



Peacehaven Town Council

Employee Handbook

EMPLOYEE HANDBOOK UPDATES

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INTRODUCTION

Welcome to Peacehaven Town Council

Your relationship with the council is governed by the policies and procedures in this handbook and by the terms and conditions in your contract of employment. Please take time to read both documents carefully. If there is a conflict between the two, your contract of employment prevails.

The handbook sets out the council rules, policies, procedures and general information. It is important that you obey the rules and always follow the set policies and procedures. These are in place to provide a safe, efficient and effective working environment, and to help and protect employees. The council's policies do not form part of your contract and may be changed from time to time to reflect developments such as changing legislation.

The appendices set out the standard forms the council uses for employee administrative functions, such as time off requests and conducting appraisals. Using these forms and templates will enable requests to be dealt with efficiently and fairly for all employees. This section also contains the National Joint Council for Local Government Services (NJC) salary scales and a copy of the Members' Code of Conduct, which regulates councillor behaviour.

If there are any changes to your personal details, please ensure you keep the council up to date by completing the 'Change of personal details' form (**Appendix A**).

If you are unsure about anything mentioned in either this handbook or your contract of employment, please contact the Town Clerk who will be happy to help you.

Thank you for choosing to work for Peacehaven Town Council and may your time here be rewarding, successful and happy.

General Notes on Contents of Handbook

References to 'Town Clerk' throughout this handbook may refer to an alternate job title the council has designated as Proper Officer. References to 'chairman' and 'vice-chairman' in the context of the whole council can also refer to 'Mayor' and 'Deputy Mayor'.

EMPLOYEE CODE OF CONDUCT

Status of the code

As a local government officer, your conduct must be beyond reproach and you must do nothing that might give rise to the suspicion, however ill-founded, that you are in any way influenced by improper motives.

This code sets out the standards that are expected of employees and provides a framework that will help to promote good practice. The code should be read in conjunction with the policies in the employee handbook and the terms and conditions of your employment contract.

Who does the code apply to?

The code covers all employees of Peacehaven Town Council, including agency employees, temporary workers and internal contractors who carry out work on behalf of the council.

Responsibility

All employees of the council 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.

All employees are encouraged, without fear or recrimination, to bring to the attention of the appropriate level of management any impropriety or breach of procedure that comes to their attention.

Abuses of the code

Employees who attempt to abuse this policy may face disciplinary action. The council takes false or misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This does not include ill-founded allegations that were made in good faith using the council's Confidential Reporting (Whistleblowing) Policy.

Publicising and distributing the code

Every employee of the council will be issued with an employee handbook, containing the code of conduct for employees. A copy of the employee handbook will also be made available via the council's website.

Employees will be asked to sign a statement to acknowledge that they have received a copy of the employee handbook, read the contents and agree to be bound by the policies contained within it.

Reviewing the code

The council will keep the operation of this policy under review and will make changes to the policy where deemed appropriate, for example as a result of changing legislation.

Responsibility for reviewing and amending the employee code of conduct and policies contained in the employee handbook will rest with the Personnel Committee.

Equality and diversity

The council is committed to treating all members of the local community, councillors and employees with fairness and equity.

All employees have a responsibility to comply with the policies of the employee handbook designed to support this aim, principally the Equal Opportunities Statement.

Standards and attitude

All employees must give the highest possible standards of service to the public, councillors and other employees.

Employees are expected to remember their responsibilities to the community they serve and ensure a courteous, efficient and impartial delivery of services to all groups in accordance with the council's policies.

Employees should not make disparaging comments about other employees, officers, Councillors, ex-employees or members of the public.

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. **No denim.**

Some employees (depending on the nature of their work) may be provided with a uniform or clothing adorned with the council name and/or logo. Such clothing should be maintained in a reasonable state of repair.

Confidentiality and data protection

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 employee or councillor that requires information for the performance of his/her duties), any information which the employee has obtained by reason of his/her 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 employee shall divulge personal information regarding any employee, person or contractor, having dealings with the council and information relating to tenders or other such issues.

All information and data must be handled sensitively and processed in accordance with the council's Data Protection Policy. 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.

Political neutrality

Employees serve the council as a whole and must serve all councillors equally ensuring that the individual rights of all councillors are respected.

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.

Relationships with others

Good working relationships between colleagues are essential. Employees should always treat their colleagues with dignity and respect. Attention is particularly drawn to the council's Equal Opportunities Statement and Bullying and Harassment (Dignity at Work) Policy.

Mutual respect between employees and councillors is essential for good local government and a professional and courteous relationship should be maintained at all times. The council has adopted a Member/Officer

Relationship Protocol which outlines the expectations of a good working relationship between employees and councillors.

Similarly, a good relationship with the press and other media outlets can be mutually beneficial to the council. All enquiries for information or comment on issues affecting the work of the council must be referred to the Town Clerk. The council's Media and Communications Policy provides further guidance for employees.

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 and financial regulations, on merit and without discrimination. 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.

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.

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 Town Clerk. All resources of the council are to be used for the council's business and are not for personal use.

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.

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 Chairman of the Personnel Committee.

Use of non-financial 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, for example, photocopying. In such a case, the council will make an appropriate charge for the use of its resources.

Chairman of the Personnel Committee

Irrespective of line management or communication lines indicated within council policies for highlighting concerns or reporting actions or events which an individual employee may believe are contrary to the interests of the council or other employees, any employee may request in writing to meet with the Chairman of the Personnel Committee, setting out their concerns if they feel it appropriate to do so.

The letter should state if possible why an initial talk with the line management would not be appropriate.

COUNCILLOR / OFFICER RELATIONS

The relationship between councillors and officers is an essential ingredient that goes into the successful work of the council. This relationship should be characterised by mutual respect, informality and trust. Councillors and officers should feel free to speak to one another openly and honestly.

The purpose of this protocol is to help councillors and officers continue this relationship and give guidance on their respective roles and expectations on their relationships with each other. It also provides guidance on what to do on the rare occasions when things go wrong within this relationship.

The protocol should be read and operated in the context of any relevant legislation and national and local codes of conduct.

Roles of councillors and officers

The respective roles of the councillors and officers can be summarised as follows.

Councillors and officers are servants of the public and they are indispensable to one another, although they have different responsibilities. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to councillors and to the council, and to carry out the council's work under the direction and control of the council and its committees or sub-committees. Mutual respect between councillors and officers is essential to the successful working of a local council.

Councillors are responsible for determining the policy of the council and providing strategic leadership, representing the council externally when properly authorised to do so, and acting as advocates on behalf of their constituents. It is not the role of councillors to involve themselves in the day to day management of the council.

Chairmen and vice chairmen of the council and its committees or sub-committees have additional responsibilities. Due to the nature of those responsibilities, their relationships with officers may be different from and more complex than those of councillors without those responsibilities. This is recognised in the expectations they are entitled to have. However, such councillors must still respect the impartiality of officers, must not ask them to undertake work of a party-political nature, or to do anything which may compromise the nature of their role.

The role of officers is to give advice and information to the councillors and to implement the policies determined by the council. In giving such advice to councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations, without favouring any political party view.

Certain senior officers, e.g. Proper Officer and RFO, have responsibilities in law over and above their obligations to council and/or individual councillors, and councillors must respect these responsibilities and must not obstruct officers in the discharge of their duties.

Expectations

Councillors can expect from officers:

- A commitment to the council as a whole, and not to any group or individual councillor
- A working partnership

- An understanding of and support for respective roles, workloads and pressures
- A timely response to enquiries and complaints
- Impartial, professional advice, not influenced by political views or preference
- Regular, up to date information on matters that can reasonably be considered appropriate and relevant to councillors
- Awareness of and sensitivity to the political environment
- Respect, dignity and courtesy
- Training and development in order to carry out their role effectively
- Integrity, mutual support and appropriate confidentiality
- That officers will not use their relationship with councillors to advance their personal interests or to influence decisions improperly

Officers can expect from councillors:

- A working partnership
- An understanding of and support for respective roles, workloads and pressures
- Respect, dignity and courtesy
- Integrity, mutual support and appropriate confidentiality
- Not to be subjected to bullying or harassment or to be put under undue pressure
- That councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly
- That councillors will at all times comply with the Members' Code of Conduct and other policies

Limitations upon behaviour

The distinct role of councillors and officers necessarily imposes limitations upon behaviour. By way of illustration, and not as an exclusive list:

- Close personal relationships between councillors and officers can often confuse these separate roles and get in the way of the proper discharge of the council's functions, not least by creating the perception in others that a particular councillor or officer may secure advantageous treatment.
- The need to maintain the separate roles means that there are limits to the matters on which councillors may seek the advice of officers, both in relation to personal matters and party-political issues.
- Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that councillor or group above others.

When things go wrong

From time to time the relationship between councillors and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally through conciliation, there are formal procedures if this is not possible.

An officer may have recourse to the council's formal Grievance Policy and/or reporting to the District Council's Monitoring Officer to raise a Members' Code of Conduct complaint.

A councillor may have recourse to the council's formal Disciplinary Policy.

PROBATION PERIOD

Starting a new job within a new organisation can sometimes be difficult. It takes time to learn the culture of any organisation, together with the policies, procedures and processes. This policy has been written to provide guidance on the probationary period and what to expect. It is important that you read this guide and follow it. If you have any queries about the information provided in this document, please speak to your manager.

The purpose of the probationary period

The purpose of the probationary period is to assess your suitability for the role and the Council. It is, in effect, a trial period. However, it is also an opportunity for you to decide whether the job and organisation is suitable for you.

During your probationary period, you will be provided with a greater level of support than would be the case with established employees. This support will help you to understand the demands of the post in more detail and therefore should assist you and us to establish your suitability for the post.

Duration of the probationary period

The length of your probationary period will be stated on your employment contract. If you are unsure of the length of your probationary period, please speak to your manager.

Supervision and Support

During your probationary period, your manager will:

- Ensure a thorough induction program is set up for you;
- Provide supervision via observation, receiving feedback from others, monitoring the quality of work and, regular one-to-one meetings. These activities provide the opportunity to identify areas where you demonstrate strengths, as well as those that need to improve and, identifying training and development needs.
- Arrange formal review meetings at agreed intervals.

The following information will be kept on your personal file:

- A copy of all the supervision notes which will include a record of any areas of concern and improvements that needs to be made;
- A note of any development opportunities which you have taken part in;
- A note of any development opportunities which you have been offered, but have either refused, or failed to attend;
- A note of any support or guidance given which is in addition to the formal supervision offered.
- A record of absence from work for sickness or other reasons.

One-to-One Meetings

These meetings are an opportunity for you and your manager to discuss your progress. That is to say the things that have gone well as well as those that could have been better. These meetings are an opportunity for you to request specific support or discuss any areas of concern about the work or how you are settling in. It is important therefore that you give thought to these sessions in advance and come prepared with examples of what you think you have done well and what you think you could have done better. Your manager may

also explore further training or other development activities that may help support you through the probationary period.

Formal reviews

Your line manager will arrange at least one formal review of the probationary period, which is in addition to the one-to-one sessions. It is likely that formal meetings will be held at the half-way point of your probation period, as well as shortly before it is due to end. Other meetings may be held if your line manager has anything s/he wants to discuss with you, or any concerns to raise.

Occasionally a newly appointed member of staff may feel that the job is not for them. This may be the result of either work, domestic or personal reasons. Whatever the reason, if you are having second thoughts, we urge you to talk to your line manager. Our aim is to be supportive and where possible provide a reasonable level of practical support and assistance.

Absences

You are expected to have a good attendance record and a poor level of attendance will be taken into account when reviewing your probationary period and may well result in not confirming you in post. However, individual circumstances will be taken into account and a poor attendance record will not automatically lead to non-confirmation.

Performance during Probationary Period

The Council strives to ensure that the recruitment and selection procedures ensure that the right candidate is appointed to a post. It is rare therefore that a new member of staff fails to establish their suitability during the probationary period. Your line manager may believe that you need to make significant progress in order to demonstrate your suitability for the position. Where this is the case, your line manager will explain the areas where progress is expected, the level of progress required as well as when the progress is expected to be demonstrated. Your line manager will also agree what support, if any, is reasonable to provide in the circumstances, to help achieve the required progress. In the vast majority of cases, this is all that is needed to put performance back on track and you can then establish your suitability and be confirmed in post.

It is possible that your probation period may be extended, with specific targets or areas for improvement that you are expected to meet within the timeframe. This will always be clearly communicated with you, and you will have the opportunity to talk to your line manager about any concerns you have.

If during or at the end of the probationary period, your line manager continues to have concern regarding your suitability, or where a lack of capability is so manifest that a decision to dismiss needs to be taken, the Disciplinary Policy will be used.

Successful completion of the probationary period

If your line manager is happy with your suitability for the role, they will write to you and confirm that you have passed your probationary period and are confirmed in post.

ANNUAL LEAVE

Annual Leave Entitlement

Your paid leave entitlement is set out in your individual contract of employment. The basic leave entitlement is equivalent to 22 days per annum, in addition to 8 bank and public holidays, and 2 additional statutory days. Annual leave entitlement increases to 27 days after 5 years' service. Part time employees will receive an entitlement that is pro-rated according to their hours of work.

Statutory / Public Holidays

There are normally 8 public and bank holidays per year. Part time employees will receive an entitlement that is pro-rated according to their hours of work.

If you are required to work on a bank holiday then double time will be awarded to you for the time worked

Working Part Time

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

Leave Year

The leave year runs from 1st April to 31st March. It is your responsibility to manage your leave in such a way that you are able to take it all during the leave year.

Carrying Over Leave

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

Requesting Leave

You should request leave from your line manager, with as much notice as possible, using the form at appendix B. This will allow your line manager to plan. Before granting leave your line manager will consider;

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

Your line manager will be expected to balance your needs against the needs of the team before agreeing to leave. Annual leave will not be unreasonably refused. If you take holiday without such permission it will be treated as unauthorised absence and dealt with under the Disciplinary Procedure.

Annual leave requests are granted on a first come, first served basis.

Sickness during Leave

If you become ill during a requested period of paid leave, you must comply with the requirements of the sickness reporting and certification procedure, if you wish to have this sickness period discounted from the period of paid leave taken. It is important that you contact your line manager on the first day of sickness and keep them up to date during the period of sickness.

Payment of Annual Leave

Holiday pay is calculated on the basis of your current rate of pay including overtime/travelling-time allowance.

Payment in Lieu

If you leave during the course of a leave year, and cannot take any outstanding accrued holiday before leaving, you will receive a payment in lieu of any outstanding accrued holiday. In such a case, a calculation will be made of the amount of paid leave due to you, on a pro rata basis, for that part of the leave year up to the date of termination of the contract.

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

SICKNESS ABSENCE

Peacehaven Town Council is committed to the care and wellbeing of its employees. The purpose of this policy is to ensure all employees have access to information relating to sickness and are aware of the steps they must follow when they are unwell.

By managing sickness absence, the Council will continue to provide a high-quality service to members of the public.

All sickness absence will be recorded on your personnel file.

Statutory Sick Pay

During periods of absence resulting from ill health, you may be entitled to Statutory Sick Pay, providing you follow the notification and certification requirements. Statutory Sick Pay is currently paid after 4 days absence from work and is subject to the usual deduction for PAYE, National Insurance etc. It is payable for up to 28 weeks in any one period of sickness absence, at a weekly rate set by the Government for the relevant tax year. The Qualifying Days for SSP purposes will be your normal working days as laid down in the contract. Staff earning below the lower earnings limit will not qualify for SSP.

The Council's Sick Pay

The Council provides a sick pay scheme for its employees in line with the National Joint Council (NJC) terms and conditions. Details of the sick pay entitlement are set out below (correct at October 2019):

| | |
|---|---|
| During 1 st year of Service | One Month full pay and (after completing probation period), 2 months half pay |
| During 2 nd year of Service | 2 months full pay and 2 months half pay |
| During 3 rd year of service | 4 months full pay and 4 months half pay |
| During 4 th and 5 th years of service | 5 months full pay and 5 months half pay |
| After 5 years' service | 6 months full pay and 6 months half pay |

Circumstances in which contractual sick pay may be withheld include where:

- You have failed to comply with the Council's sickness absence notification and evidence requirements;
- You unreasonably refuse to attend a sickness absence meeting with a member of the Council on request;
- You refuse to attend a medical examination at the reasonable request of the organisation;
- Your incapacity has been caused by participation in dangerous sports or activities or any other occupation you have;
- You make or produce any misleading or untrue statement or document concerning your fitness to work;
- You have given or received notice to terminate your employment.

What to do if you are Unwell

If you are away from work because of sickness you must:

Within 1 hour of the time you are due to start work on the first day telephone your line manager (or the Town Clerk if your line manager is unavailable), providing details and anticipated duration of the absence. If you are unable to notify personally due to the nature of the illness, someone else may make contact on your

behalf. It is your responsibility to ensure the Council is notified. You must then telephone again each time that your absence is extended. That is, each time that you receive a new sick note.

If the absence lasts seven days or less (including weekends and other non-working days), you must complete a self-certification form (**Appendix C**) and provide it to your line manager on your return to work.

If the absence lasts for longer than seven days (including weekends and other non-working days), you must send in a 'fit to work' statement from your doctor and continue to do so as each new certificate is issued to you. This certificate gives details as to whether you are too ill to work or whether you are well enough to work with suitable support from the Council. This gives you and the Council the opportunity to discuss suitable arrangements which will support your return to work. The form also gives more space for the doctor to provide information about your condition and helpful tick boxes to suggest common ways to help you return to work. All sickness or injury absence will be entered on your employment record and will be monitored from time-to-time.

Medical Advice

At various stages of managing your sickness absence or health issue, the Council may want to obtain advice on your fitness for work from occupational health advisers or medical practitioners. Examples of when the Council might refer to occupational health or a medical practitioner include the following:

- To seek a medical report on your illness or injury;
- To establish when you might be able to return to work;
- To understand when you are likely to be fully fit to resume your normal duties;
- To understand what alternative duties, you might be fit to undertake if you are unfit to resume your normal duties;
- To understand when you are likely to be fit to undertake any alternative duties;
- To ask for guidance on your condition, for example if there is a possibility that you are disabled or ambiguity as to the exact nature of the condition;
- To ask what reasonable adjustments could be made to working conditions or premises to facilitate a return to work;
- To understand the likely recurrence of the illness or injury once you have returned to work; and
- To discuss any adjustments that could be made to accommodate your disability, if you are disabled.

The Council will pay the cost of any such advice. You will have the right of access to the report. This is in accordance with the Access to Medical Reports Act 1988 where applicable. The Council will also be provided with a copy of the report.

If you choose not to consent to an Occupational Health referral, any decisions in relation to your employment may be made without the benefit of access to medical reports.

Further to the receipt of the medical report, a meeting will be arranged between you and your manager. The purpose of this meeting is to discuss the findings of the report and for all parties to consider options available to you.

Returning to work

We may ask you to come to a return-to-work meeting after you have been off work due to sickness or injury. At this meeting, we will discuss why you were off work, check you are fit to return and consider any advice from your doctor.

If you receive a doctor's certificate saying you may be fit to return to work, or fit to work with adjustments, you must tell your manager straight away and provide us with a copy.

Occasionally people say they are fit to return to work, and we do not agree. If we do not think you are fit to return to work, even when you tell us you are, we might obtain our own medical evidence.

Persistent Short-Term Absence

This refers to cases where an employee is frequently absent from work for relatively short periods due to sickness. It is recognised that most employees will have some short-term sickness absence from time to time. However, if you are frequently and persistently absent from work, this can damage efficiency and productivity, and place an additional burden of work on your colleagues. Therefore, it is essential that frequent absence is dealt with promptly and consistently and in some circumstances, the Council may initiate the Performance Improvement or Disciplinary Procedure as part of the absence management process.

In the case where you have frequent absence due to an underlying long-term health condition then we will also request, with consent, a medical report either from an Occupational Health Physician or your G.P. or consultant to establish whether attendance is likely to improve and any advice or guidance they can give prior to making any decisions. We will in these circumstances consider any alternative employment options before making any decision about ending employment. You will have the right to be accompanied by a work colleague or trade union representative at formal meetings and a right of appeal against a formal warning or dismissal sanction.

The monitoring of absence operates on a rolling 52 week period.

Long Term Absence

As a guide, long term absence is any absence which lasts or is expected to last over 4 weeks. In all cases of long-term absence, it is essential for the Council to maintain contact with you. In cases where the return date is less certain this will take the form of consultation and will include:

- Discussions at the start of the absence and periodically throughout
- Obtaining better information on your health and likely prognosis, ideally through an Occupational Health Physician
- Where appropriate alerting you to the fact that your absence is becoming a problem, and
- Allowing you the opportunity to state your opinion of your condition and giving consideration to that opinion

Following the probationary period, the Council will not normally consider terminating your employment if you are absent from work due to genuine sickness or injury during the first six months of absence. Thereafter, the position will be reviewed periodically and ultimately it may become necessary from a business perspective to consider termination of employment.

In these circumstances, the Council will:

- Review your absence record to assess whether or not it is sufficient to justify dismissal
- Consult with you
- Obtain up-to-date medical advice
- Advise you in writing as soon as it is established that termination of employment has become a possibility
- Meet with you to discuss the options and consider your views on continuing employment, allowing you to be accompanied by a work colleague or trade union representative

- Review if there are any alternative jobs that you could do prior to taking any decision on whether or not to dismiss
- Arrange a further meeting with you to determine any appeal, allowing you the right to be accompanied by a work colleague or trade union representative
- Following this meeting, inform you of the final decision
- Allow a right of appeal against any decision to dismiss you on grounds of long-term ill health
- Act reasonably towards you at all times

Absence as a result of disability

Where you experience sickness absence as a result of a disability it will be treated in line with the provisions contained within the Equality Act 2010 (formerly as part of the Disability Discrimination Act 1995). This will include considering whether any reasonable adjustments can be made.

FAMILY FRIENDLY PROVISIONS

MATERNITY LEAVE

You are encouraged to tell your line manager as soon as you know that you are pregnant. However, you do have the right to wait until the 15th week before the expected week of childbirth. You are required to confirm in writing that you are pregnant, attaching a copy of your MAT B1 and indicating when you expect to start your maternity leave. You are able to change the start date of your maternity leave, providing at least 28 days' notice.

Should you wish to return to work at a later date than originally agreed, you are required to provide at least 8 weeks' notice.

The MAT B1 is a form signed by a doctor or midwife confirming your expected week of childbirth (EWC). Hospitals and GP's surgeries have different policies regarding when the MAT B1 should be signed and who should sign it. The MAT B1 is not always issued automatically and you may have to ask your doctor or midwife for a copy.

You are entitled to take 52 weeks' maternity leave, made up of 26 weeks ordinary maternity leave (OML) and 26 weeks additional maternity leave (AML). You can choose how much maternity leave you take, but there is a compulsory two-week period of maternity leave immediately following the birth of your baby.

You can choose to start your maternity leave at any time from the 11th week before the expected week of your child's birth.

The Council offers maternity leave and pay in line with the local government provisions.

For further information on eligibility to maternity leave and pay, please visit <https://www.gov.uk/maternity-pay-leave>

For information regarding your rights whilst on maternity leave, please visit <https://www.gov.uk/employee-rights-when-on-leave>

If you have any concerns about your health and safety or that of your unborn child at work, you should raise them immediately with your line manager, who will arrange a risk assessment.

If you decide not to return from maternity leave, you should confirm this in writing to your line manager, providing the notice required under your contract of employment.

PATERNITY LEAVE

You may be eligible to take up to two weeks paid paternity leave following the birth of a child, if you have at least 26 weeks service by the end of the 15th week before the expected week of childbirth.

Leave must be taken within 56 days of the birth.

For more information on paternity leave and pay, please visit <https://www.gov.uk/paternity-pay-leave>

ADOPTION LEAVE

Entitlement and eligibility for adoption leave and pay are, broadly speaking, the same as for maternity leave and pay.

For further information, please visit <https://www.gov.uk/adoption-pay-leave>

Guidance on adoption leave notice period and earliest start date, based on match and placement dates of a child can be found here <https://www.gov.uk/plan-adoption-leave>

If you have any queries around adoption leave and pay, you should speak in the first instance to your line manager.

SHARED PARENTAL LEAVE

Shared Parental Leave allows the option for parents of a child to share up to 50 weeks of leave and 37 weeks of pay within the first year after the child is born or placed for adoption, allowing flexibility over childcare during that period of time. Leave can be taken in one-week blocks, with both parents off together or separately.

For detailed information about Shared Parental Leave and pay, please visit. <https://www.gov.uk/shared-parental-leave-and-pay>

Any queries around shared parental leave and pay should be referred, in the first instance, to your line manager.

PARENTAL LEAVE

The purpose of this policy and procedure is to provide managers and staff with clear and comprehensive information on the Council's parental leave provisions.

The Council's policy is to comply with both the spirit and the letter of the law on Parental leave rights. To this end its aim is to inform all employees of their parental leave rights and to ensure those rights are understood.

Qualifying Criteria

To qualify for parental leave, you must:

- Have parental responsibility for the child
- Have at least one year's continuous service with the Council by the time you want to take the leave
- Use the parental leave to look after the child
- The child must be under the age of 18

Amount of Parental Leave

If you are eligible for parental leave you will be entitled to receive up to 18 weeks' unpaid leave for each child.

The amount of parental leave you are entitled to is taken with you if you move jobs. For example, if you are eligible for a total of 18 weeks ordinary parental leave and have already taken 5 weeks ordinary parental leave with a previous employer, you will need to work for the Council for a year before qualifying for the remaining 13 weeks.

You will be able to take leave in blocks of one week, subject to a maximum of four weeks at any one time and in any one year per child. If your child is disabled, you will be able to take odd days.

If you work part-time you will be able to take leave in proportion to the time worked.

Requesting Parental Leave

If you would like to take a period of parental leave, you will need to advise your manager in writing at least 21 days before you wish to take the leave.

Postponing Leave

In some circumstances, your line manager will not be able to grant your request for leave, for example where your absence would substantially affect service delivery. If this is the case, your line manager will write to you within 7 days of your request, explaining why, and postponing your leave for not more than six months, starting from the date on which you originally wished your leave to begin.

Your leave will not be postponed if you are taking parental leave immediately after the birth or adoption of a child.

Parental Leave and Maternity, Adoption, Paternity and Shared Parental Leave

You can request to take parental leave at the end of a period of maternity, adoption, paternity or shared parental leave.

If you do not qualify for Parental Leave

If you do not qualify for parental leave but need to take time off to care for your child or children, please speak to your manager. Your manager will explore whether other options are available.

OTHER LEAVE

Emergency Leave

All employees (irrespective of length of service, and whether they are part time or full time) are entitled to take a reasonable amount of time off during working hours to take necessary action:

- to provide assistance when a dependant falls ill, gives birth or is injured or assaulted;
- to make arrangements for the provision of care for an ill or injured dependant;
- in consequence of the death of a dependant;
- because of the unexpected disruption or termination of arrangements for the care of a dependant; and
- to deal with an incident that involves their child and occurs unexpectedly while the child is at school / other educational establishment.

A dependant is:

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

An employee who needs to take time off for dependants should contact their line manager at the earliest opportunity. If you become aware of an emergency situation while at work, you should immediately speak to your line manager about leaving work early. You should explain the reason for the absence and how long you expect to be absent from work.

If your line manager is unavailable, you must speak to an equivalent or more senior manager.

If you are unable to contact a manager before taking time off for dependants, you should make contact as soon as possible. You must inform your line manager as soon as possible of any change in the anticipated date of your return to work.

There is no statutory entitlement to receive pay while taking time off for dependants. Therefore, the Council does not pay employees for any time off for dependants.

The right to time off for dependants will, in most cases, be one or two days. You must actively seek alternative longer-term arrangements for the care of a dependant once the emergency occurs. Once the immediate emergency has been dealt with, you are expected to return to work, or discuss leave under the annual leave policy.

Compassionate Leave

The purpose of compassionate leave is to help employees to come to terms with the death of a loved one, a serious illness or injury involving a loved one, or serious personal relationship problems.

Paid compassionate leave will normally be granted in the following circumstances:

- The death of a close family member i.e. spouse, civil partner, child, sibling, parent (or equivalent in-laws) or grandparent
- The diagnosis of, or the final stages of care for, a serious (life threatening) illness affecting a close family relative (as defined above)
- The employee falling victim to a serious crime
- Road traffic collisions or other distressing accidents/incidents involving the employee or a close family member

Each case will be viewed sympathetically, and the amount of leave granted will depend on the individual's circumstances. You will be granted up to 5 days' paid leave in any 12 month period. Where a situation requires an extended period of leave beyond 5 working days, other options should be discussed including use of TOIL, annual leave and/or a period of unpaid leave.

Requests for compassionate leave for situations not included above will be considered on an individual basis.

Medical Appointments

You are expected to arrange medical appointments out of normal working hours wherever possible.

The Council recognises this is not always possible. Where it is necessary to make an appointment during normal working hours, you are encouraged to make the appointments at either the start or end of the day where possible to minimise disruption to the work of the council. The Council may ask you to show confirmation if an appointment prior to leave being agreed.

In-patient appointments or procedures taking the whole day will be treated as sick leave in accordance with the procedures outlined in this policy.

Jury Service

In the event of being called up for jury service, you should contact your line manager/the Town Clerk at the earliest opportunity to discuss the matter. Jury service normally lasts for 10 working days but may be longer. You should provide your line manager/the Town Clerk with a copy of the court summons and any other relevant documentation.

Where the Council considers that your absence on jury service could cause substantial injury to its business, you will be asked to make an application for excusal or deferral, as appropriate. Where the Council considers that this applies, you should not submit an application for excusal or deferral before the Council has provided you with a letter (and any other relevant evidence) to support the application.

You will continue to be paid while on jury service at the normal rate of pay.

[OR

The time off for jury service will be unpaid. You will receive, with their jury summons, a Certificate of Loss of Earnings or Benefit, which you can complete (with assistance from the Council) and submit to HM Courts and Tribunals Service (HMCTS) to receive reimbursement, up to a limit, for loss of earnings incurred due to being absent from work due to jury service.

If your jury service ends before the expected 10-day period (or such longer period as the court may have indicated to you that they will be required for) you will be expected to return to work for the remainder of that period.

FLEXIBLE WORKING

In recent years there has been a growing demand for flexible working as well as a move to some working from home, where possible, both from individuals who want to achieve a better balance between their work and home life and from employers wanting to align their business needs with the way their employees work and customers/clients' needs.

Please see the Council's separate 'Hybrid Working Policy' in relation to working from home.

This Flexible Working policy has been written to explain the process which the Council will use to respond to requests by staff to vary their hours, pattern or place of work. It applies to all eligible staff, regardless of whether they work full or part-time or have a temporary contract of employment. It does not apply to agency staff and office holders.

You have a statutory right to request a change to your contractual terms and conditions of employment to work flexibly provided you have been employed with the Council for at least 26 weeks at the date the application is made.

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

Making the Request

To apply for flexible working, please complete a flexible working application form at **Appendix D** and submit this to your manager.

You can only make one statutory request in any 12 month period.

Responding to your Request

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

You may be accompanied at the meeting by a work colleague.

Your request will be fully discussed at the meeting. The Council will carefully consider your request looking at the benefits of the requested changes on working conditions for you as an employee and the organisation and weighing these against any adverse business impact of implementing the changes.

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

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

- To reject the request, setting out the clear business reasons, how these apply to the application and the appeal process.

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

- The burden of additional costs is unacceptable to The Council,
- Detrimental effect on ability to meet customer demand,
- Inability to re-organise work among existing staff,
- Inability to recruit additional staff,
- Detrimental impact on quality,
- Detrimental impact on performance,
- Insufficiency of work during the periods the employee proposes to work, and/or
- Planned structural changes to the organisation.

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

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

Timeframe for dealing with requests

The Council will deal with requests in a timely manner although the law requires the consideration process to be complete within three months of first receiving a request, including any appeal. If the request cannot be dealt with within three months, the Council may ask to extend the consideration process, provided you agree to the extension.

Handling Requests in a Fair Way

We may receive more than one request to work flexibly closely together from different employees and it may or may not be possible to accept all requests. Each case will be considered on its merits looking at the business case in the order they have been received. We may ask you if there is any room for adjustment or compromise before coming to a decision.

Appealing Against the Decision

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

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

The Effect on your Contract of Employment

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

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

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

PAY AND EXPENSES POLICY

Peacehaven Town Council actively promotes equal opportunities in employment and welcomes diversity within its workforce. The council is committed to ensuring a clear and fair pay policy for its employees. This policy supports those principles in explaining how pay is calculated, reviewed and paid to employees.

Pay scales

To comply with the legislation, the council will operate a transparent pay system based on objective criteria and publish pay details of employees in line with the requirements of the Local Government Transparency Code 2015.

All employees' pay scales will be determined by their grading, which will align to the National Joint Council for Local Government Services (NJC) published pay scales (**Appendix E**).

Employees will be appointed to either a defined salary scale point, or within a defined salary scale published for their role, following agreement by the Personnel Committee.

The starting salary on appointment will normally be at the lower end of the salary scale, subject to negotiation based on the appointee's level of relevant knowledge and experience.

One salary point will be added to an employee's salary, up to a maximum of four points, for success in obtaining or already holding any of the following relevant qualifications:

- The Certificate in Local Council Administration (CiLCA)
- The Certificate of Higher Education in Community Engagement and Governance – Level 1 or equivalent qualification previously awarded by the University of Gloucestershire
- The Diploma in Higher Education in Community Engagement and Governance or equivalent qualification previously awarded by the University of Gloucestershire
- BA (Hons) degree in Community Engagement and Governance or equivalent qualification previously awarded by the University of Gloucestershire

Pay reviews

Each employee will receive an annual appraisal, which will include a review of their salary.

Subject to satisfactory performance, employees appointed within a scale will progress through the salary scale by annual increments until they reach the maximum salary in the range. Once an employee has reached the top of their salary scale, there will be no further incremental increases.

Increments will be payable on the 1st April. The council may withhold an increment if it is considered that performance fell below the expected level following an annual appraisal, following discussion with the Personnel Committee.

Progression for employees appointed on a single point salary will depend on their performance and will be subject to agreement by the Personnel Committee. Increments for employees on a single point salary will be payable on a date to be agreed by the Personnel Committee.

Salary payments

Employees are paid in arrears and receive payment by bank transfer on the 25th of each month, or if the 25th is a weekend or bank holiday, the previous working day.

In December, pay day may be moved forward to an earlier date of the month, which will be advised to employees in advance.

Expenses

You will be reimbursed for reasonable and authorised expenses incurred during the course of your work.

You must complete an approved expense claim form (**Appendix F**) promptly after incurring expenses (and no later than three months after the claim date) and submit to your line manager for approval.

The line manager is responsible for checking the claim complies with this policy and includes receipts (where applicable). Once satisfied, the line manager will sign the form, thereby authorising the payment to be made.

Payment will be made direct to you (not through the payroll) either by cheque or direct credit to your nominated bank account.

Any employee unsure whether a claim is likely to be accepted is advised to speak to their line manager prior to incurring the expense.

Guiding Principles

- The Council follows the guidance of HMRC in setting travel related expense rates
- Mileage should only be claimed for distances in excess of normal travel to work. You cannot claim mileage for normal travel between home and work.
- The council will not, under any circumstances, reimburse employees for penalty fines incurred due to speeding, unsafe driving or any other motoring offence, parking fines or fines for failing to purchase the correct ticket on public transport.
- Overnight accommodation and sustenance where required for attendance at a work- related event (where agreed in advance with the line manager)
- Professional membership fees (where relevant and agreed in advance with the line-manager) will be paid
- Annual eye-testing (for employees who regularly use Visual Display Units (VDU's) will be reimbursed.

LONE WORKING

The Health and Safety Executive defines lone workers as *'those who work by themselves without close or direct supervision.'*

Peacehaven Town Council recognises that on occasions its employees may be required to work by themselves for significant periods of time without close or direct supervision in the community, in isolated work areas and out of office hours.

Under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999, the council has a duty of care to advise and assess risk for workers when they work by themselves in these circumstances. However, employees have responsibilities to take reasonable care of themselves and other people affected by their work and to co-operate with their employers in meeting their legal obligations.

This policy applies to all situations involving lone working arising in connection with the duties and activities of the council.

The aim of this policy is to:

- Increase employee awareness of safety issues relating to lone working
- Ensure that the risk of lone working is assessed in a systematic and ongoing way, and that safe systems and methods of work are put in place to reduce the risk so far as is reasonably practicable
- Ensure that appropriate training is available to all employees in all areas that equips them to recognise risk and provides practical advice on safety when working alone
- Ensure that appropriate support is available to employees who have to work alone
- Encourage full reporting and recording of all adverse incidents relating to lone working

Responsibilities

The Town Clerk, on behalf of the council, is responsible for:

- Ensuring that there are arrangements for identifying, evaluating and managing risk associated with lone working
- Providing resources for putting the policy into practice
- Ensuring that there are arrangements for monitoring incidents linked to lone working and that the effectiveness of this policy is regularly reviewed

The Councillors and the Town Clerk are responsible for:

- Ensuring that all employees are aware of this policy
- Taking all possible steps to ensure that lone workers are at no greater risk than other employees
- Identify situations where people work alone and decide whether a system can be adopted to avoid workers carrying out tasks on their own
- Ensuring that risk assessments are carried out and reviewed regularly
- Putting procedures and safe systems of work into practice which are designed to eliminate or reduce the risks associated with working alone
- Ensuring that employees identified as being at risk are given appropriate information, instruction and training
- Managing the effectiveness of preventative measures through an effective system of reporting, investigating and recording incidents

- Ensuring that appropriate support is given to employees involved in any incident
- Providing a mobile phone or other personal safety equipment, if and where this is felt to be desirable

Employees are responsible for:

- Taking reasonable care of themselves and others affected by their actions
- Following guidance and procedures designed for safe working
- Reporting all incidents that may affect the health and safety of themselves or others
- Taking part in training designed to meet the requirements of the policy
- Reporting any dangers or potential dangers they identify or any concerns they have in respect of working alone
- Always maintaining good communication to minimise risk

Guidance for risk assessments of lone working

Risk assessment is essential to good risk management. Assessment will be carried out for and on behalf of all employees whose working practice makes them vulnerable. This includes employees that are site based but work in isolation as well as any mobile employee whose work takes them out into the community.

Recommendations will be made to eliminate or reduce the risk to the lowest level reasonably practicable. A lone worker checklist will be completed and used as a tool to identify if the control measures are adequate and if not, what modifications or additional actions can be considered necessary to help reduce the risks associated with lone working.

Risk assessments can be summarised in the following six steps:

- Look for potential hazards;
- Evaluate the risk, the severity of a possible outcome, and the likelihood of the hazard causing harm;
- Search for preventative measures, deciding whether existing precautions are adequate;
- Advise you of the findings of the assessment;
- Create local codes of practice and put them into effect; and
- Check the measures work - review and if necessary, revise, especially if there has been significant change in working practices

Risk assessments for lone workers will include:

- Is the person fit and suitable to work alone?
- How can the individual be contacted?
- Safe access and exit
- Risk of violence
- Safety of equipment for individual use
- Channels of communication in an emergency
- Site security
- Security arrangements, i.e. alarm systems and response to personal alarms
- Level and adequacy of on/off site supervision
- Any additional considerations for vulnerable employees
- Travelling between sites
- Reporting and recording arrangements
- Communication and traceability and personal safety/security

Incident reporting

An incident is defined as *‘an unplanned or uncontrolled event or sequence of events that has the potential to cause injury ill health or damage’*.

In order to maintain an appropriate record of incidents involving lone workers it is essential that all incidents be reported to the Town Clerk who will prioritise each incident and identify any immediate action. Employees should ensure that all incidents where they feel threatened or unsafe are reported, including incidents of verbal abuse.

Support for employees

Employees working for the council should know that their safety comes first. Employees should be aware of how to deal with situations where they feel they are at risk or unsafe. They should also be able to recognise how their own actions could influence or even trigger an aggressive response. The Town Clerk will ensure that all lone workers' training needs are assessed and that they receive appropriate training.

In the event of a violent incident involving a lone worker, the Town Clerk will immediately ensure that the employee receives any necessary medical treatment and/or advice. The Town Clerk will also consider whether the employee needs specific information or assistance relating to legal or insurance aspects, ensure appropriate written and verbal reporting of any violent incident is recorded and report the incident to the police.

If the employee subjected to the violent incident is the Town Clerk, the next most senior employee should take responsibility for the above actions, including reporting the incident to the Chairman of the Personnel Committee.

Good practice for lone workers

The following guidelines exist for the safety of lone working employees:

- During their working hours, all employees leaving the workplace should leave written details of where they are going and their estimated time of return
- If, in the course of a trip away from the office, plans change significantly, this should be communicated back to the office
- Telephone contact between the lone worker and a colleague is advisable. Employees should avoid being left on their own with a client in their workplace, or leaving a colleague/councillor in this situation
- Lone workers should have access to adequate first aid facilities and mobile workers should carry a first aid kit suitable for treating minor injuries
- Lone workers should be provided with a mobile phone and other personal safety equipment where this is necessary
- Employees should **never** transport a child or vulnerable adult on their own
- Before making a home visit, the lone worker must have full knowledge of the hazards and risks to which he or she may be exposed to and apply control measure to eliminate the potential risks

MEDIA AND COMMUNICATIONS POLICY

This policy is advised by the Code of Recommended Practice on Local Authority Publicity, as issued by the Department for Communities and Local Government (DCLG). The code is statutory guidance and therefore councils must have regard to it and follow its provisions.

Failure to follow the council's media and communications policy could lead to a breach of the statutory code and the risk of adverse publicity, which could damage the council's reputation. It is important that all councillors and officers understand the implications of this code which this policy explains within a local context.

This policy should be read in conjunction with the Members' Code of Conduct.

Approach to publicity

The council welcomes enquiries from the press and media and recognises that a good relationship with the press helps communicate effectively with residents.

Equally, the council recognises that taking a proactive approach to communication ensures information is made available to residents in a timely manner and is accessible via as many media sources as possible including emerging social media platforms.

Principles of communication

The Code of Recommended Practice on Local Authority Publicity identifies key principles regarding publicity, and the council will ensure any publicity is:

- Lawful
- Cost effective
- Objective
- Even-handed
- Appropriate
- Issued with regard to equality and diversity
- Issued with care during periods of heightened sensitivity

Official council press releases

The council recognises that the use of press releases is a key technique for publicising council activities, decisions and achievements.

An official council press release is made on behalf of the council as a whole. In certain circumstances, it may be appropriate for a councillor (normally the Chairman of the Council, or appropriate committee chairman) to draft the press release, but the Town Clerk (or other nominated officer) will be responsible for checking and subsequently issuing any official council press release.

All press releases will accurately reflect the corporate view of the council, contain relevant facts and may include an approved quotation from an appropriate councillor. Press releases will not promote the views of specific political groups, publicise the activities of individual councillors, identify a councillor's political party or persuade the general public to hold a particular view.

Press releases will be issued to local newspapers and copies will be made available on the council's website. An edited version may be available via the council's social media platforms, with a link to the full story available.

Requests for interview

Any request for an interview with a councillor or officer should be referred to the Town Clerk (or other nominated officer) in the first instance. The Town Clerk, in liaison with the Chairman of the Council, will determine the most appropriate councillor or officer to be put forward for interview.

Where a councillor is authorised to speak on behalf of the council, it is their responsibility to ensure they are clear on the corporate position of the council, and that their responses to questions accurately reflect this.

Where an officer is authorised to speak on behalf of the council, they must never give their opinion on specific council policy and must remember their role is to provide expertise and factual knowledge in support of the council's agreed policies.

If a councillor has not been specifically authorised by the council to speak to the media on a particular issue, a councillor who is asked for a comment should make it clear that it is a personal view and ask that it be clearly reported as such.

Publicity during elections

There are specific rules governing publicity when an election has been announced. In the period between the notice of an election and the election itself (purdah), all proactive publicity about candidates is halted. During the purdah period, all council publicity shall be managed by the Town Clerk (or other nominated officer), and any quotes provided in support of press releases will be given by authorised officers.

Social media

The council recognises that for some residents, accessing information via social media platforms is their preferred method. While there are too many social media sites to include all of them, the council will endeavour to use those which are most widely used, and regularly review the type and number of social media sites used.

Social media sites will be used to support other communications issued by the council and will help provide a consistent message across all media formats. To help achieve this, all social media releases will be approved by the Town Clerk (or other nominated officer).

Where officers use social media in a professional capacity to represent the council, the council's corporate identity will be used and not that of any individual officer.

Officers using social media in this way must respect copyright, data protection, freedom of information and other laws, and be aware of the risks of action for defamation. Officers must not use insulting or offensive language or engage in any conduct that would be unacceptable in the workplace or elsewhere.

General guidance for councillors and officers

Councillors and officers must ensure they do not disclose information that is of a confidential nature. This includes any discussion with the press or other media on any matter which has been discussed under confidential items on council or committee agendas or at any other private briefing.

Councillors and officers should act with integrity at all times when representing or acting on behalf of the council.

Councillors should not use the prefix 'Councillor' when writing to the press as an individual. This implies you are stating council policy, which is not necessarily consistent with your personal opinion.

Any councillor failing to follow the guidelines set out in this policy may find themselves in breach of the Members' Code of Conduct and subject to a complaint to the Monitoring Officer.

Any officer failing to follow the guidance set out in this policy could face disciplinary action.

ACCEPTABLE USE OF IT

The Council provides information and communication technology systems that enable us to work efficiently. We recognise that email communication plays an essential role in the conduct of our organisation and that the way in which we all communicate with people not only reflects on us as individuals but also on us as an organisation.

In addition, the Council provides to some job roles access to the vast information resources of the internet to help us do our job and be well informed. The facilities that we provide represent a considerable commitment of resources. This policy is designed to help you understand our expectations for the use of those resources and to ensure that you use those resources wisely.

This policy applies to all staff (whether full time, part time, casually employed or temporary workers), agency workers, and contractors working for or on behalf of the Council and anyone using the Council's information and communication technology equipment.

The purpose of this policy is to set clear standards of behaviour and conduct in the use of IT.

The communications and IT equipment refer to, but is not limited to, computers, internet access, remote access connections, email servers, file storage, webmail, personal digital assistants (iPhones, iPads, Smart-Phones etc.), telephones, mobile phones and computing and networking facilities owned and operated by the Council.

Policy Statement

Information and communication technology systems provide a means for communicating both internally and externally and, a means for storing information, including personal or sensitive information. All staff and other users are therefore expected to use the systems provided in ways which:

- Comply with legislative requirements (e.g. data protection, equality legislation, health and safety etc.....)
- Enhance efficiency and productivity, and,
- Enhance the reputation of the Council.

However, your use of IT and communication technology can pose risks to our confidential information, reputation and compliance with legal obligations. To minimise these risks, to avoid loss of productivity and to ensure that our IT resources and communications systems are used only for appropriate business purposes, we expect all employees to adhere to this policy.

Breach of this policy may result in disciplinary action up to and including dismissal. Disciplinary action may be taken regardless of whether the breach is committed during working hours, and regardless of whether our equipment or facilities are used for the purpose of committing the breach. Any member of staff suspected of committing a breach of this policy will be required to co-operate with our investigation, which may involve handing over relevant passwords and login details.

People responsible for implementing the policy

The Clerk has overall responsibility for the effective operation of this policy. Responsibility for monitoring and reviewing the operation of this policy and making recommendations for change to minimise risks also lies with the Clerk.

The Clerk has a specific responsibility for operating within the boundaries of this policy, ensuring that all staff understands the standards of behaviour expected of them and taking action when behaviour falls below its requirements.

All staff are responsible for the success of this policy and should ensure that they take the time to read and understand it. Any misuse of IT resources should be reported to the Clerk.

Compliance with related Policies and Agreements

The Council's policies and procedures (e.g. Codes of Conduct, Disciplinary, Data Protection and Equality & Diversity Policy) apply equally to behaviour online as off-line. The IT resources should never be used in a way that breaches any of our other policies.

It is your responsibility to ensure that information and data that you hold on the Council's computer systems complies fully with the principles of the General Data Protection Regulation (GDPR). In brief, the GDPR requires that anyone who inputs, stores or uses personal information must ensure that the information (e.g. names, addresses, other information kept on individuals) is:

- Processed lawfully, fairly and in a transparent manner in relation to individuals
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- Accurate and, where necessary, kept up to date
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed
- Processed in a manner that ensures appropriate security of the personal data.

A good way of understanding these requirements and your responsibilities is to think about how you would wish your bank to store and use, and not use, your own personal details. Please refer to our Data Protection Policy.

Monitoring

The contents of our IT resources and communications systems are our property.

We reserve the right to monitor, accept, intercept, record, retrieve, print and review, your activities using our IT resources and communications systems, including but not limited to e-mails, social media postings and internet activities, to ensure that our rules are being complied with and for legitimate business purposes including:

- If you are absent for any reason and communications must be checked for the smooth running of the business to continue
- To investigate or detect the unauthorised use of the systems e.g. if we suspect that you have been viewing or sending offensive or illegal material, such as material containing racist terminology or sexual content or nudity
- If we suspect that you have been using the email system to send and receive an excessive number of personal communications
- If we suspect that you are sending or receiving emails that are detrimental to the Council
If we suspect that you have been spending an excessive amount of time viewing websites that are not work related

- To maintain a satisfactory level of security on our computer systems

We may store copies of such data or communications for a period of time after they are created and may delete such copies from time to time in line with our Data Protection policy.

Do not use our IT resources and communications systems for any matter that you wish to be kept private or confidential from the Council. While an email that is clearly private does not fall within the definition of a communication that is relevant to the Council's business, we maintain a right to monitor such a communication where there is a reasonable suspicion that the content breaches the Council's policy.

Data protection

Monitoring of an employee's email and/or internet use will be conducted [in accordance with an impact assessment that the organisation has carried out to ensure that monitoring is necessary and proportionate]. Monitoring is in the Council's legitimate interests and is to ensure that this policy on email and internet use is being complied with. For further details please refer to our Data Protection Policy.

Passwords

- All systems require an authenticated User ID/password combination prior to gaining access
- You should change your passwords as required by the Council and if you believe your password has been compromised
- You must not disclose your login ID (username/password) to another person. If you require access to another employee's computer system, a request must be submitted to the **Town** Clerk
- In order to protect your information, you must set appropriate passwords on sensitive or confidential data and not disclose your password to others. Passwords should be at least eight characters and a combination of upper and lower case letters, numbers and keyboard symbols such as @#&
- Passwords that should not be used include your username, actual name or business name, family member or pet's name, birthdays, football team, the word password, numerical sequences
- You are responsible for the security of your password and should not divulge it to anyone without the Town Clerk's express permission. Giving another person your username and password is not permitted, as you are held accountable for all actions under your username. Should you believe another person knows your password, change it immediately
- Any confidential documents should be encrypted prior to sending via e-mail – the password should be notified to the receiver either verbally or by text

Computer Usage

- Computers should be fully shut down and turned off at the end of each day. This includes turning off the screens
- To prevent unauthorised access to your files, please ensure that you log-out, or otherwise secure your computer if you are away from your desk
- The computer systems are backed up regularly, however you must ensure your work is adequately saved in a secure location that is accessible for backup

Use of email

Emails that you intend to send should be checked carefully. The use of email to send or forward messages that are defamatory, obscene or otherwise inappropriate will be treated as misconduct under the appropriate disciplinary procedure. In serious cases, this could be regarded as gross misconduct and lead to summary dismissal.

Equally, if you receive an obscene or defamatory email, whether unwittingly or otherwise and from whatever source, you should not forward it to any other address.

Statements to avoid in emails include those criticising an organisation or their staff, those stating that there are quality problems with goods or services of suppliers or clients, and those stating that anyone is incompetent.

You must exercise care not to copy emails automatically to all those copied in to the original message to which you are replying. Doing so may result in disclosure of confidential information to the wrong person.

You must not attach any files that may contain a virus to emails, as the Council could be liable to the recipient for loss suffered. The Council has virus-checking in place but, if in doubt, you should check with the Clerk.

You should exercise extreme care when receiving emails with attachments from third parties, particularly unidentified third parties, as these may contain viruses.

Mobile phone texting

- Texting funders, suppliers or other external stakeholders should be avoided wherever possible. Texting can often involve an abbreviated use of language which not everyone is familiar with. If you must text another person keep any abbreviated language to a minimum, to ensure a full understanding of the message
- Text messages must be treated in the same way as emails, in the sense that they must not contain illegal, discriminatory, obscene, pornographic or otherwise abusive or threatening messages
- Content of work-related text messages or text messages on company equipment should meet the requirements of our data protection policy.

Internet

- You must not use the Council systems to access pornographic, offensive, illegal or other improper material or make inappropriate use of the Internet
- Producing, downloading or distributing sexually explicit or offensive material in any form, electronic or otherwise (e-mail, blogging, picture, file, printed-output, etc.), which may be considered abusive or derogatory to individuals on the basis of race, ethnicity, religion, gender, sexual orientation, gender re-assignment, disability, age etc. is a violation of our Equality & Diversity policy. Any such action will be considered as gross misconduct
- The Council has installed an internet firewall to assure the safety and security of its network. We may block access from within our networks to all sites mentioned above that we know of. If you find yourself connected accidentally to a site that contains sexually explicit, offensive or illegal material, you must disconnect from that site immediately and notify the Clerk
- You must not subscribe to chat rooms, dating agencies, messaging services, internet diary (known as blogging) or other on-line subscription internet sites

Misuse

Misuse of the Council computing facilities may result in disciplinary or criminal proceedings. Misuse constitutes (but is not limited to) the following points:

- Not adhering to points covered in this policy
- Use that results in a breach of our data protection policy
- Attempting to discover another person's username and password, by any means

- Attempting to monitor or tamper with another user's electronic communication or data, or reading, copying, modifying or deleting another user's data without the explicit agreement of that user, or the Clerk. (Except in the case of electronic mail messages where messages sent and received can be copied and/or monitored.)
- Attempting to circumvent by any means the computer or network security
- Using the computer systems (such as electronic mail) to act abusively towards others (including individuals, groups, companies or any other organisation) whether internally or externally
- Knowingly running and installing on any computer or network, or giving to another user, a program or macro intended to disrupt or damage in any way the computer systems and/or network operations, it's files, programs, data, or any related peripheral or device
- Violating terms and conditions of software copyrights and agreements, including making illicit copies of software
- Installing any software by whatever medium (e.g. data sticks, CD-ROM or data transfer) not provided, virus checked and approved by the Council's IT providers
- The transfer of any data files from data sticks, CD-ROM or data transfer to any the Council computer without being fully virus checked
- Installation of any software not purchased on behalf of the Council. This includes any software from previous employers or from home computers. Installation of software included with any magazines or where the origin of the software is not known is strictly prohibited
- Performing any act that will interfere with the use of the computer, network or equipment (such as printers) or will affect another user's ability to make use of that equipment, such as downloading unnecessary large documents
- Using the computer systems for any activity not related to your work for the Council for personal financial gain
- Relocating or re-allocating computer equipment without the permission and guidance of the Council's IT providers
- Deliberately wasting computer resources such as game playing or sending "junk" or "chain" mails (either electronic or printed) using our equipment
- If you are allocated a laptop or portable computer, you are responsible for ensuring the safe keeping of this equipment whilst out of the office. Under no circumstances should this be left un-attended in a public place, or in public view. Further you must ensure that all security systems and precautions have been activated to safeguard the portable computer
- Saving confidential data to the hard drive of a portable computer is not permissible unless it is encrypted. Alternatively, each document needs to be encrypted or saved onto an encrypted memory disk
- Saving confidential and/or personal data to an unencrypted data stick is not permitted
- Downloading confidential and/or personal data from our systems to an encrypted data stick without the express authorisation of the Clerk is forbidden. Note that USB ports may be disabled.

You may be held responsible for damage to equipment, programs or data, and you will be held accountable for any licensing infringements if you do not comply with the above policy.

GRIEVANCE PROCEDURE

Guidance on raising a problem or complaint:

- Clearly define the issue (with examples where appropriate)
- Describe the impact that it is having on you and/or the role (again with examples) and
- Think about how the problem could be resolved / the resolution you seek

Many problems can be raised and settled during the course of everyday working relationships. You should aim to settle most grievances informally with your line manager, or where appropriate, the individual(s) your grievance relates to.

This policy confirms that:

- You have the right to be accompanied or represented at a formal grievance meeting or appeal by a workplace colleague, a trade union representative or a trade union official. The companion will be permitted to address the grievance/appeal meetings, to present your case for your grievance/appeal and to confer with you. The companion cannot answer questions put you, address the meeting against your wishes or prevent you from explaining your case. The right to be accompanied does not extend to investigation meetings.
- The council will give reasonable notice of the date of the grievance/appeal meetings. You and your companions must make all reasonable efforts to attend. If your companion is not available for the proposed date of the meeting, you can request a postponement and can propose an alternative date within five working days of the original meeting date
- Any changes to specified time limits must be agreed by you and the council
- You have the right to appeal against the decision about your grievance. The appeal decision is final
- Information about your grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, the outcome and any action taken is confidential to you
- Recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed as a reasonable adjustment that takes account of a medical condition
- If you are already subject to a disciplinary process and raise a grievance, the grievance will normally be heard after completion of the disciplinary procedure
- If a grievance is not upheld, no disciplinary action will be taken against you if you raised the grievance in good faith
- The council may consider mediation at any stage of the grievance procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

Informal grievance

The council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, you should raise it with your line manager to see if an informal solution is possible. Both should try to resolve the matter at this stage.

If you do not want to discuss the grievance with your line manager (for example, because it concerns the line manager), you should contact the Chairman of the Personnel Committee or, if appropriate, another member of the Personnel committee.

Mediation

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

Formal grievance procedure

If it is not possible to resolve the grievance informally, you may submit a formal grievance. It should be submitted in writing to the Personnel Committee.

The Personnel Committee will appoint a sub-committee of three members to investigate the grievance. This may be supported by an HR Consultant, as appropriate. The sub-committee will appoint a chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

Investigation

Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by you, although the confidentiality of the grievance process will be respected, wherever possible. If any evidence is gathered in the course of these investigations, you will be given a copy in advance of the hearing for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you.

Investigations will be completed as quickly as possible following receipt of your grievance, and you will be updated throughout the process. An HR Consultant may be asked to carry out the investigation on behalf of the Council.

Grievance Hearing

The grievance hearing will be held as soon as is reasonably practicable following the necessary investigations. At the meeting, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform your manager as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence. You will have the right to be accompanied at that meeting either by a trade union representative or a work colleague.

While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are directly relevant to your complaint. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of your complaint. The chairman conducting the hearing will intervene if he/she thinks that the discussion is straying too far from the key issue. They may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of your complaint.

Following the meeting, you will be informed in writing of the outcome, normally within ten working days. Where this is not possible, or further investigation is required to reach a decision, this may be extended, with prior notification to you.

Appeals

If you wish to appeal against the outcome you must do so in writing to the Chair of the Personnel Committee within five working days. You should clearly state the grounds of your appeal, i.e. the basis on which you say that the result of the grievance was wrong or that the action taken as a result was inappropriate.

The Chair of the Personnel Committee will appoint a panel of three members of the Personnel Committee, who have not been involved in the case, to hear the appeal. Where this is not possible, other Councillors may form part of the panel.

You will have the right to be accompanied at that meeting either by a trade union representative or a work colleague.

You will be notified, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will take place within 25 working days of the council's receipt of the appeal.

The decision of the appeal panel is final.

DISCIPLINARY PROCEDURE

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct and attendance which are acceptable at all times, including the need to:

- Fulfil the duties specified in their contract of employment,
- Be honest and act beyond suspicion of dishonesty, and,
- Maintain high standards of integrity and conduct to protect the Council's image and reputation with the public.

The aim is to ensure consistent and fair treatment for all staff. It does not apply to employees in their probationary period.

Inevitably, because the Town Council is a small organisation, Members of the Council may be involved in initiating, investigating or hearing disciplinary issues. Members of Council must always follow this procedure and should always seek external support and advice when taking disciplinary action. Suitable sources of advice include the (SALC) or the Town Council's external HR provider. The Chairman of the Personnel Committee is authorised to seek advice and engage the services of the HR provider for disciplinary issues.

Principles

- Informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance
- No formal disciplinary action will be taken (i.e. a formal warning) until the case has been fully investigated
- For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary hearing
- Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing
- Employees have the right to be accompanied at a formal disciplinary hearing by a work colleague or trade union official of their choice. There is no right for employees to be accompanied at a formal investigatory interview
- Employees will not ordinarily be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will usually be dismissal without notice or payment in lieu of notice
- An employee will have the right to appeal against any disciplinary action
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

Investigation

Your manager may make preliminary enquiries to establish the basic facts of what has happened in order to understand whether there may be a case to answer under the disciplinary procedure. If your manager believes there may be a disciplinary case to answer, they may want a more detailed investigation undertaken to establish the facts of a situation or to establish the perspective of others who may have witnessed misconduct.

You may be asked to attend an investigation meeting as part of the process. Your Manager will notify you in writing of the alleged misconduct and ask you to attend the meeting. The investigation meeting will be your first opportunity to respond to and comment on the allegations. You do not have the statutory right to be accompanied at such investigation meetings. The investigators will report back to your manager or the Personnel Committee as appropriate, and you will be informed the outcome. If the investigators suggest there has been misconduct, it is likely that you will be invited to a disciplinary Hearing.

The investigation will take place as soon as possible after the allegations have been made. The Clerk, in liaison with the Personnel Committee will appoint an investigator(s), which may be the Clerk, members of the Personnel Committee or an external HR Consultant to support or to investigate. An investigation report will be compiled, and where appropriate, a recommendation will be made. Where a recommendation is made, it will be either:

- That there is no case to answer and there should be no further action under the Council's disciplinary procedures
- That the matter is not serious enough to justify the disciplinary procedure and can be dealt with on an informal basis, or under the Performance improvement Procedure
- The employee has a case to answer and the matter will be referred to a formal disciplinary hearing.

Suspension

If allegations of gross misconduct or serious misconduct are made, the Council may suspend you while further investigations are carried out. Suspension will be on full pay; this does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation. While you are suspended you are required to be available during normal hours of work so that we can contact you if necessary. You must not contact or attempt to contact or influence anyone connected with the investigation in any way or to discuss this matter with any other employee. You must not attend or visit your place of work. If you wish to contact any employee who you feel could assist you in preparing an explanation for the allegations made against you, you must contact your line manager in order that arrangements can be made for the employee to be available for interview.

Disciplinary Hearing

If the Clerk, in liaison with the Chairman of the Personnel Committee decides that there is a case to answer, a sub-committee of three councillors will be appointed. The sub-committee will appoint a chairman from one of its members. Any members of the Committee who were part of the investigations shall not sit on the sub-committee but may attend the hearing to respond to any queries regarding the investigation and report.

No councillor with direct involvement in the matter shall be appointed to the sub-committee. You will be invited, in writing, to attend a disciplinary meeting. The sub-committee's letter will confirm the following:

- The names of its chairman and other two members
- Details of the alleged misconduct, its possible consequences and your statutory right to be accompanied at the meeting
- A copy of the investigation report, all the supporting evidence and a copy of the council's disciplinary procedure

- The time, date and place for the meeting; You will be given reasonable notice of the hearing so that you have sufficient time to prepare for it
- That witnesses may attend on yours and the council's behalf and that both parties should inform each other of their witnesses' names at least five working days before the meeting
- That you and the council will provide each other with all the supporting evidence at least five working days before the meeting. If witnesses are not attending the meeting, witness statements will be submitted to the other side at least five working days before the meeting
- That you may be accompanied by a companion – a workplace colleague, a trade union representative or a trade union official

The disciplinary meeting will be conducted as follows:

- The chairman will introduce the members of the sub-committee
- The investigators will present the findings of the investigation report (where necessary or appropriate)
- The chairman will set out the council's case and present supporting evidence (including any witnesses)
- You (or the companion) will set out your case and present evidence (including any witnesses)
- Any member of the sub-committee, or you, (or your companion) may question the investigators and any witness
- You (or your companion) will have the opportunity to sum up your case
- The chairman will provide you with the sub-committee's decision with reasons, in writing, usually within ten working days of the meeting. The chairman will also notify you of the right to appeal the decision

Disciplinary Outcomes

Where, following a disciplinary hearing, the Council reasonably believes that you have committed a disciplinary offence, the following disciplinary action may be taken:

First Written Warning: A first warning is issued for most first instances of misconduct. The Council will notify you of the following in writing:

- The reason for the warning, the improvement required (if appropriate) and the time period for improvement
- That further misconduct/failure to improve will result in more serious disciplinary action
- That you have the right to appeal
- That the warning will be placed on your personnel file and will remain in force for a specified period of time, usually for twelve months.

Final Written Warning: If there is further misconduct during the period of a written warning or if the misconduct is sufficiently serious, you will be given a final written warning. A final written warning will set out:

- The reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- That further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- Your right of appeal
- That the final written warning will be placed on your personnel file and will remain in force for 18 months.

Dismissal: The Council may dismiss

- For gross misconduct (in this instance, the dismissal will be without notice)
- If there is no improvement within the specified time period in the conduct which has been the subject of a final written warning
- If another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

The Council will consider very carefully a decision to dismiss. If you are dismissed, you will receive a letter explaining the reasons for your dismissal, the date on which your employment will end and details of your right of appeal.

Appeal

Any employee who is the subject of disciplinary action will be notified of the right of appeal.

Your written notice of appeal must be received by the Chairman of the Personnel Committee within five working days of you receiving written notice of the disciplinary action and must specify the grounds for appeal. The grounds for appeal include:

- A failure by the council to follow its disciplinary procedure
- The sub-committee's decision was not supported by the evidence
- The disciplinary action was too severe in the circumstances of the case
- New evidence has come to light since the disciplinary meeting

The appeal will be heard by a panel of three members who have not previously been involved in the case. The appeal panel will appoint a chairman from one of its members.

The appeal panel may decide to uphold the decision of the Disciplinary Sub-Committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on your personnel file.

If an appeal against dismissal is upheld, you will be paid in full for the period from the date of dismissal and continuity of service will be preserved.

The appeal panel's decision is final.

Retaining records of disciplinary warnings

A record of the disciplinary warning (and associated papers) will be kept on the employee's personal file but disregarded for the purposes of supplying a reference after the specified period of time. However disciplinary warnings may be taken into account at any time in the future where relevant disciplinary matters arise.

Table setting out responsibilities

| Disciplinary action against... | Disciplinary action will normally be taken by... | Appeal will be made to |
|---------------------------------------|---|-------------------------------|
| Employee who is not the Clerk | The Clerk | The Personnel Committee |
| Clerk | Personnel Committee | The Chair of the Council |

Examples of misconduct

Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct:

- Unauthorised absence or failure to follow absence reporting procedures
- Poor timekeeping
- Failure to disclose a personal interest in conflict with the Council's business
- Misuse of the council's resources and facilities including telephone, email and internet (including inappropriate, defamatory or offensive comments on Social Media, networking, or other sites
- Inappropriate behaviour
- Refusal to follow reasonable instructions
- Breach of health and safety rules
- Unsatisfactory work performance (either repeated instances of poor work, or one very poor piece of work) for reasons other than capability
- Unwillingness to work co-operatively and positively as a team member
- Dishonesty
- Negligence resulting in minor loss, damage or injury

Examples of gross misconduct

Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct:

- Serious incapability brought about by the use of alcohol or drugs
- Bullying, discrimination and harassment
- Incapacity at work because of drugs or alcohol
- Violent behaviour or threats of violent behaviour
- Fraud or theft (whether attempted or actual)
- Gross negligence
- Gross insubordination
- Serious breaches of health and safety rules
- Serious and deliberate damage to property
- Falsification of records or knowingly making false statements

PERFORMANCE REVIEW (APPRAISALS)

Peacehaven Town Council recognises the benefits of regular and constructive performance review and is committed to ensuring that employees are provided with support to enable them to work as effectively as possible.

One of the ways in which such support can be provided is through the performance management scheme, which provides a systematic opportunity to:

- Recognise the achievements of employees over the previous year
- Identify ways in which performance can be improved to the benefit of both the individual and the organisation
- Agree performance objectives and targets for the coming year
- Identify development/training needs and prepare a personal development plan
- Review job descriptions and salary scales

Individual performance will be reviewed on at least an annual basis, plus an interim review carried out six months after the main review.

The performance review year

Performance will be reviewed at the end of the municipal year, with the follow up review taking place six months later. Any salary increases agreed during the annual review will take effect from 1st April (backdated where appropriate).

The Town Clerk will report to the Personnel Committee twice yearly that all employees have received their appraisal and provide a summary of recommended changes to job descriptions and salaries for approval following the annual appraisals.

All appraisal documents should be signed, and it is the signed copy only that is accepted. The Town Clerk objectives only will be reported to council and not the whole appraisal document.

Who reviews?

The review will normally be carried out by the immediate line manager. The Town Clerk will be reviewed by the Chairman of the Council and the Chairman of the Personnel Committee.

If either the Chairman of the Council or Chairman of the Personnel Committee is unavailable, then the Town Clerk will be reviewed by two other members of the Personnel Committee who are qualified and experienced in conducting appraisals.

The Town Clerk will monitor all appraisals for completion and consistency and will report the outcome of this monitoring to the Personnel Committee.

Preparation for the review

For performance review to be successful and effective it is essential that both the reviewer and the employee prepare. A date should be set for the review meeting at least 2 weeks prior to the discussion taking place. The supporting paperwork including the record from the previous year's review, the part year review and the objectives must be provided to the employee when setting the date.

The job description

The job description will be reviewed as part of this process, in order to ensure it is a clear reflection of the role and may be changed by mutual agreement if there are substantial, material and permanent changes to the role.

General job performance

It is recognised that all jobs are formed of both a number of specific objectives and general job performance such as planning and prioritising the workload, communicating appropriately, working collaboratively with others and being flexible and adaptable. All aspects of the job will be reviewed.

Personal development

In order to carry out their role and to meet new objectives it is recognised that from time to time employees will need further personal development. Personal development is not simply about attending training courses. Development and training opportunities can be provided by a variety of means, but they should be realistic for both the individual and the council, whilst taking into account operational requirements. Opportunities may include:

- On or off job coaching
- Mentoring
- Shadowing other employees
- Taking on new responsibilities
- Undertaking project work or contributing to working parties
- Attending training courses, workshops, conferences, seminars and symposia
- Guided reading
- Networking
- E-learning

Confidentiality

The agreed objectives and comments of the reviewer and employee will be recorded on the Employee Appraisal and Development Form (**Appendix G**).

The content of the review will normally be confidential between the reviewer and employee, although the main record of discussion will be reviewed by the Town Clerk who will retain the forms for personnel files and use the information to prepare the training plan.

TRAINING & DEVELOPMENT

Peacehaven Town Council recognises that training and development for employees and councillors is a major investment in its ability to deliver effective services and will seek to create a culture of continuing development.

The council will comply with the principles of the National Training Strategy for Town and Parish Councils and will subscribe to the Surrey and Sussex Association of Local Councils and Society of Local Council Clerks to ensure employees and councillors may attend their training.

Policy commitments

The Personnel Committee will be responsible for determining, meeting and monitoring the training needs of employees and councillors, and managing the allocated budget.

Records of all training of employees will be noted on the Employee Training Record (**Appendix H**). A copy of these records along with details of councillors' training and development will be kept by the Town Clerk.

A training schedule will be drawn up by the Town Clerk for approval by the Personnel Committee to ensure all training is relevant, fit for purpose and is carried out in a cost-effective manner. This schedule will be informed by training needs of employees identified through the appraisal system. Particular consideration will be given to carrying out training locally possibly in liaison with other local councils.

Professional qualifications

All employees will be encouraged to pursue professional qualifications, such as the Certificate in Local Council Administration (CiLCA) or equivalent. It will be a requirement of the Town Clerk role for the job holder to hold the qualification or commit to achieving it within 18 months of appointment.

The council will meet the financial cost of registering for and submitting the CiLCA portfolio. If a candidate is unsuccessful, the candidate will be responsible for the cost of any re-submission.

Additional higher-level qualifications or specific qualifications relevant to the role will be discussed as part of the annual appraisal. The council may agree to meet the cost, or part thereof, of a qualification which will be of mutual benefit to both the council and employee.

Employee personal development

The council recognises that training and development for employees often provides continuous professional development for the employee, while enhancing specific skills. Training courses for personal development are motivational for employees and consistently leads to improved performance in their current role. Equally, the council acknowledges that such personal development will occasionally lead employees to seek alternate employment to maximise their new or improved skills.

Where there is a clear benefit to the council, payment for any personal development training will be made by the council, and the employee will be expected to use their new or improved skills in their existing role within the council.

Where the cost of the personal development training course exceeds £250, the employee will repay to the council the full cost of the training if they leave the employment of the council within 12 months of completion of the training. Agreement to this condition will be recorded in the employee's file.

Where the cost of the personal development training course exceeds £500, the employee will repay to the council the full cost of the training if they leave the employment of the council within 12 months of completion of the training, and 50% of the cost of the training if they leave the employment of the council after 12 months, but within 24 months of the completion of the training. Agreement to this condition will be recorded in the employee's file.

The provisions within this part of this policy do not apply to any training course deemed compulsory for the employee to carry out their existing role, for example due to a change of regulations or insistence on particular qualifications.

PERFORMANCE IMPROVEMENT PROCEDURE

This procedure is designed to help and encourage all employees to achieve and maintain standards of job performance which are acceptable to the Council. The aim is to ensure consistent and fair treatment for all in the organisation.

Before this procedure is engaged, you will receive feedback from your line manager setting out the concerns about your performance and how it must improve. This procedure is designed to be used when such informal discussions do not lead to an improvement in your performance to an acceptable level.

Where poor performance is believed to be the result of deliberate negligence, or where serious errors have been made to the detriment of the organisation, we may decide to use our disciplinary procedure instead.

Principles

- Informal coaching and supervision will be considered, where appropriate, to improve performance
- No formal warnings will be given until the causes of the poor performance have been considered
- For formal action (warnings) you will be advised of the nature of the poor performance and will be given the opportunity to state your case, at a formal performance improvement meeting, before any decision is made
- You will be provided, where appropriate, with copies of examples of poor performance in advance of a formal performance improvement meeting
- At all formal stages of the procedure you will have the right to be accompanied by a trade union representative, or work colleague
- You will have the right to appeal against any formal warnings issued

The Procedure

First stage of formal procedure - First written warning

If your line manager is unhappy with your performance, you will be invited to a formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of what your line manager considers to be poor performance; and advise you of your right to be accompanied at the meeting, as well as outlining possible outcomes.

At the meeting, you will be given the opportunity to respond; the causes of the poor performance will be considered; and where training and development is appropriate this will be considered.

If your performance does not meet acceptable standards you will be issued with a first written warning for unsatisfactory performance. This will set out:

- The performance problem
- The improvement that is required
- The timescales
- Any help that may be given
- The right of appeal
- You will be advised that it constitutes the first stage of the formal procedure

A record of the warning will be kept on your file. Providing that satisfactory improvement has been made and is being sustained, the warning will be disregarded after 6 months for the purposes of providing an

employment reference. However, the warning will be considered again in cases where the poor performance re-starts.

Second stage of formal procedure - Final written warning

If, following the first written warning, your performance has not improved to an acceptable level, you will be invited to a formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of what your manager considers to be poor performance; and advise you of your right to be accompanied at the meeting, as well as outlining possible outcomes.

At the meeting, the progress made following the first meeting will be discussed, you will be given the opportunity to respond; and where training and development is appropriate this will be considered. If there is a failure to improve performance to a level which the Council deems to be satisfactory, a final written warning will be given to you. This will set out:

- The performance problem
- The improvement that is required
- The timescale
- Any help that may be given
- The right of appeal
- Advise you that it constitutes the final written warning and will also warn that failure to improve may lead to dismissal

A record of the warning will be kept on your file. Providing that satisfactory improvement has been made and is being sustained, the warning will be disregarded after 12 months for the purposes of providing an employment reference. However, the warning will be considered again in situations where the poor performance re-starts.

Final stage of formal procedure - Dismissal

You will be invited to a formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of what your manager considers to be poor performance; and advise you of your right to be accompanied at the meeting. The letter will also advise you that dismissal may be considered.

At the meeting, the progress made following the second meeting will be discussed, and you will be given the opportunity to respond.

If there is still a failure to improve performance to a level which is acceptable dismissal will be considered, or where appropriate redeployment to an alternative role.

Any offer to redeploy you will be entirely at the Council's discretion. Such an offer will be made only where we are confident that you will be able to perform well in the redeployed role. It will normally be offered only as an alternative to dismissal in circumstances in which we are satisfied that you should no longer be allowed to continue to work in his/her current role. While you will be free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

If the Council believes that there is no alternative role available and suitable for you, but that you have not met an acceptable standard of performance, we may decide to dismiss. Any dismissal will be with full notice or payment in lieu of notice.

If the decision to dismiss is taken, you will be provided in writing with:

- Reasons for dismissal
- The date on which the employment will terminate
- The right of appeal

Appeals

If you wish to appeal against a formal warning or dismissal you must do so by writing to the Chair of the Personnel Committee within five working days. The Chair of the Personnel Committee will arrange for an appeal meeting to take place.

You have the right to be accompanied at the appeal meeting by either a work colleague or a trade union representative.

At the appeal hearing, the decision to impose the sanction will be reviewed and you will be entitled to make representations about the appropriateness of that decision.

The outcome of the appeal will be confirmed to you in writing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

EQUAL OPPORTUNITIES STATEMENT

Peacehaven Town Council recognises the diversity of its local community and the value which this diversity brings to community life. The Council will aim to provide each member of the community with fair and equal treatment in all its activities.

Peacehaven Town Council is committed to pursuing an equal opportunities approach in the employment of its staff and the way in which services are provided for the public.

Peacehaven Town Council recognises its statutory duties under legislation in terms of service provision and employment and is committed to meet them by complying with this policy.

Peacehaven Town Council is committed to promoting equal access to services and facilities and equal treatment for all employees or job applicants irrespective of:

- Age
- Disability
- Gender reassignment
- Race (includes colour, nationality, cast and ethnic or national origins)
- Religion/belief
- Sex
- Sexual orientation
- Marriage/civil partnership
- Pregnancy/maternity

These are protected characteristics under the Equality Act 2010 and that this commitment is managed in such a way that Peacehaven Town Council complies with Equal Opportunities legislation and Codes of Practice.

All employees, whether full-time, part-time, fixed term contract, agency workers or temporary staff, and all job applicants will be treated fairly and equally. This policy has relevance to those concerned with recruitment, training and promotion.

The Law

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

Employees should not discriminate against or harass a member of the public or service user in the provision of services or goods.

It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services.

In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Types of Unlawful Discrimination

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

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

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

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

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and (according to guidance from the Government and ACAS) pregnancy and maternity).

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as service users.

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

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

Equality of Opportunity in Service Delivery

Peacehaven Town Council is committed to equality of opportunity in the provision of services and access to its facilities.

The Council will achieve this by:

- Recognising and accepting that individuals or groups are denied equality through direct or indirect discrimination either intentional or unintentional

- Providing regular training for all Councillors and employees, so that they have a good understanding of the diverse needs of different people
- Delivering services which are relevant, of the highest possible quality and accessible
- Providing clear information about our services and facilities and where necessary making them available in a variety of formats
- Ensuring that our complaints and feedback procedures are accessible and effective
- Assessing the impact of and monitoring our services to ensure that they do not discriminate and identify where improvements can be made
- Ensuring that all employees understand what their roles and responsibilities are in relation to equality in service provision.

Equality of Opportunity in Employment, Training and Organisational Development

Peacehaven Town Council is committed to providing equality of opportunity. All employees will have a part to play in achieving this and the Council will ensure that individuals are aware of their personal responsibility to follow and support the Equal Opportunities Policy.

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

The Council will achieve this by:

- Ensuring that its recruitment and selection policies and procedures are equitable and fair so that the best people are appointed to deliver its services
- Only considering applicants for jobs based on their relevant experience, skills and abilities unless a genuine occupational qualification exists for specific posts. This will be communicated clearly within the recruitment pack for that post.
- Ensuring that all employees receive fair and equal treatment in relation to their employment, regardless of whether they are part-time, full-time, fixed term, or a casual worker.
- Ensuring that employment opportunities are of the highest possible quality, therefore equality, equity and consistency are embedded in practices, pay and conditions
- Making sure that equal consideration is given to people's needs and develop flexible and responsive employment opportunities to tackle those needs
- Encouraging and supporting employees to reach their full potential within the resources the Council has available to it
- Taking appropriate action against incidents of harassment, bullying or discrimination and offering support and advice to victims or witnesses to incidents
- Taking disciplinary action against employees who discriminate against people who work for the Council or who seek employment with the Council.

Contractors and Suppliers

Peacehaven Town Council will ensure, so far as is reasonably practicable, that all contractors and suppliers carrying out work on behalf of the Council have the appropriate policies and working practices in place to ensure Equality of Opportunity and to comply with the requisite equality legislation and guidance.

The Council will ensure, so far as is reasonably practicable, that:

- Contractors and providers have employment policies, procedures and practices that do not discriminate
- Monitor whether contracts and commissioning arrangements meet these equality commitments.

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

Management and Supervision of this Policy

Council and Committees: Strong leadership is essential to ensure that this policy is embedded at both strategic and service delivery levels of the Council. Whilst the Full Council will be ultimately responsible for implementation of this policy, ongoing review of the policy will be the responsibility of the Personnel Sub-Committee with day to day implementation, management and monitoring being the responsibility of the Town Clerk.

Councillors: Councillors as a corporate body have overall responsibility for the direction and scrutiny of this policy and will ensure that the principles of fairness and equality guide the decision-making process.

Line Managers: It is the responsibility of line managers to:

- Ensure that within their areas of responsibilities, the standards established within this policy are followed
- Contribute to the development of equal opportunities action plan
- Review the effectiveness of the policy and all related action plans and communicate their views to the Town Clerk.

Employees: All employees must:

- Co-operate with any measures introduced to ensure equal opportunity
- Report any suspected discriminatory acts or practices
- Not persuade or attempt to persuade others to practice unlawful discrimination
- Not victimise anyone because of them having reported or provided evidence on discrimination
- Not harass, abuse or intimidate others because of their race, gender etc.
- Not pressurise job applicants in an attempt to discourage them from applying or taking up a post.
- Employees can be held personally liable as well as, or instead of the council for any act of unlawful discrimination.
- Employees who commit serious acts of harassment may be guilty of a criminal offence.

Breaches of Policy

Any breach of the Equal Opportunities Policy will be dealt with through the disciplinary procedure. Serious offences, such as harassment and victimisation, will be treated as gross misconduct.

Complaints

Any employee who has a concern regarding the application of this policy should make use of the Council's grievance procedure.

Existing Employees – employees wishing to raise a grievance alleging unlawful discrimination during an internal selection procedure should discuss this with the Town Clerk in the first instance. If the problem persists then a grievance should be made via Council's adopted Grievance Procedure.

Prospective Employees – any prospective employee wishing to raise a complaint should do so, in writing, to the Town Clerk within 15 working days, at the latest, of the alleged incident. An investigation will then be

conducted by the Finance Officer who was not involved in the selection procedure, the Finance Officer will report to the Finance and General Purposes Committee. The Finance and General Purposes Committee's ruling will be final. The individual will receive written notification as to the outcome.

Information and Training

Employees will be provided with appropriate training regardless of age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership, and pregnancy/maternity.

The Council will:

- Seek to ensure that all employees are developed by the provision of appropriate and accessible learning opportunities in line with organisational needs
- Provide training that complies with the Council's Equal Opportunities Policy
- Include a copy of the Council's Equal Opportunities Policy as part of the induction programme
- Provide equalities awareness training as part of its corporate leaning and organisational development programme
- Include equalities training as part of its Member development programme

Inclusion

The Council respects and values staff as individuals, providing support and commitment so that everyone has a sense of belonging and is able to achieve their best.

All employees have a personal responsibility to treat colleagues, Councillors, contractors, applicants, visitors, volunteers and members of the public in accordance with our Equality, Diversity and Inclusion policy [and Code of Practice/Conduct].

In our employment practices and in providing services, we expect all employees to:

- Support a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued
- Act fairly and, provide equality of opportunity
- Recognise that everyone is different and that these differences must be equally respected
- Be aware that you must not treat people less favourably because of a protected characteristic
- Challenge discrimination so that we demonstrate our commitment to equality and diversity and do not exclude people or make them feel isolated
- Not unlawfully discriminate, for example, as staff responsible for decisions on recruitment, selection, promotion or transfer
- Not induce or attempt to induce others to practice discrimination, nor yield to pressure from others to discriminate
- Not victimise or attempt to victimise individuals on the grounds that they have made complaints under the Equality Act or provided information about discrimination
- Not harass, abuse or intimidate other employees, member organisations, partners etc; where employees commit such action they will be liable to disciplinary action
- Draw to the attention of management apparent breaches of this Code of Practice
- Line Managers and supervisors have a particular responsibility for ensuring that staff act appropriately.

Monitoring Arrangements

The Town Clerk will establish appropriate information and monitoring systems to assist the effective implementation of this Policy. Where monitoring identifies an under-representation of a particular group(s), the Town Clerk will advise Council of the need to develop an action plan to address the imbalance.

DIGNITY AT WORK – BULLYING AND HARASSMENT

Statement: In support of our value to respect others, Peacehaven Town Council will not tolerate bullying or harassment by, or of, any of its officers, members, contractors, volunteers, visitors to the Council or members of the public from the community which we serve. The Council is committed to the elimination of any form of intimidation in the workplace.

This statement reflects the spirit in which the Council intends to undertake its business and outlines the specific procedures available to all employees to protect them from bullying and harassment. It should be used in conjunction with the Council's policies Equal Opportunities on grievance and disciplinary handling which are amended from time to time.

Definitions: Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.

Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This may be because of a single action or a series of multiple occasions over a period of time. This statement covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

These definitions are derived from the ACAS guidance on the topic. Both bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, turnover, damage to the Council's reputation and ultimately, employment tribunal or other court cases and payment of unlimited compensation.

Examples of unacceptable behaviour are as follows:

- Spreading malicious rumours
- Insulting someone
- Ridiculing or demeaning someone
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of position or power
- Unwelcome sexual advances
- Making threats about job security
- Deliberately undermining a competent worker by overloading work and/or constant criticism
- Preventing an individual's promotion or training opportunities.

Bullying and harassment may occur face-to-face, in meetings, through written communication; including email, by telephone or through automatic supervision methods. It may occur on work premises or during work related events. This list is not exhaustive.

Penalties: Bullying and harassment are considered examples of serious misconduct which will be dealt with through the disciplinary procedure at gross misconduct level and may result in summary dismissal from the Council for employees or as a contravention of the Member's Code of Conduct, which may result in action or penalties against the Councillor concerned. In extreme cases harassment can constitute a criminal offence. The Council should take appropriate legal advice, sometimes available from the Council's insurers, if such a matter arises.

The legal position: The Council has a duty of care towards all its staff and liability under common law arising out of the Employment Rights Act 1996, the Equality Act 2010 and the Health and Safety at Work Act 1974. In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 2010 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. A harasser may be personally liable to pay damages if a victim complains to an employment tribunal for sexual, racial, disability or age discrimination.

The Council's position on Bullying and Harassment: The Council will not tolerate bullying or harassment in the workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that if a court or tribunal finds that you have bullied or harassed someone, in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment. We will take appropriate action if any of our employees or contractors are bullied or harassed by our stakeholders or suppliers. Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

Process for dealing with complaints of bullying and harassment.

Informal approach

Anyone; employee, contractor, member or visitor, who feels he or she is being bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwarranted behaviour that their conduct is unacceptable, offensive or causing discomfort.

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

Formal approach:

Where an officer feels unable to resolve the matter informally any complaint about harassment of bullying can be raised confidentially and informally, initially with the Town Clerk, or if this is inappropriate, the Chairman of the Personnel Committee, using the Council's Grievance procedure. It will be appropriate for the complaint to be put in writing after the initial discussion with the Town Clerk/Chairman of the Personnel Committee, as this will enable the formal grievance procedure to be invoked.

Councillors/Contractors/Consultants: Any other party to the Council, other than a member of staff who feels he or she is being bullied or harassed should raise their complaint with the Town Clerk, where possible, or the Monitoring Officer at Lewes District Council, if an information notification to the Town Clerk/Chairman of the Personnel Committee has been unsuccessful at eliminating the problem or where a member is directly involved in the bullying or harassment. The complaint should then be investigated, and a hearing held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any members or officers of the Council should use the Council's official code of conduct or complaints procedures.

Grievance – Staff only: A meeting to discuss the complaint with the complainant will normally be arranged once a written complaint has been received and will be held under the provisions of the Council's grievance procedure.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible.

When carrying out any investigations, the Council will ensure that individuals' personal data is handled in accordance with the data protection policy.

Disciplinary action: In the event of any disciplinary action being required following investigation into allegations of bullying or harassment a full report will be made by the Grievance Panel or Personnel Sub-Committee prior to any disciplinary action being taken against the perpetrator of the alleged action/behaviour.

For an employee found to have been bullying/harassing others this will follow the Council's Disciplinary Procedure and would normally be treated as gross misconduct.

For Councillors, who the Council reasonably believe have been bullying or harassing another person(s) whilst undertaking Council activities the action taken must be reasonable and in some cases counselling or training in appropriate skill areas e.g. interpersonal communication, assertiveness, chairmanship etc., may be more appropriate than a penalty. The range of disciplinary sanctions available to the Council, where a member has been involved in bullying/harassment include; admonishment to further harass/bully, banning from committees of the Council and representation on any outside bodies, or if appropriate invoking Councils adopted Code of Conduct procedure and/or referral to the aggrieved victim. There may also be a referral to the police under the Protection from Harassment Act 2010, in the most extreme cases.

False or malicious allegation of harassment or bullying which damage the reputation of a fellow employee/member will not be tolerated and will be dealt with under the disciplinary procedure and/or a referral to the Standards Committee.

Responsibilities

All parties to the Council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed, then each individual can challenge the perpetrator and ask them to stop.

DATA PROTECTION

Introduction

Peacehaven Town Council (the Council) supports the objectives of the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA) and seeks to ensure compliance with this data protection legislation.

The processing of data by the Council is essential to services and functions, at times involving the use of personal data, and compliance with the data protection legislation will ensure that such processing is carried out fairly and lawfully.

The Council is open and transparent about its operations and works closely with the community. In the case of information that is not personal or confidential, the Council is prepared to make information available to the public as per the Council's Publication Scheme.

Scope

This Data Protection Policy applies to all Council employees, Councillors, volunteers and contractors. See the 'Roles & Responsibilities' section of this policy for more information.

This policy governs the handling of personal information that identifies living individuals directly or indirectly and covers both manual and computerised information.

This policy provides a framework within which the Town Council will ensure compliance with the data protection legislation and will underpin any operational procedures and activities connected with the implementation of the legislation.

Policy Statement

The Town Council is committed to ensuring that personal information is handled in a secure and confidential manner in accordance with its obligations under data protection legislation. The Council will use all appropriate and necessary means at its disposal to comply with data protection legislation through this adopted Data Protection Policy.

Data Protection Legislation

The GDPR and DPA govern the rights of individuals regarding their personal data and the way in which this data is controlled and processed by those with legitimate reasons for using the personal information. It provides a mechanism by which individuals about whom the data is held ('data subjects') can have a certain amount of control over the way in which it is handled.

Core Principles

The regulations are based on six core principles with a new principle of accountability meaning the Council must ensure compliance.

This is achieved through the Council producing and maintaining documents that demonstrate what actions have been taken to achieve compliance, such as privacy notices and consent forms clearly showing for what purpose the data is being used and demonstrating that data subjects have 'opted in'.

- **Lawfulness, Fairness & Transparency** – processed lawfully, fairly and in a transparent manner in relation to the data subject.

- **Purpose** – Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- **Data Minimisation** – Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- **Accuracy** – Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- **Storage Limitation** – Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- **Integrity and Confidentiality** – Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

In addition to the above principles, the data protection legislation sets out specific strengthened sanctions over sharing data outside the European Economic Area. This requires councils to ensure appropriate privacy safeguards are in place when using cloud-based services. The Council's data is backed up by Schools ICT (computer networks) in the United Kingdom and Microsoft Office (email services) in three separate locations within the United Kingdom to ensure the safety of data.

Lawfulness of Processing

The data protection legislation sets out six lawful bases for processing personal data.

Unless an exemption applies, at least one of these will apply in all cases where personal data is processed by the Council; often a number of different lawful bases will apply at the same time. For example, the Council may be performing a task in the public interest, under a legal obligation e.g. processing data in the exercise of a statutory power, and sometimes as a result of contractual necessity.

In addition to the lawful bases below, the Council will ensure additional conditions are met, in accordance with the legislation, with regards to the processing of any sensitive personal information.

- **Consent:** A controller must be able to demonstrate that consent was given. Transparency is key: consents given in written declarations which also cover other matters must be clearly distinguishable, and must be intelligible, easily accessible and in clear and plain language.

Consent is defined as any freely given, specific, informed and unambiguous indication of the data subject's wishes – either by a statement or by a clear affirmative action.

- **Legitimate interest:** This involves a balancing test between the controller (or a third party's) legitimate interests and the interests or fundamental rights of and freedoms of the data subject – in particular where the data subject is a child. The privacy policy of a controller must inform data subjects about the legitimate interests that are the basis for the balancing of interests.
- Please note, councils and parish meetings are public authorities and under the GDPR public authorities cannot rely on legitimate interests as a legal basis for processing personal data.
- **Contractual necessity:** Personal data may be processed if the processing is necessary in order to enter into or perform a contract with the data subject (or to take steps prior to entering into a contract).
- **Compliance with legal obligation:** Personal data may be processed if the controller is legally required to perform such processing e.g. complying with the requirements of legislation.

- **Vital Interests:** Personal data may be processed to protect the 'vital interests' of the data subject e.g. in a life or death situation it is permissible to use a person's medical or emergency contact information without their consent.
- **Public Interest:** Personal data may be processed if the processing is necessary for the performance of tasks carried out by a public authority or private organisation acting in the public interest.

Individual Rights

The Council will ensure that individuals on whom personal information is kept are aware of their rights under data protection legislation and have access to that information on request.

Subject to some legal exceptions, individuals will have the rights below:

- **Right to access personal data the Council holds on you** – At any point you can contact the Council to request the personal data held on you, as well as why the Council has that personal data, who has access to the personal data and where the data was obtained from.
- **Right to correct and update the personal data the Council holds on you** – If the data the Council holds on you is out of date, incomplete or incorrect, you can inform the Council and your data will be updated.
- **Right to have your personal data erased** – If you feel that the Council should no longer be using your personal data or that the Council is unlawfully using your personal data, you can request that the Council erase the personal data it holds.
- **Right to object to processing of your personal data or to restrict it to certain purposes only** – you have the right to request that the Council stop processing your personal data or ask the Council to restrict processing.
- **Right to data portability (personal data transferred from one data controller to another)** – You have the right to request that the Council transfer some of your data to another controller.
- **Right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained** – You can withdraw your consent easily by telephone, email or by post.
- **Right to lodge a complaint with the Information Commissioner's Office** – You can contact the Information Commissioner's Office via contact details on their website at <https://ico.org.uk/global/contact-us/>

The process for making a request for personal data the Council holds on you (a 'Subject Access Request') or any similar requests as above is set out as an addendum to this policy.

Roles and Responsibilities

Data Protection Officer

Within DPA 2018 it was agreed that Town and Parish Councils are not required to appoint an external Data Protection Officer as is required by other 'public authorities'.

The Council does however have an internally appointed Data Protection Officer, the Responsible Finance Officer, who is responsible for the following tasks:

Informing and advising the Council, any processor engaged by the Council as data controller, and any employee of the Council who carries out processing of personal data, of that person's obligations under the legislation.

Providing advice and monitoring for the carrying out of data protection impact assessments.

Co-operating with the Information Commissioner's Office, acting as the contact point for the Information Commissioner's Office.

Assigning responsibilities under the Council's data protection policies, raising awareness of the policies, training staff involved in processing operations and conducting audits required under those policies.

The Council will provide the Data Protection Officer with the necessary resources and access to personal data and processing operations to enable them to perform the tasks outlined above and to maintain their expert knowledge of data protection law and practice.

Town Council

The Town Council will be responsible for ensuring that the organisation complies with its responsibilities under the data protection legislation through monitoring or activities and incidents via reporting by the Data Protection Officer.

All Staff & Councillors

All staff and councillors will ensure that:

- Personal information is treated in a confidential manner in accordance with this and any associated policies.
- The rights of data subjects are respected at all times.
- Privacy notices will be made available to inform individuals how their data is being processed.
- Personal information is only used for the stated purpose, unless explicit consent has been given by the data subject to use their information for a different purpose.
- Personal information is only disclosed on a strict need to know basis, to recipients who are entitled to that information.
- Personal information held within applications, systems, personal or shared drives is only accessed in order to carry out work responsibilities.
- Personal information is recorded accurately and is kept up to date.
- Records they are responsible for retaining are disposed of in accordance with the Council's Data Retention Policy, by shredding or other confidential method where required.
- They refer any subject access requests and/or requests in relation to the rights of individuals to the Data Protection Officer.
- They raise actual or potential breaches of the DPA to the Data Protection Officer as soon as the breach is discovered.

It is the responsibility of all staff and councillors to ensure that they comply with the requirements of this policy and any associated policies or procedures.

Contractors and Employment Agencies

Where contractors are used, the contracts between the Council and these third parties should contain mandatory information assurance clauses to ensure that the contract staff are bound by the same code of behaviour as Town Council members of staff and councillors in relation to data protection legislation.

Volunteers

All volunteers are bound by the same code of behaviour as Town Council members of staff and councillors in relation to data protection legislation. It is the staff member's responsibility that is arranging volunteer work to ensure that the volunteers are aware of the responsibilities on them under this policy.

Data Retention

Good records management plays a vital role in ensuring that the Council is able to meet its obligations to provide information, and to retain it, in a timely and effective manner in order to meeting the requirements of the data protection legislation. Data must only be used for the purpose it was gathered for and should be deleted when it is no longer needed for that purpose.

All records will be retained and disposed of in accordance with the Council's Document Retention Policy. Sensitive or confidential documents are disposed of by shredding or other means to ensure that the material can no longer be read or interpreted.

No document list can be exhaustive. Questions regarding the retention period for any specific document or class of document not in the Council's Document Retention Policy should be addressed to the Data 12

Personal Data

Requests from data subjects for copies of personal data the Council holds about them ('Subject Access Requests') or any other requests for information under the individual rights of data protection legislation should ideally be made in writing but can also be made verbally.

The Subject Access Request procedure, covering submitting subject access requests and the Council responding, is provided as an addendum to this policy.

Non-Personal Data

The Council's Publication Scheme is a means by which the Council can make a significant amount of information routinely available without waiting for someone to specifically request it.

In accordance with the Freedom of Information Act 2000, this scheme specifies the classes of information which the Council published or intends to publish, as well as an information guide giving greater detail of what the Council will make available. This aims to make it easier for public to access information.

Requests for information that is not personal data can be made verbally or in writing and will be dealt with in accordance with the Council's Freedom of Information Request Policy.

Much of the Council's information is however available on its website at www.peacehaventowncouncil.gov.uk and individuals are encouraged to first look on the website for the information they seek.

Complaints

Any expression of dissatisfaction from an individual with reference to the Council's handling of personal information will be treated as a complaint and handled under the Council's Complaints Procedure. The Data Protection Officer will be involved in responding to the complaint.

Should the complainant remain dissatisfied with the outcome of their complaint to the Council, a complaint can be made to the Information Commissioner's Office who will then investigate the complaint and take action where necessary.

The contact details for the Information Commissioner Office can be found online at <https://ico.org.uk/global/contact-us/>

CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY

It is important to the Council that any fraud, misconduct or wrongdoing by staff or others working on behalf of the Council is reported and properly dealt with. The Council therefore requires all individuals to raise any concerns that they may have about the conduct of others in the organisation or the way in which the organisation is run.

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has a reasonable belief that:

- A criminal offence;
- A miscarriage of justice;
- An act creating risk to health and safety;
- An act causing damage to the environment;
- A breach of any other legal obligation; or
- Concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the Council's responsibility to ensure that an investigation takes place.

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

The Council encourages workers to raise their concerns under this procedure in the first instance. If you are not sure whether or not to raise a concern, you should discuss the issue with the Town Clerk. If you wish to raise a qualifying disclosure relating to the acts or omissions of the Clerk, you should raise the matter with the Chair of the Personnel Committee.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the Council should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue
- No employee or other person working on behalf of the Council will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the Council's disciplinary procedure will be used, in addition to any appropriate external measures
- Maliciously making a false allegation is a disciplinary offence

- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as the Town Clerk, you should not agree to remain silent. You should report the matter to the Chair of the Personnel Committee or the Chair of the Council.

Procedure

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If you are concerned that your own contract has been, or is likely to be, broken, you should use the Council's Grievance Procedure.

Stage 1

In the first instance, any concerns should be raised with your manager. If you believe your manager to be involved, or for any reason do not wish to approach your manager, then you should proceed straight to stage 3.

Stage 2

Your line manager will arrange an investigation of the matter (either by investigating the matter themselves or immediately passing the issue to someone in a more senior position). The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained. Your manager (or the person who carried out the investigation) will then report to the Town Clerk who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, your line manager (or the person who carried out the investigation) may seek advice from HR Advisers and start the disciplinary procedure. On conclusion of any investigation, you will be told the outcome of the investigation and what the organisation has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Stage 3

If you are concerned that your line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the appropriate person as set out in the Escalation Table at the end of this document. This person will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the next person in the Escalation Table. Any approach to the more senior person will be treated with the strictest confidence and your identity will not be disclosed without your prior consent.

Stage 4

If on conclusion of stages 1, 2 and 3 you reasonably believe that the appropriate action has not been taken, you should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- The Financial Conduct Authority;
- The Health and Safety Executive;
- The Environment Agency;
- The Serious Fraud Office;
- The Charity Commission
- The Care Quality Commission;
- The Children's Commissioner;
- The National Society for the Prevention of Cruelty to Children;
- The Health and Care Professions Council;
- The Chief Inspector of Education, Children's Services and Skills;
- The Homes and Communities Agency;

- The Pensions Regulator;
- The Information Commissioner.

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Escalation Table

Town Clerk → Chair of Personnel Committee → Chair of the Council

Protecting whistle-blowers

If you raise a genuine concern under this policy, we will support you fully even if we find, through our investigations, that you made a mistake or that there has been no breach of policy, legal obligation or other activity set out in this policy. If you feel you have been treated badly as a result of raising a concern, you must tell us straightaway. If the matter remains unresolved, you must follow the formal process in our grievance procedure.

All whistle-blowers are given the same protection, so you must not threaten or otherwise badly treat others who have raised concerns under this policy. If you do, you may face disciplinary action which could include dismissal for gross misconduct. The whistle-blower may also be able to bring legal action against you.

Data protection

When an individual makes a disclosure, the Council will process any personal data collected in accordance with its data protection policy.

Data collected from the point at which you make the report is held securely and accessed by, and disclosed to, individuals/third parties only for the purposes of dealing with the disclosure.

REDUNDANCY

This policy sets out the Council's approach to dealing with potential redundancies. It does not form part of the terms and conditions of employment and may be subject to change.

Although the Town Council's policy is to avoid redundancies wherever possible, the needs of the Council may from time to time require a reduction in the overall number of staff employed, or organisational changes that result in some employees being made redundant. By law, a redundancy situation occurs where a dismissal is wholly or mainly caused by:

- The fact that the employer has ceased, or intends to cease, to carry on the business for the purposes of which you were employed,
- The fact that the requirements of that business for employees to carry out work of a particular kind or, at a particular place, have ceased or diminished or is expected to cease or diminish.

Where this is necessary, the Council will ensure that:

- The total number of redundancies made is kept to a minimum
- A full consultation will be carried out on proposals and their implementation
- Selection for redundancy is based on clear criteria that will, as far as possible, be objectively and fairly applied
- All reasonable efforts are made to redeploy or find suitable alternative work for employees selected for redundancy

- Support and advice is provided to employees selected for redundancy to help them find suitable work when their employment has come to an end

Guiding Principles

Wherever there is a risk of redundancy, the Council will aim to:

- Develop strategies which reduce, avoid or limit the effects of compulsory redundancies
- Follow a genuine and meaningful consultation process
- Actively consider alternative employment
- Ensure that if redundancy occurs, it is handled in accordance with the law, including collective consultation where applicable
- Provide a selection procedure which is transparent, fair and reasonable
- Develop strategies which will assist those affected to enhance employability

Follow a redundancy procedure designed to:

- Make the process clear, fair, and transparent for staff
- Guide and inform Council's management on the handling of a potential redundancy.

Selection for redundancy

If the need for redundancy arises, the Council will identify the areas in which posts are no longer required and consider whether redundancy can be avoided by:

- Natural wastage
- Re-deployment
- Dismissal of temporary staff / subcontracted staff
- Job sharing or reduction in hours

Where appropriate, consideration will also be given to accepting voluntary redundancies. The Council does however reserve the right to refuse request(s) in order to retain particular skills, knowledge or experience.

Should the Council need to reduce the numbers of posts in a particular role or location and there are more staff than posts to fill, specific selection criteria will be defined.

Such selection criteria will be designed to ensure that the Council retains the knowledge, skills, experience and flexibility that it needs for the future.

Consultation

In the event there is a risk of redundancy identified by the Personnel Committee and Town Clerk, the Council will consult with staff to discuss any proposals, answer questions and gather views and suggestions before a final decision is made.

Where fewer than 20 staff are placed at risk of redundancy, the Council will normally consult with staff on an individual basis.

Where 20 or more staff are placed at risk of redundancy, the Council will consult with staff representatives for a minimum of 30 days before the first dismissal takes effect.

In consulting with staff on the reasons and effects of proposals to make redundancies, the following information will be made available to those staff directly affected and to any staff representative where applicable:

- The reasons for the proposals
- Numbers and designations of the posts it is proposed will be made redundant
- Selection methods
- The proposed methods of implementing those redundancies and the periods over which they would take effect
- The anticipated effects of those redundancies on the Council

The Council will consider representations made as part of the consultation process by directly affected staff and/or by staff representatives where applicable.

It must be recognised that it is the responsibility of the Personnel Committee to make decisions about staffing structures and to manage its resources within budgetary limitations.

Statutory Redundancy Entitlement

The law provides for redundancy payments for the loss of employment that is wholly or mainly attributable to redundancy. This is only payable to staff who have reached 2 years' service.

Statutory redundancy pay is calculated dependent on your salary*, your length of service and your age as follows:

- ½ week's pay* for each full year of service where your age was under 22
- 1 week's pay* for each full year of service where your age was 22 or above, but under 41
- 1½ week's pay* for each full year of service where your age was 41 or above

*A week's pay for the purpose of statutory redundancy pay is subject to a statutory cap.

See <http://www.direct.gov.uk/redundancy.dsb> for further information on qualifying rules and latest statutory rates

Notice

Entitlement to notice in the case of a redundancy dismissal is as stated in your contract of employment provided it is no less than the statutory notice which is one week for each year of service, with a minimum of four weeks after one year's service and a maximum of twelve.

In most cases you will be required to work out their notice period. However, in some cases the organisation may decide it is more appropriate to give a payment in lieu of notice. This will be at the Council's discretion and will depend on the circumstances at the time.

Formal notice of redundancy will be confirmed in writing and will include the calculation for any payments due on termination, including any statutory redundancy entitlement.

During the notice period, you will be entitled to reasonable paid time off for alternative job search e.g. to attend interviews. This time off must be agreed in advance with your line manager.

Redeployment

If a suitable role is available elsewhere within the Council, you may be offered that role. The new role would begin immediately after the notice period for the redundant role comes to an end.

Offers of alternative employment which are made in this way will include a statutory trial period of four weeks. This means that you will have four weeks in which to decide whether you regard the alternative employment to be suitable in terms of the type of work and place you are required to work from and as to the other terms and conditions relating to the new post, where these differed from the old post.

If at any stage during the trial period either party has concerns regarding the suitability of the trialled appointment and a decision is made to end the employment relationship on those grounds, then your right to redundancy payment is preserved. Where the Council believes that you have unreasonably refused a reasonable offer of alternative employment, you will lose your right to a redundancy pay.

Appeals

You will be given an opportunity to appeal against your dismissal. The redundancy notice letter will confirm who the appeal should be lodged to and the timescales to appeal. This will normally be within 10 days of the notice letter.

The appeal would normally be heard by a panel from the Personnel Committee.

There is no further right of appeal.

Data protection

The Council processes personal data of employees, including data that is within the special categories of data (such as personal data concerning your health), collected during their recruitment and while they are employed in accordance with its data protection policy for the purposes of dealing with any potential or actual redundancies. In particular, data collected and processed for those purposes is held securely and accessed by, and disclosed to, individuals for the purposes of:

- Complying with its statutory notification and consultation obligations (including trade union representatives (where a union is recognised) and employee representatives);
- Following a fair procedure to ensure that dismissals for redundancy are not unfair;
- Selecting employees for redundancy;
- Considering alternatives to redundancy;
- Offering alternative employment;
- Implementing redundancies;
- Dealing with appeals against selection; and
- Defending legal claims arising from redundancies.

Inappropriate access or disclosure of employee data by an employee of the Council constitutes a data breach and should be reported immediately in accordance with the data protection policy. It may also constitute a disciplinary offence, which will be dealt with under our disciplinary procedure.

Trade union representatives, in their capacity as representatives of a trade union, must deal with personal data about you in accordance with all relevant legal requirements, including the General Data Protection Regulation.

Time off work

An employee under notice of redundancy will be entitled to a reasonable amount of paid time off to look for alternative work, attend interviews, etc. Employees wishing to take advantage of this right should make the appropriate arrangements with their line manager.

ADVERSE WEATHER

Peacehaven Town Council recognises that adverse weather conditions can sometimes make travel to and from work difficult. Employees are encouraged to make every effort to attend work, whilst taking into account their personal safety in hazardous conditions.

This policy applies to all employees and outlines procedures which should be followed in the event of adverse weather conditions.

Employees should monitor adverse weather conditions and (where applicable) availability of public transport during the day, particularly where conditions appear to be deteriorating. Council computer systems may be used to monitor the situation, along with listening to local radio news and weather bulletins.

Contingency plans should be in place to maintain levels of service wherever possible, including:

- Cover arrangements provided by employees who do not have particularly long or difficult journeys home to ensure continuity of service
- Provision to divert services elsewhere as necessary
- Arrangements for employees to take work home with them, taking into account issues relating to access, security and confidentiality of data
- Providing members of the public with essential contact and emergency numbers in the event of complete closure of the premises

Where employees remain at work, health and safety requirements must continue to be met, including rules regarding working in extreme conditions in the event of the failure of heating systems. The Town Clerk will hold overall responsibility for ensuring the safety of staff, and consider whether it is appropriate for staff to leave early, taking into account personal circumstances, such as distance from work, mode of travel and whether they have any dependants that may need to be taken care of.

Where adverse weather occurs overnight, employees should take all reasonable steps to attend their normal place of work as soon as practical, taking into account their personal safety.

If an employee expects to be delayed due to adverse weather or is unable to travel safely to work at all, he/she must advise their line manager as soon as practical.

If an employee is unable to attend their normal place of work, they should continue to monitor weather conditions during the day. If conditions improve, the employee should take all reasonable steps to attend, taking into account their personal safety.

If the Town Council Offices are temporarily closed for safety reasons, staff will be paid as if they had attended work.

If you have made all reasonable efforts to get to work, but are unable to due to severe weather and travel disruption, it is the responsibility of the Town Clerk to decide whether:

- The employee should be able to work from home
- Annual leave / TOIL should be used to cover the absence
- Time should be made up at a later date

This also applies where an employee is either late or makes a request to leave early. Personal circumstances should always be taken into account.

Appendix A – Change of personal details form

Please complete this form if any of your personal details have changed. For change of name, please provide a copy of official documentation e.g. marriage certificate, deed poll.

| | |
|-------------|--|
| Name | |
|-------------|--|

| <u>Tick if details changing</u> | <u>Category</u> | <u>New information</u> |
|---------------------------------|-----------------|------------------------|
| | Name | Enter new name |

| | | |
|--|--------------------------------------|---|
| | Address | Enter new address, including post code |
| | Contact telephone number | Enter new telephone number(s) |
| | Contact email address | Enter new email address |
| | Emergency contact information | Enter new emergency contact name, address, telephone number and email |
| | Date changes take effect | Enter date |

I declare that the information I have provided on this form is true and correct, and accept that my details will be amended as I have requested. In signing this form, I consent to processing of my personal data within the terms of the council's data protection policies.

Signed: _____ Date: _____

Appendix B - Employee Leave/TOIL* Request Form

Employees' annual leave entitlement is included in their employment contract and must be managed in accordance with the council's Sickness and Absence Policy. Requests to accrue TOIL must be agreed in writing by the line manager with the reason stated.

All requests for annual leave/TOIL must be made using this request form. Employees should not make any commitments i.e. pay deposits, etc. until they have received confirmation of authorisation for their request from their line manager.

| | |
|-------------------------|--|
| Employee Name | |
| Leave/TOIL* Year | |

| Date of request | First day of requested leave/TOIL* | Last day of requested leave/TOIL* | Number of working days | Auth. by Line Manager | Leave/TOIL* Days remaining |
|-----------------|------------------------------------|-----------------------------------|------------------------|-----------------------|----------------------------|
| | | | | | |

| | | | | | |
|--|--|--|--|--|--|
| Reason (if TOIL) | | | | | |
| | | | | | |
| Reason (if TOIL) | | | | | |
| | | | | | |
| Reason (if TOIL) | | | | | |
| | | | | | |
| Reason (if TOIL) | | | | | |
| | | | | | |
| Reason (if TOIL) | | | | | |
| | | | | | |
| Reason (if TOIL) | | | | | |
| | | | | | |
| Reason (if TOIL) | | | | | |
| <ul style="list-style-type: none"> • <i>Delete as appropriate</i> | | | | | |

Appendix C - Employee Sickness Self-Certificate

In accordance with the council's Sickness and Absence Policy, employees are required to complete a self-certification document for sickness absences of seven days or less.

For all absences which exceed a seven-day period, a medical certificate is required.

PERSONAL DETAILS

Name: _____

PERIOD OF SICKNESS

Date of first day of sickness: _____

Date of last day of sickness: _____

Date of return to work: _____

Reason for absence (*see list*) _____

Could your absence have been due to a work-related injury/condition? **YES/NO**

Has an accident report form been completed?
Is the absence related to a previous absence?

YES/NO/Not applicable
YES/NO

DECLARATION

I declare that I have not worked during the period of sickness stated above and that the information given is factually correct. I understand that to give false or misleading information can result in disciplinary proceedings.

Employee Signature: _____

Date:

Line Manager Signature: _____

Date:

Under the Data Protection Act 2018, 'sensitive data' such as details of sickness absence will be held about you. The above data will be used to calculate and pay benefits, meet health and safety requirements and to meet the council's duty of care to all employees. In signing this form, you consent to processing of personal data within the terms of the council's data protection policies.

Guidance notes for self-certification

- The 'Employee Self-Certification' form must be completed by all employees for each period of absence, including single day absences which are not covered by a doctor's certificate.
- The term 'work-related' means that the injury/condition occurred whilst on council premises/business.
- When completing the 'reason for absence', the attached list should be used. Please state, as a minimum, a sickness category. It is the employee's choice if they wish to disclose specific reasons.
- All employees should have a return to work interview with their line manager on the day of return from absence.

| CATEGORY | EXAMPLES |
|-------------------------------|---|
| Musculo-skeletal, back & neck | Sciatica |
| Musculo-skeletal, upper limb | Arm, hand, shoulder |
| Musculo-skeletal, other | Lower limb, head injuries, other injuries, road traffic accidents, multiple injuries, abdominal strain, arthritis, inguinal hernia, hiatus hernia |
| Respiratory | Colds, flu, pneumonia, bronchitis, asthma, lung infections, tuberculosis |
| Skin | Eczema, psoriasis, shingles, infections, allergy |
| Personal | Recurrent miscarriage, cystitis, stones, pregnancy, hysterectomy, prostate conditions, period pains, irregular bleeding |

| | |
|----------------------------|--|
| Cardiovascular | High blood pressure, angina, heart attack, stroke, deep vein thrombosis (DVT), varicose veins, palpitations, heart operations, Reynaud's disease, blood disorders |
| Gastro-intestinal | Bowel disorders, liver, gall bladder, acid reflux, diarrhoea, vomiting, haemorrhoids, appendicitis, ulcer |
| Mental ill health | Major psychiatric illness, stress, post-traumatic stress disorder (PTSD), anxiety, panic disorder, depression, eating disorders, obsessive-compulsive disorder (OCD), drug induced psychosis |
| Cancer | Unspecified cancers, Hodgkin's lymphoma, leukemia |
| Endocrine | Diabetes, hypo/hyperthyroid |
| Nervous system | Migraine, multiple sclerosis, epilepsy, vertigo, cerebral palsy |
| Ear, nose, throat and eyes | Allergy, infections, sinusitis, hay fever, sleep apnoea |
| Miscellaneous symptoms | Malaise, debility, headache, dizziness, glandular fever, post viral lethargy |
| Other | Childhood (infectious) diseases, alcohol and/or drug addiction, dental |

Appendix D – Flexible Working Request Form

| | |
|--|--|
| Name of employee: | |
| Start date with the Council: | |
| Date form submitted: | |
| I wish to submit a request for flexible working as detailed below. | |
| <p>I confirm I meet the statutory eligibility criteria as follows:</p> <p>I have worked continuously as an employee of Peacehaven Town Council for <input type="text"/> the last 26 weeks.</p> <p>I have not made a request to work flexibly under this right during the <input type="text"/> past 12 months.</p> <p>Date of any previous request to work flexibly under this right:</p> <p>OR</p> <p>I do not meet the statutory eligibility criteria <input type="text"/></p> <p>OR</p> <p>I am a disabled person and my request is related to my disability <input type="text"/></p> | |
| <p>Please set out the pattern of working that you are seeking below. For example, if you wish to change your hours of work, please state what your current hours are and what you would like your new hours to be or, if you wish to work at home at certain times, please state which hours you would like to work at home.</p> | |

I would like the above change(s) to my working pattern to take effect on:

Please state the effects that you think the changes you are requesting will have on the organisation and on your work area, your colleagues, etc.

Please state how you think any such effect might be dealt with.

Once you have submitted a valid application for flexible working, the Council will contact you to arrange a meeting, which will take place within [28 days] of the application being submitted, to discuss how the pattern of working you have requested might be made to work. If your request is granted, it will mean a permanent change to the terms and conditions of your employment, unless agreed otherwise.

It will help us to deal with your application if you provide as much information as you can about your desired working pattern. It is also important that you complete the questions about the effects that you think the changes you are requesting will have on the Council and your colleagues.

The organisation treats personal data collected while managing your flexible working request in accordance with its data protection policy. Information about how your data is used and the basis for processing your data is provided in the Council's employee privacy notice.

Signed:

Date:

Appendix E - NJC Pay Scales

The National Joint Council for Local Government Services (NJC) has agreed the new pay scales for 2020-2021 to be implemented from 1 April 2020.

| Local Government Services Pay Agreement 2020-21 | | | | |
|---|-----------------------|----------------------|-----------------------|----------------------|
| SCP | 01-April-19 per annum | 01-April-19 per hour | 01-April-20 per annum | 01-April-20 per hour |
| 1 | £17,364 | £9.00 | £17,842 | £9.25 |
| 2 | £17,711 | £9.18 | £18,198 | £9.43 |
| 3 | £18,065 | £9.36 | £18,562 | £9.62 |
| 4 | £18,426 | £9.55 | £18,933 | £9.81 |
| 5 | £18,795 | £9.74 | £19,312 | £10.01 |
| 6 | £19,171 | £9.94 | £19,698 | £10.21 |
| 7 | £19,554 | £10.14 | £20,092 | £10.41 |
| 8 | £19,945 | £10.34 | £20,493 | £10.62 |
| 9 | £20,344 | £10.54 | £20,903 | £10.83 |
| 10 | £20,751 | £10.76 | £21,322 | £11.05 |
| 11 | £21,166 | £10.97 | £21,748 | £11.27 |
| 12 | £21,589 | £11.19 | £22,183 | £11.50 |
| 13 | £22,021 | £11.41 | £22,627 | £11.73 |
| 14 | £22,462 | £11.64 | £23,080 | £11.96 |
| 15 | £22,911 | £11.88 | £23,541 | £12.20 |
| 16 | £23,369 | £12.11 | £24,012 | £12.45 |

| | | | | |
|-----------|---------|--------|---------|--------|
| 17 | £23,836 | £12.35 | £24,491 | £12.69 |
| 18 | £24,313 | £12.60 | £24,982 | £12.95 |
| 19 | £24,799 | £12.85 | £25,481 | £13.21 |
| 20 | £25,295 | £13.11 | £25,991 | £13.47 |
| 21 | £25,801 | £13.37 | £26,511 | £13.74 |
| 22 | £26,317 | £13.64 | £27,041 | £14.02 |
| 23 | £26,999 | £13.99 | £27,741 | £14.38 |
| 24 | £27,905 | £14.46 | £28,672 | £14.86 |
| 25 | £28,785 | £14.92 | £29,577 | £15.33 |
| 26 | £29,636 | £15.36 | £30,451 | £15.78 |
| 27 | £30,507 | £15.81 | £31,346 | £16.25 |
| 28 | £31,371 | £16.26 | £32,234 | £16.71 |
| 29 | £32,029 | £16.60 | £32,910 | £17.06 |
| 30 | £32,878 | £17.04 | £33,782 | £17.51 |
| 31 | £33,799 | £17.52 | £34,728 | £18.00 |
| 32 | £34,788 | £18.03 | £35,745 | £18.53 |
| 33 | £35,934 | £18.63 | £36,922 | £19.14 |
| 34 | £36,876 | £19.11 | £37,890 | £19.64 |
| 35 | £37,849 | £19.62 | £38,890 | £20.16 |
| 36 | £38,813 | £20.12 | £39,880 | £20.67 |
| 37 | £39,782 | £20.62 | £40,876 | £21.19 |
| 38 | £40,760 | £21.13 | £41,881 | £21.71 |
| 39 | £41,675 | £21.60 | £42,821 | £22.20 |
| 40 | £42,683 | £22.12 | £43,857 | £22.73 |
| 41 | £43,662 | £22.63 | £44,863 | £23.25 |

| | | | | |
|-----------|---------|--------|---------|--------|
| 42 | £44,632 | £23.13 | £45,859 | £23.77 |
| 43 | £45,591 | £23.63 | £46,845 | £24.28 |

Appendix F - Employee Expenses Claim Form

In accordance with the council's Employee Expenses Policy, employees are entitled to claim for reasonable and authorised expenses that are incurred during their normal course of work.

All claims must be submitted on the council's expenses claim form.

| | |
|----------------------|--|
| Employee Name | |
|----------------------|--|

Car mileage claim

| Date | Travel from | Travel to | Reason | Miles | Amount |
|------|-------------|-----------|--------|-------|--------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Other expenses claim (attach receipts)

| Date | Reason | Amount |
|------|--------|--------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Total expenses claim

| |
|---------------|
| Amount |
| |

I declare that the details above are correct and I claim the amount shown in accordance with the council's Employee Expenses Policy.

Signed: **Employee** _____ Date: _____
Signed: **Line Manager** _____ Date: _____

Appendix G - Employee Appraisal and Development Form

In accordance with the council's Performance Management Policy, all employees will receive an annual appraisal and a six monthly appraisal review with their line manager.

At the annual appraisal meeting the employee and line manager will review the objectives set for the previous review period year and agree objectives for the coming review period. There will be an opportunity to discuss and identify any training and development needs to ensure that the employee is able to carry out their tasks efficiently, effectively and safely.

A review of the employee's job description and salary will be completed during the annual appraisal, with any recommended changes confirmed by the Personnel Committee.

| | |
|---------------------------|--|
| Employee Name | |
| Employee Job Title | |
| Appraisal Period | |
| Name of Appraiser | |
| Date of Appraisal | |

Assessment of your performance and achievements against previously agreed objectives

| |
|--|
| |
|--|

Agreed objectives for next review period

| |
|--|
| |
|--|

Evaluation of training completed in previous review period

| |
|--|
| |
|--|

Training and development agreed for the next review period

| |
|--|
| |
|--|

| |
|--|
| |
|--|

Appraiser's comments on performance

| |
|--|
| |
|--|

Appraisee's comments on performance

| |
|--|
| |
|--|

Summary of appraisal

| | |
|--|--|
| Overall performance assessment | |
| Proposed changes to job description * | |
| Proposed changes to salary * | |
| Date of next appraisal | |

** Subject to confirmation by the Personnel Committee*

Signatures:

Appraisee: _____ Date: _____

Appraiser: _____ Date: _____

Town Manager: _____ Date: _____

Appendix H - Employee Training Record

In accordance with the council's Training and Development Policy, the council encourages all employees to attend relevant training and development activities to support their roles. There may also be mandatory training employees need to attend.

There will be an opportunity to discuss and identify any appropriate training and development needs during the annual appraisal meeting. Agreed training courses attended should be recorded on the training record.

| | |
|----------------------|--|
| Employee Name | |
|----------------------|--|

| Date of Attendance | Course Title | Training Provider | Renewal Due Date (if applicable) |
|---------------------------|---------------------|--------------------------|---|
|---------------------------|---------------------|--------------------------|---|

- (2) This Code is based upon seven principles fundamental to public service, which are set out in Appendix 1. You should have regard to these principles, they will help you to comply with the Code.
- (3) If you need guidance on any matter under this Code you should seek it from the authority's monitoring officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.
- (4) It is a criminal offence to fail to notify the authority's monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have a disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the authority's monitoring officer.
- (5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding –
- (a) whether to take action in relation to you, and
 - (b) what action to take.
- (6) Councillors must comply with any reasonable request by the Monitoring Officer, the Deputy Monitoring Officer or an investigating officer appointed by them, regarding the provision of information in relation to a complaint that alleges a breach of the Code of Conduct, and must comply with any formal standards investigation.
- (7) Councillors must not misuse the standards process by, for example, making trivial or malicious allegations against another councillor.
- (8) In this Code –
- “authority” means Peacehaven Town Council
- “Code” means this Code of Conduct
- “co-opted member” means a person who is not a member of the authority but who –
- (a) is a member of any committee or sub-committee of the authority; or
 - (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority.
- and who is entitled to vote on any question that falls to be decided at any meetings of that committee or sub-committee.
- “meeting” means any meeting of
- (a) the authority;

- (b) the executive of the authority;
- (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees.

"member" includes a co-opted member.

"register of members' interests" means the authority's register of members' pecuniary and other interests established and maintained by the authority's monitoring officer under section 29 of the Localism Act 2011.

2 Scope

- (1) Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you –
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority.

and references to your official capacity are construed accordingly.
- (2) this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) Where you act as a representative of your authority –
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3 General Obligations

- (1) You must treat others with respect.
- (2) You must not –
 - (a) do anything which may cause your authority to breach any of its equality duties (in particular set out in the Equality Act 2010);
 - (b) bully or harass any person;

(Bullying means offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Harassment means unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

For examples of conduct that constitute bullying or harassment, see Appendix 2.)

- (c) intimidate or improperly influence or attempt to intimidate or improperly influence any person who is or is likely to be—
 - (i) a complainant;
 - (ii) a witness; or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4 You must not –

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of the person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6 You –

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
- (b) must, when using or authorising the use by others of the resources of your authority –
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

- 7** (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer;

where that officer is acting pursuant to his or her statutory duties.

- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

INTERESTS

8 Personal Interests

- (1) The interests described in paragraphs 8(3) and 8(5) are your personal interests and the interests in paragraph 8(5) are your pecuniary interests which are disclosable pecuniary interests as defined by section 30 of the Localism Act 2011.
- (2) If you fail to observe Parts 2 and 3 of the Code in relation to your personal interests –
 - (a) the authority may deal with the matter as mentioned in paragraph 1(5) and
 - (b) if the failure relates to a disclosable pecuniary interest, you may also become subject to criminal proceedings as mentioned in paragraph 1(4).
- (3) You have a personal interest in any business of your authority where either –
 - (a) it relates to or is likely to affect –
 - (i) any body of which you are a member or in the position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body –
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
of which you are a member or are in a position of general control or management;
 - (iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of (in the case of authorities with

electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

- (4) In sub-paragraph (3)(b), a relevant person is –
- (a) a member of your family or a close associate; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (3)(a)(i) or (ii).
- (5) Subject to sub-paragraph (6), you have a disclosable pecuniary interest as defined by section 30 of the Localism Act 2011 in any business of your authority where (i) you or (ii) your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) has any interest within the following descriptions:

| Interest | Description |
|---|---|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |
| Contracts | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. |

| | |
|---------------------|---|
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest. |
| Securities | Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

These descriptions on interests are subject to the following definitions:

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner, or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means the person M referred to in section 30 of the Localism Act 2011;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Localism Act 2011;

"relevant person" means M or any other person referred to in section 30(3)(b) of the Localism Act 2011;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

- (6) In sub-paragraph (5), any interest which your partner may have is only treated as your interest if you are aware that your partner has the interest.

9 Disclosure of Personal Interests (See also Part 3)

- (1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which any matter relating to the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (3) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest and, if also applicable, that it is a disclosable pecuniary interest, but need not disclose the sensitive information to the meeting.
- (4) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision on any matter in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (5) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

10 Prejudicial Interest Generally

- (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where either –

- (a) the interest is a disclosable pecuniary interest as described in paragraph 8(5); or
 - (b) the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) For the purposes of sub-paragraph (1)(b), you do not have a prejudicial interest in any business of the authority where that business –
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of –
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

11 Interests Arising in Relation to Overview and Scrutiny Committees

You also have a personal interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where –

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your

authority's committees, sub-committees, joint committees or joint sub-committees; and

- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

12 Effect of Prejudicial Interests on Participation

- (1) Subject to sub-paragraph (2) and (3), where you have a prejudicial interest in any matter in relation to the business of your authority –
 - (a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, or further vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter is being held –
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the matter is being considered at that meeting;

unless you have obtained a dispensation from your authority's monitoring officer or standards committee;

 - (b) you must not exercise executive functions in relation to that matter; and
 - (c) you must not seek improperly to influence a decision about that matter.
- (2) Where you have a prejudicial interest in any business of your authority which is not a disclosable pecuniary interest as described in paragraph 8(5), you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (3) Where you can have a prejudicial interest which is not a disclosable pecuniary interest as described in paragraph 8(5), arising solely from membership of any body described 8(3)(a)(i) or 8(3)(a)(ii)(a) then you do not have to withdraw from the room or chamber and may make representations to the committee but may not participate in the vote.

Part 3

REGISTRATION OF INTERESTS

13 Registration of members' interests

- (1) Subject to paragraph 14, you must, within 28 days of –
 - (a) this Code being adopted by the authority; or
 - (b) your election or appointment to office (where that is later), register in the register of members' interests details of –
 - (i) your personal interests where they fall within a category mentioned in paragraph 8(3)(a) and
 - (ii) your personal interests which are also disclosable pecuniary interests where they fall within a category mentioned in paragraph 8(5)

by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest falling within sub-paragraphs (1)(b)(i) or (1)(b)(ii) or any change to any personal interest registered under sub-paragraphs (1)(b)(i) or (1)(b)(ii), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

14 Sensitive Information

- (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, the monitoring officer shall not include details of the interest on any copies of the register of members' interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in the register of members' interests.
- (3) In this Code, "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

15 **Dispensations**

- (1) The Audit and Standards committee, or any sub-committee of the Audit and Standards committee, or the monitoring officer may, on a written request made to the monitoring officer of the authority by a member, grant a dispensation relieving the member from either or both of the restrictions in paragraph 12(1)(a) (restrictions on participating in discussions and in voting), in cases described in the dispensation.
- (2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the Audit and Standards committee, its sub-committee, or the monitoring officer -
 - (a) considers that without the dispensation the number of persons prohibited by paragraph 12 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
 - (c) considers that granting the dispensation is in the interests of persons living in the authority's area;
 - (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by paragraph 12 from participating in any particular business to be transacted by the authority's executive; or
 - (e) considers that it is otherwise appropriate to grant a dispensation.
- (3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Paragraph 12 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

Note from Monitoring Officer: Councillors are reminded that quite apart from the Code of Conduct, section 106 of the Local Government Finance Act 1992 restricts the rights of Councillors who are two months or more in arrears with their council tax payments. Any such member must disclose the fact and must not vote at any meeting on decisions being taken which might affect the level of the council tax or the arrangements for administering it. Failure to comply is a criminal offence.

CODE OF CONDUCT OF MEMBERS

As a member or co-opted member of Peacehaven Town Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

The Seven Principles of Public Life

Selflessness

- 1 Members should act solely in terms of the public interest.

Integrity

- 2 Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

- 3 Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

- 4 Members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

- 5 Members should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

- 6** Members should be truthful.

Leadership

- 7** Members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix 2

Non-exhaustive Examples of Bullying and Harassment

With reference to paragraph 3(2)(b) of this Code –

(1) Examples of bullying behaviour include, without limitation:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decision on the basis of sexual advances being accepted or rejected.
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading or constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities
- invading someone's personal space
- speaking to someone in an overbearing manner
- using aggressive body language
- undermining or belittling someone
- any of the behaviours listed above, occurring on a single, repeated or habitual basis

(2) Examples of harassment include, without limitation:

- making abusive, derogatory, patronising, suggestive or sexualised comments or sounds
- making jokes or insulting gestures or facial expressions
- ridicule
- offensive e-mails, tweets or comments on social networking sites
- trolling via social networking sites
- threats of aggression or intimidation
- making false and malicious assertions
- intrusive questioning about private matters
- display of offensive material
- unwanted comments on dress or appearance
- any of the behaviours listed above, occurring on a single, repeated or habitual basis