEES
Written warning	Staffing Committee	Town Clerk/Staffing Committee
Final written warning	Staffing Committee	Town Clerk/Staffing Committee
Dismissal	Staffing -Committee	Town Clerk/Staffing -Committee

10.8 *Period of Warnings*

- 10.8.1 Written warning
A written warning will normally be disregarded for disciplinary purposes after a six month period.
- 10.8.2 Final written warning
A final written warning will normally be disregarded for disciplinary purposes after a twelve month period.

10.9 General Notes

- 10.9.1 If you are in a supervisory or managerial position then demotion to a lower status at the appropriate rate may be considered as an alternative to dismissal except in cases of gross misconduct.
- 10.9.2 In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal (except dismissal for gross misconduct) may be considered by the person authorised to dismiss.
- 10.9.3 Gross misconduct offences will result in dismissal without notice.
- 10.9.4 You have the right to appeal against any disciplinary action.

11.0 CAPABILITY/DISCIPLINARY APPEAL PROCEDURE

- 11.0.1 You have the right to lodge an appeal in respect of any capability/disciplinary action taken against you.
- 11.0.2 If you wish to exercise this right you should apply either verbally or in writing to the person indicated in your individual Statement of Main Terms of Employment.
- 11.0.3 An appeal against a formal warning or dismissal should give details of why the penalty imposed is too severe, inappropriate or unfair in the circumstances.
- 11.0.4 The appeal procedure will normally be conducted by a member of staff not previously connected with the process so that an independent decision into the severity and appropriateness of the action taken can be made.
- 11.0.5 If you are appealing on the grounds that you have not committed the offence then your appeal may take the form of a complete re-hearing and reappraisal of all matters so that the person who conducts the appeal can make an independent decision before deciding to grant or refuse the appeal.
- 11.0.6 You may be accompanied at any stage of the appeal hearing by a fellow employee of your choice. The result of the appeal will be made known to you in writing, normally within five working days after the hearing.

11.1 *Appeals against Wage or Salary Grading*

This procedure entitles an officer to appeal against the grade or his/her salary/wage to Ludlow Town Council.

This procedure applies to all employees of Ludlow Town Council.

The procedure is to be used in isolation of any corporate Job Evaluation Exercise which the authority may wish to undertake.

PURPOSE OF PROCEDURE:

The purpose of this procedure is to provide a route for employees to have their duties and responsibilities re-assessed in terms of grading through job reviews.

OUTLINE:

In many cases, out of necessity, particular duties and responsibilities of posts cannot be defined in detail in the job descriptions and may vary from time to time without changing the general character of the duties or the level of responsibility entailed. Such variations are a common occurrence and cannot of themselves justify reconsideration of the grading. In cases however, where there has been a substantial change in the duties and responsibilities of the post since the last time that the post was evaluated and approved then the officer has a right to request that the post be reassessed.

It is important to note that a job description is intended to provide a broad description of the job purposes and the main duties and responsibilities of the post.

STAGE OF PROCEDURE:

Stage 1: The employee raises the issue with the Town Clerk, discussing the possibility of having the post re-assessed.

Stage 2: The employee completes the reassessment form and forwards this to the Town Clerk for reassessment. The Town Clerk will forward the paper to Job Evaluation and this will then be passed to the Staffing committee/panel for re-evaluation to take place.

Once the re-evaluation has taken place the Town Clerk will forward the results to the employee.

12.0 GRIEVANCE PROCEDURE

The Council recognises that from time to time an employee may wish to raise matters relating to their employment or issues that are causing them concern. It is the Council's hope that such issues can be resolved effectively and quickly.

The concern should be discussed informally in the first instance with the Town Clerk. The Town Clerk will consider the grievance and give an outcome. If the matter has not been resolved to the satisfaction of the employee, they may progress to Stage 1 of the formal grievance procedure.

STAGE 1

The employee with a concern should request an interview with the Town Clerk by completing a Record of Grievance form. A meeting will be arranged and the Town Clerk will record the details of the concern and after due consideration give a written decision within seven working days. If the employee is unhappy with the decision they may proceed to stage two.

STAGE 2

The employee may then raise the concern in writing with the Town Clerk. A hearing will take place, the outcome of the meeting in writing.

STAGE 3

If the employee is unhappy with this decision a written complaint should be sent to the Staffing Committee. An employee who is a member of a Union may ask their Union Representative to discuss the issue with the Town Clerk. Alternatively the employee can make their own representation.

Following the appeal meeting you will be informed of the final decision, normally within ten working days, which will be confirmed in writing.

13.0 PERSONAL HARASSMENT POLICY AND PROCEDURE

13.1 *Introduction*

13.1.1 Harassment or victimisation on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation is unacceptable.

13.1.2 Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse. Whatever form it takes, personal harassment is always taken seriously and is totally unacceptable.

13.1.3 We recognise that personal harassment can exist in the workplace, as well as outside, and that this can seriously affect employees' working lives by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.

13.2 *Policy*

13.2.1 We deplore all forms of personal harassment and seek to ensure that the working environment is sympathetic to all our employees.

13.2.2 We have published these procedures to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment with a means of redress.

13.2.3 We recognise that we have a duty to implement this policy and all employees are expected to comply with it.

13.3 *Examples of Personal Harassment*

Personal harassment takes many forms and employees may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one employee towards another and examples of harassment include:

- a. insensitive jokes and pranks;
- b. lewd or abusive comments about appearance;
- c. deliberate exclusion from conversations;
- d. displaying abusive or offensive writing or material;
- e. unwelcome touching; and
- f. abusive, threatening or insulting words or behaviour.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment.

13.4 *Complaining About Personal Harassment*

13.4.1 Informal complaint

We recognise that complaints of personal harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the Town Clerk, who will be responsible for investigating the matter if it becomes a formal complaint.

If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

13.4.2 Formal complaint

Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the Town Clerk you in this. If possible, you should keep notes of the harassment so that the written complaint can include:-

- a. the name of the alleged harasser;
- b. the nature of the alleged harassment;
- c. the dates and times when the alleged harassment occurred;
- d. the names of any witnesses; and
- e. any action already taken by you to stop the alleged harassment.

On receipt of a formal complaint we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension on contractual pay until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation which will normally be within ten working days of the meeting with you, a draft report of the findings and of the

investigator's proposed decision will be sent, in writing, to you and to the alleged harasser.

If you or the alleged harasser are dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within five working days of receiving the draft. Any points of concern will be considered by the investigator before a final report is sent, in writing, to you and to the alleged harasser. You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

13.5 General Notes

13.5.1 If the report concludes that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary and disciplinary dismissal procedure. An employee who receives a formal warning or who is dismissed for harassment may appeal by using our capability/disciplinary appeal procedure.

13.5.2 If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

14.0 WHISTLE BLOWING

14.0.1 If you believe that the Council is involved in any form of wrongdoing such as:

- a. committing a criminal offence;
- b. failing to comply with a legal obligation;
- c. endangering the health and safety of an individual;
- d. environmental damage; or
- e. concealing any information relating to the above

you should in the first instance report your concerns to the Town Clerk who will treat the matter with complete confidence. If you are not satisfied with the explanation or reason given to you, you should raise the matter with the appropriate organisation or body, e.g. the Police, the Environment Agency, Health and Safety Executive or Social Services Department.

14.0.2 If you do not report your concerns to the Town Clerk you may take them direct to the appropriate organisation or body.

14.0.3 The Public Interest Disclosure Act 1998 prevents you from suffering a detriment or having your contract terminated for 'whistle-blowing' and we take very seriously any concerns which you may raise under this legislation.

14.0.4 We encourage you to use the procedure if you are concerned about any wrong doing at work. However, if the procedure has not been invoked in good faith (e.g. for malicious reasons or in pursuit of a personal grudge), then it will make you liable to immediate termination of engagement or such lesser disciplinary sanction as may be appropriate in the circumstances.

15.0 TERMINATION OF EMPLOYMENT

15.1 Resignations

All resignations by employees must be supplied in writing, stating your reason for resignation.

15.2 Terminating Employment Without Giving Notice

If you terminate your employment without giving or working the required period of notice, as indicated in your individual statement of main terms of employment, you will have an amount equal to any additional cost of covering your duties during the notice period not worked deducted from any termination pay due to you. This is an express written term of your contract of employment. You will also forfeit any contractual accrued holiday pay due to you over and above your statutory holiday pay, if you fail to give or work the required period of notice.

15.3 Return Of Our Property

On the termination of your employment you must return all our property which is in your possession or for which you have responsibility. Failure to return such items will result in the cost of the items being deducted from any monies outstanding to you. This is an express written term of your contract of employment.

15.4 Return of Vehicles

On termination of your employment you must return any Council vehicle in your possession to our premises. Failure to return the vehicle will result in the cost of its recovery being deducted from any monies outstanding to you. This is an express written term of your contract of employment.

15.5 Garden Leave

If either you or the Council serves notice on the other to terminate your employment the Council may require you to take "garden leave" for all or part of the remaining period of your employment.

NB.

During any period of garden leave you will continue to receive your full salary and any other contractual benefits.

