

PERS/A/140709

PERSONNEL COMMITTEE

You are hereby summoned to attend the meeting of Haverhill Town Council Personnel Committee to be held in The Studio, Haverhill Arts Centre, High Street, Haverhill, on Tuesday 14th July 2009 commencing at 8.15 p.m., or immediately following Community First Committee, whichever is the later, for the purpose of transacting the following business



HAVERHILL
TOWN COUNCIL

CONSTITUTION: Chair: Town Councillor: **Lyn Burgess**
Town Councillors: **Maureen Byrne, Phillip French, Mrs Mary Martin, Karen Richardson**

AGENDA

1. **Apologies for Absence**
Please give apologies for absence to the Office by 9.00 a.m. of day of meeting.
2. **Declaration of Interests**
For Members to declare any interests in items on the agenda.
3. **Minutes of Previous Meetings**
To agree the minutes of the meetings held 14th April and 26th May 2009.
4. **Matters Arising**
To note actions taken as a result of, and any matters arising from the minutes of the meetings held 14th April and 26th May 2009.
5. **Issues Raised by Staff**
To consider responses to any issues raised by staff
6. **To Agree and Adopt the Staff Handbook following Revisin to Include Earlier Comments (attached)**
To agree and adopt the Staff Handbook

In accord with the Provisions of the Public Bodies (Admission to Meetings) Act 1960 the public and press be excluded from the remainder of the meeting because of the confidential nature of the business to be transacted

7. **To Note the SALC Advice Regarding Grading of Town Clerk (to follow)**
To note and implement as necessary the SALC advice.
8. **Closure**

Gordon Mussett
Town Clerk

7th July 2009

Haverhill Town Council

Council Handbook

Version 1.1

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1. Introduction

This handbook is presented for information purposes only and may be updated from time to time by Haverhill Town Council to comply with statutory requirements. It contains important policies and regulations which will help clarify the Council's standards and what is expected of you.

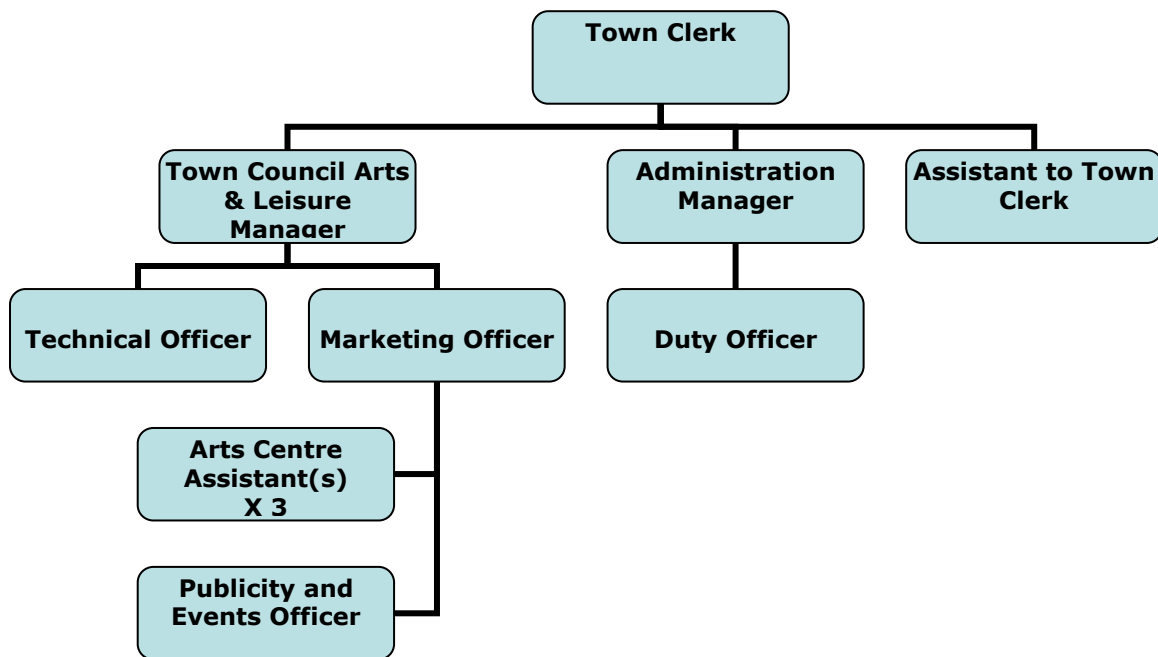
The handbook is a supplement to your contract of employment. The contents of the handbook are not part of your contract and can be amended from time to time as the need arises.

2. The Council

2.1 Haverhill Town Council – Mission Statement

"Haverhill Town Council campaigns on behalf of Haverhill and aims to represent the views of the town to other local authorities"

2.2 Organisational structure



2.3 Protection of the Council's Business

This section summarises the Council's rules and policies with regard to the protection of the Council's confidential information and business.

Much of the Council's work is of a strictly confidential nature. The Council's business depends on ensuring information relating to the Council's business and systems and those of its clients are protected. Further, the Council has a reputation for conducting its business in a responsible and ethical manner. All employees are expected to protect such confidential information and in their actions demonstrate their respect for the Council's corporate values.

You are therefore requested to read this section on protecting the Council's business very carefully, to ensure that you understand its significance and that you do nothing that will undermine the Council's business.

If there is any doubt in your mind about security matters you should immediately seek the advice of the Town Clerk

General rules for Council security

You must not during or after your employment disclose confidential information belonging to the Council.

You have a personal responsibility to protect and maintain confidentiality of both Council and client information.

You should ensure that all your confidential papers are locked away when you are not at your desk.

You should maintain a clear desk policy at the end of each day.

You must not, except as authorised or required by law or your duties, reveal any confidential information relating to the Council.

Don't leave information lying about where it could be seen by visitors.

All sensitive unwanted material must be disposed of by shredding.

Don't take any Council or client paperwork off site unless you have permission from the Town Clerk.

If you are permitted to take work papers or other documents of a confidential nature out of the office, you are required to take all necessary steps to protect the security of those documents.

Personal property

You are responsible for your own personal property and must safeguard it by ensuring that you keep it in a secure place. The Council cannot accept responsibility for any loss or damage; this should be covered by your own personal insurance arrangements.

If you lose or find any property on the premises, you should report it to The Town Clerk immediately.

Council property

You are responsible for any Council equipment or documents issued to you whilst in the Council's employment.

No item of Council property may be used for private activities without the express permission of the Town Clerk, obtained in advance. This includes, but is not limited to, use of office equipment such as photocopiers and laminators.

On the termination of your employment, or at any other time in accordance with instructions given to you by the Council, you must immediately return to the Council all equipment, correspondence, records, specifications, software, models, notes, reports and other documents and any copies of them and any other property belonging to the Council (including but not limited to the Council car keys, equipment, credit cards, keys and passes) which are in your possession or under your control.

Personnel Records

The Council keeps a number of personnel records both on computer and manually. These records may include personal details, references, job descriptions, CVs, contracts, sickness records, correspondence, employment history, disciplinary information, induction and training records, appraisal papers and salary details. You should notify your manager whenever any of the following changes:

- your address
- your name
- your home telephone number
- next of kin, or who to notify in the event of an accident or emergency, and their contact details
- any medical or other matters likely to either affect your manner
- of work or which need to be known by other staff in the event of a problem

The Town Clerk will ensure that all personal data, whether held on computer or on file, is accurate and kept up to date and will periodically verify with staff that this is so. The Town Clerk will also ensure that personal information is kept for no longer than the purpose for which it was intended (e.g. disciplinary warnings will be removed in the absence of further misconduct or unsatisfactory job performance, after the period specified by them, which is normally one year for a written warning and two years for a final warning)

Personal and salary records are confidential and access is restricted. Under the Data Protection Act and employment law you are entitled to access to certain records kept of personal information about you and any request to view personal records should be made to the Town Clerk, who controls access to personnel information. The procedure is that:

- All employees should give a minimum of 10 working days notice of a request for access to their personal file and/or salary information.
- Files will be made available as soon as practicable after the notice period and in any event within 21 days. Files may only be viewed within the Town Clerk's office.
- Files may not be copied or taken out of the Town Clerk's office.

Information that may NOT be viewed by employees

- Employees may not view confidential employment references or personal data processed for the purposes of management forecasting and planning.

- In addition, any data contained within personnel files that includes personal information on a third party who can be identified from that information may not be viewed. The only exceptions to this rule are:
- If the third party has consented to the disclosure of the information to the person making the request,
- If the information is in a health record and the third party is a health professional who has complied or contributed to that health record; and
- If it is reasonable in all the circumstances to comply with the request without the consent of the third party.
- Staff files are maintained by the Town Clerk. Files are kept in a locked cabinet.
- Personal data will be used in connection with any aspect of the individual's employment and for no other purpose. It will be a disciplinary offence to disclose personal data to a third party without prior authorisation.

2.4 Appointment of relatives of members of staff and councillors

- No relative of a member of staff or elected member of the council may be employed unless the following conditions are satisfied:
- Every candidate for any appointment shall, when making application disclose in writing (via the application form if applicable) whether to his / her knowledge he / she is related to any member of the Town Council or to a holder of any senior office under the Town Council. Deliberate omission to make such a disclosure will disqualify the candidate, and if the omission is discovered after appointment he / she shall be liable to dismissal.
- The elected member / member of staff concerned must not have been involved in the recruitment process at any stage including interviews.
- The applicant must not be appointed unless the post has been internally advertised. If the relative is appointed, it must be on grounds of merit over the other candidates and ability to satisfactorily undertake the duties of the post.
- If the member of staff is of such a senior position that he or she would normally take part in recruitment arrangements, and if his or her absence from interviews would mean delegating the responsibility of recruitment to subordinates, then the Chair of the Personnel Committee should be invited to take part in the interviews.
- Canvassing by an elected member or officer on behalf of an applicant will automatically disqualify that applicant from the selection process.

Note 1: 'relative' refers to parents, grandparents, children, brothers and sisters, aunts and uncles, cousins, husbands, wives and civil partners

Note 2: 'members of staff' refers to full or part-time permanent or temporary, salaried or hourly paid employees.

3. Conduct at work

3.1 Manner and appearance

It is absolutely vital to our business that EVERY member of staff, regardless of their position in the Council, is at all times clean and of smart appearance to project the right image

Some members of staff may be required to wear uniforms, which are provided at the Town Council's expense. Where a uniform is worn, you are expected to wear it at all times, when on duty. Persistent offenders of uniform regulations will be subject to full disciplinary procedure.

You are expected to be polite and helpful at all times to clients and your colleagues.

3.2 Time keeping

The normal opening hours are within the period 9.00 a.m. to 11.00 p.m. However, your working hours will have been agreed at interview and in your offer letter.

It is important that you are punctual and ready to work at the time agreed, your colleagues and clients will be depending on you.

If, for any reason you are unable to attend work or are going to be late, you must notify your Manager as early as is possible to allow them time to make arrangements.

The Council will deal sympathetically with genuine cases where time keeping is a problem and aim to reach a new agreement that is convenient to both parties.

Employees who are consistently late without good reason will be subject to the Council's disciplinary procedure.

3.3 Co-operation and Teamwork

You are expected to display a high standard of teamwork. You should co-operate in undertaking the work of absent colleagues or in assisting in other departments where the workload is particularly high, and accordingly you may from time to time be required to undertake such other duties and/or hours of work as may reasonably be required to ensure the Council's business needs are met.

3.4 Flexibility

You shall faithfully and diligently perform such duties and exercise such powers consistent with your position as may from time to time be assigned to you. You shall use your best endeavours to further the interests of the Council.

The Council reserves the right to assign to you duties of a different nature either additional to, or instead of, those specified. However, you will not be assigned duties or perform services which you cannot reasonably perform, or which are inconsistent with the position you hold.

3.5 Alcohol and drugs

For obvious health and safety reasons, your fitness to work must never be impaired by alcohol or illegal drugs.

The Council's policy on alcohol is that while you are at work you must be below the legal drink-driving level. If you are unfit to drive safely, you are unfit to work safely.

It is strictly forbidden to consume alcohol or illegal drugs while at work.

If your work involves driving or brings you into contact with the public or visitors you should not drink alcohol before or during your shift.

If you have an alcohol or drug addiction problem, the Council will aim to provide you with sympathetic support.

4. General

4.1 Probationary period

The first 6 months of your employment is a probationary period and during this time your progress in the job, timekeeping, and attendance will be kept under review.

Subject to satisfactory performance your appointment will be confirmed at the end of the probationary period.

If necessary the probationary period may be extended to allow you more time to reach the standards required of you.

4.2 Retirement

The normal retirement age is 65. Six months before you are due to retire, the Council will write to you and confirm your retirement date. When you receive this letter you can if you wish, make a written request to continue working beyond your retirement age.

Pre retirement courses

Where available, the Council offers facilities to attend Pre-retirement courses.

4.3 Remuneration

National Pay Awards

Under present arrangements the national pay award will take effect from the 1st April each year.

Incremental progression

Annual increments will be granted on 1st April each year until the maximum of the scale is reached, subject to six months' satisfactory service in the grade.

Officers appointed between 1st October and 31st March in any year will be entitled to an increment after six months' satisfactory service. In subsequent years, progression reverts to 1st April.

Pay Days

Pay days fall on the 23rd of each month unless this date is a Saturday, Sunday or Bank Holiday, in which case they will be on the last working day before 23rd.

Overtime payments

Only the Town Clerk, or in the case of the Town Clerk the Chair of the Personnel Committee, may approve overtime and authorise payments.

Overtime on salary grades not exceeding salary point 28

Claims should be on an official overtime form (yellow) and forwarded to the Town Clerk by the 5th day following the last day of the month for which overtime is being claimed.

Hours worked in excess of 37 per week will be paid at the following overtime rates:

Monday - Saturday: time and a fifth
 Sunday : time and a third
 Public Holidays: time and a third plus time off in lieu, according to hours worked

Officers on salary grades exceeding salary point 28

Payment of overtime to officers whose salary scale exceeds point 28 is subject to approval by Chair of Personnel Committee or in the case of the Town Clerk, by the Mayor.

4.4 Travel and Subsistence

Set out in Appendix A are the current allowances for travel, subsistence, and overnight accommodation. All applications for reimbursement must be made on the form - 'Claim for Travelling and Subsistence Expenses', - and authorised by the Town Clerk or Chair of Personnel Committee. Except for the direct costs of travelling by car, receipts will be required whenever possible to support any claim for reimbursement.

Car Parking

Staff will be reimbursed for the cost of car parking during working hours on provision of valid receipts or tickets.

Subsistence Allowances

Subsistence allowances will be payable to officers who are prevented by their official duties from taking a meal at their home, administrative centre or establishment where they normally take their meals, and thereby incur additional expenditure. The allowance shall not be paid where a suitable meal is provided or no expenditure is incurred.

Overnight Provision

Officers who are required to make overnight stays in the performance of their official duties will be able to claim expenses for accommodation in accordance with the prescribed allowances.

Travelling Expenses

Travelling expenses incurred by officers in the performance of their official duties will be reimbursed in accordance with the prescribed allowances. The cheapest mode of travel should be used at all times and, as applicable, priority given to leased cars and shared transport. Staff using their own cars MUST have insurance cover for Business Use.

4.5 Your Training and Development

Induction

Your induction training will include:

- Town Council functions
- Working standards
- Health and Safety procedures;
- fire evacuation procedure; and
- what to do if you have an accident

Identification of training needs

The identification of training needs will normally be carried out by the appropriate manager in consultation with the Town Clerk.

The review of individual employee training needs will be undertaken on a continuing basis.

Study leave

The Council may offer support with further education or training, including time-off for study. Where permission is granted it is on an individual basis at the discretion of the Council.

You must not enrol on any course for which financial assistance or release from duty is required, without having obtained prior approval from the Town Clerk.

Modes of study which will be considered are:

- Day release
- Distance learning
- Block release /sandwich course
- Evening classes

Where approval for a particular course of study has been granted, paid leave will be granted during working time to attend day or block release classes. The period of leave granted will not normally exceed four hours a week.

In addition to study leave, the Town Clerk may grant up to three days' pre-examination study leave in any one period of 12 months.

Under normal circumstances the Council will not support pre-entry qualification courses such as GCSE.

4.6 Telephone Use

Personal and business telephone calls during normal hours:

- Use should not be made of either the Council's address or office facilities or equipment (including stationery) for private work. However, the Council recognises that occasionally personal telephone calls may be necessary but these must be restricted to the minimum.
- Please keep your personal mobile phone switched off during working hours except during lunch breaks or other official breaks.

Use of Council Mobile Telephones

- Council mobile phones are for business use only. They should only be used for private calls in an emergency or if permission has been given. Otherwise the Council may charge you for the cost of personal calls.
 - You should take care of the telephone and ensure it is secure at all times. In the event that the telephone is stolen you should notify the Town Clerk immediately to report the theft. In the absence of your manager you should take all reasonable steps to report the matter so that steps can be taken to disconnect the phone.
 - Mobile telephone services must not be used in any way likely to bring Haverhill Town Council into disrepute. The following are examples of improper use:
 - Sending, via text, images or verbally improper information, (jokes, gossip, sensitive material etc.) internally or externally.
 - Making any defamatory/derogatory comments about companies or individuals, either internally or externally; this may result in legal action taken against you or embarrassment to the Council.
 - Conducting personal business transactions.
 - Sending or saving material that may be considered to be obscene, offensive or of a sexual nature, whether in word, image or audio file.
 - Sending or saving material that is sexist, racist or could offend others because of its political nature.

4.7 IT Security Policy

To ensure that the e-mail and internet policy is adhered to, the Council will occasionally randomly monitor e-mails and computer access by staff. It is important that you do not assume that your electronic communication is private and confidential.

E-mail

Electronic communications (including e-mail, desktop faxing and Internet access) allows quick and efficient communication. E-mail services must not be used in any way likely to bring the Council into disrepute.

The following are examples of improper use:

- Sending improper jokes, gossip, sensitive material etc.
- Improperly reveal confidential information.
- Making any defamatory/derogatory comments about companies or individuals, either internally or externally, which may result in legal action against or embarrassment to Haverhill Town Council.
- Producing, introducing or forwarding chain letters or hoax virus e-mails
- Registering a Haverhill Town Council e-mail account on an external mailing list for receipt of e-mail (other than for business purposes unless authorised by your manager)
- Sending or saving material that may be considered to be obscene, offensive or of a sexual nature, whether in word, image or audio file
- Sending or saving material that is sexist, racist or could offend others because of its political nature

This list is not exhaustive.

- Be aware that once your e-mail is sent, you have no control over who may see it and that it can be intercepted.
- Be aware that an e-mail sent from your computer has the same legal standing as a letter signed by you on Council notepaper.
- Please be aware that documents attached to e-mails may contain a virus, as could executable files (i.e. files with .exe extension). If you receive an email from an unidentifiable source **DO NOT OPEN ANY ATTACHMENTS AND REPORT IT TO THE TOWN CLERK**

Data security

It is the Council's policy to comply with all laws regulating computers and data protection. It is therefore important that all employees minimise exposure to risk through careless practices with regard to the use of data or inappropriate, or illegal, use of software.

Employees supplied with computer equipment are responsible for the safety and maintenance of that equipment, and the security of software and data stored either on their own system or other systems that they can access remotely.

You are not permitted to use the Council's computer facilities for personal use and computers should only be used by you to perform your job function.

You should at all times keep your personal password confidential. When changing your password you should adopt a password which does not use personal data. You should change your password regularly and you must never share or divulge your personal password to any unauthorised person.

Keep your PC secure. Do not leave it logged-on and unattended without password protection. Do not allow anyone to see sensitive information on your PC

You are only authorised to use systems and have access to information, which is relevant to your job. You should neither seek information nor use systems outside of these criteria.

Do not install or download software unless authorised by the Council.

Employees are required to comply with all policy documents issued by the Council with regard to the use of computer equipment.

It is illegal to make copies of your software. Software issued by the Council for your use is licensed to the Council and is protected by copyright law. You must not make or distribute software that has been copied.

If you unwittingly receive offensive material on your computer please report it to your Manager, so that you will not be held responsible for it.

Never store or transmit offensive material on a computer. Offensive material means any words or pictures that may cause offence to others. This includes anything obscene, pornographic, racist, sexist, violent, abusive or defamatory.

Do not use the internet or e-mail to bet, buy, sell or auction personal items, or conduct a personal business.

Do not keep personal data relating to any individual on your computer, except on applications that have been registered under the Data Protection Act.

Internet Policy

The Internet may not be accessed unless required for business use. Misuse will be treated as misconduct.

4.8 Quality Management

To maintain high standards of products and services, it is important that EVERY employee clearly understands the aspirations of the Council.

It is the client who judges quality not ourselves: the quality of the services and products we provide being the key to the future success of the business. It is very important that we listen to our employee's views and ideas as well as our clients who are our greatest critics.

Customer relations - Client care

Customer relations play an extremely important part in the operation of this business.

EVERY employee has an important part to play in helping to deliver exceptional service through a thorough understanding of our profession and the ability to

work as part of a team. It is through good working relationships with colleagues and other departments that we will succeed in our endeavours.

You are expected to be helpful, polite, courteous and professional at all times and you should display interest, concern and confidence.

Complaint handling

There will be times when a client may have cause for complaint. View this as a positive opportunity to learn about our services and ensure that you share your knowledge with the Town Clerk and colleagues to help ensure it is not repeated.

Always log the complaint in the complaint book, clearly stating the reason for complaint and how it was resolved.

Regardless of whether the client is angry and possibly abusive, you must remain calm, polite and helpful. If the complaint cannot be dealt with straight away, assure the client that it will be dealt with promptly, and in a time range that is realistic.

5. Policy on Violence and Violent Incidents

5.1 Statement of Policy

Employers are required by the Health and Safety at Work etc. Act to do what is reasonably practicable to ensure the health and safety of employees and others who may be affected by Council activities. This includes taking steps to reduce the risk to staff and, in certain cases, the public from violent incidents and unacceptable behaviour. There is also a requirement, under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995, to report injuries to employees that result from acts of non-consensual physical violence.

The Council will endeavour to reduce the threat of violence and unacceptable behaviour and will aim to provide a secure environment for employees. Contractors and members of the public are also entitled to expect to be reasonably safe from violent attack and unacceptable behaviour when visiting Council premises. The objectives of this policy will be achieved in a variety of ways including physical means (e.g. controlled entry, secure areas) and providing information and training for those at particular risk. The importance of supporting staff who are victims of violence or aggression is also recognised.

Recording of violent incidents is an important step towards understanding the nature and extent of the problem and reports will be reviewed in order to see if more can be done to lower the risk.

Disciplinary measures are outside the scope of this policy, but are dealt with in section 8 of this handbook.

5.2 Definition of Violence and Unacceptable Behaviour

For the purposes of this policy a definition of violence and unacceptable behaviour is needed :-

“any incident in which any employee, contractor, elected member or member of the public is abused, threatened, harassed or assaulted by any person on premises used as a workplace by the Council or whilst in the employ of the Council”.

5.3 Organisation and arrangements

Town Clerk:

- will consider the risk of violence and unacceptable behaviour in all general risk assessments;
- where control measures are identified that are reasonably practicable then line managers will endeavour to implement the measures. Physical control measures e.g. protective screens, limiting access, etc. will be used in preference to other means of control e.g. training;
- where an assessment has identified training as necessary for staff at risk of violence then the Town Clerk will make arrangements for staff to attend;
- will encourage staff to use the appropriate report forms for violent/aggressive incidents and for potentially hazardous visits (see **Appendix 2**).
- where a violent incident is reportable to the Health and Safety Executive, will make the report;

Section Leaders

- will work with staff and others who may be involved to ensure that all general risk assessments take account of the risk of violence and unacceptable behaviour to people in workplaces used by the Council;
- will liaise with staff and others to advise and assist with the selection and implementation of appropriate control measures to reduce the risk of violence and unacceptable behaviour;
- will ensure that publicity is given to the existence of this policy and the forms for recording and reporting violent incidents and potentially hazardous visits;
- will collect and review forms for reporting and recording violent incidents. Where immediate action is appropriate will advise the Town Clerk.
- will ensure that reported incidents are brought to the attention of the Town Clerk;

All staff

- will report violent incidents and unacceptable behaviour in which they are personally involved. See **Appendix 2** for a sample report form;
- where they have knowledge of violent incidents in which contractors or members of the public are involved, will report these incidents on the appropriate form;

Contractors

- may, if they so wish, report violent incidents and unacceptable behaviour in which they are involved when engaged in work for the Council.

Personnel Committee

- will periodically review violent incident reports and consider where further action to reduce risk may be possible and appropriate.

6. Health & Safety at work**6.1 The Policy**

The Council is committed to providing for the health, safety and welfare of all employees.

It is the duty of the Town Clerk to ensure that the policy is upheld at all times and to provide the necessary funds and manpower required.

The Council will conduct its undertakings in such a way as to ensure, so far as it is reasonably practicable, that persons not in its employment who may be affected are not exposed to risks to their health and safety. Where such risks exist information will be provided and all reasonable steps will be taken to bring this to the attention of its employees.

The Council's general policy is to:

- prevent accidents and injuries by assessing and controlling health and safety risks;
- provide safe, healthy working conditions, and safe equipment;
- train and instruct employees to work safely;
- consult with employees about their health and safety; and
- establish emergency procedures as required

The Council is responsible for:

- Ensuring there is consultation on health & safety matters with staff, either through recognised trade unions or representatives of other groups of employees, as appropriate.
- Review and revision of this policy as necessary, which will be brought to the attention of employees.
- The Council's responsibility lies with the Town Clerk in the first instance.
- Managers are responsible for the implementation of the Health & Safety policy in the areas under their control.

All employees must:

- Comply with any safety instructions and directions issued by the Council.
- Take reasonable care for their health & safety and that of other persons (e.g. other employees, contractors, customers, visitors, workmen etc.) who may be affected by your acts or omissions at work.
- Co-operate with the management to ensure that the aims of this policy statement are achieved and any duty or requirement imposed on the Council by or under any of the relevant statutory provisions is complied with.
- Report and co-operate in the investigation of all accidents or incidents that have led to or may lead to injury
- Use equipment or protective clothing provided in accordance with the training you have received.
- Report any potential risk or hazard or malfunction of equipment to the appropriate authority.

Any failure to comply with any aspects of these procedures, rules or duties specifically assigned to the employee with regard to health & safety will be regarded as a disciplinary matter which will be dealt with under the Council's disciplinary procedure.

Accident reporting

If you suffer an accident on the Council's premises you (or someone on your behalf) must report that fact to the Duty Manager as soon as it is practicable after the event. All accidents should be reported however trivial. The accident will be recorded in the Council's accident book, which is kept in the Store Room to the rear of Reception. There are several trained first aiders on the staff.

Risk assessments

To prevent accidents or ill-health, management has a duty to carry out risk assessments. The purpose of a risk assessment is to decide if safety action is needed, such as:

- changing the method of work to a safer one;
- repairing or replacing unsafe equipment; and
- training people in safe methods of working.

6.2 Fire Procedures

Details of the procedures, exit and assembly points are displayed on the notice boards around the building. You must familiarise yourself with the Council's emergency procedures to minimise the dangers caused by fire.

You should ensure you are aware of the nearest fire exit, and its alternative, for emergency use.

You should also be aware of the nearest fire extinguisher to your work location, its type and know how to operate it.

In the event of a fire alarm, the Duty Manager (and Ushers) will be in charge of evacuation. You must follow their instructions.

Regular fire drills will be held to ensure the Council's fire procedures are effective and to ensure you are familiar with them. These drills are important and must be taken seriously.

If you have any mobility problems you should notify the Duty Manager so that they can take special care and attention to assist you in evacuating the building.

REMEMBER:

On discovering a fire:

- Operate the nearest fire alarm.
- Call reception and report the location of the fire.
- Do not attempt to tackle the fire unless you have been trained or you feel competent to do so.

On hearing the fire alarm

- Do not delay - evacuate the building immediately
- Do not stop to collect personal possessions.
- Do not use the lift.
- Walk quickly, do not run.
- Remain calm and proceed in an orderly manner.
- Obey the instructions of the Fire Warden
- Do not re-enter the building until the senior Fire Officer is satisfied that the premises are safe to re-enter.

6.3 Bomb Threat Procedure

In the event of a bomb threat, or on discovering a suspect object, you must be ready to assess the risk and react appropriately.

If you receive a suspicious package

- Inform reception immediately and they will inform the police and fire brigade.
- Evacuate other staff from the area.
- Do not attempt to touch the object or allow anyone else to do so.

If you receive a telephone warning you should:

- Allow the caller to complete the message without interrupting the caller before talking to them
- Keep the caller talking
- Attract the attention of a colleague and inform them by written note of the call.
- Attempt to continue contact by keeping the caller on the line.
- Remain calm and listen carefully to the caller and note any information about the caller which may be helpful to the authorities, such as:
 - any code words used;
 - the caller's sex, accent, any speech impediment, age;
 - any background noise.

After receiving a bomb threat pass the information to the Town Clerk

Normal fire procedures for evacuation may not be used depending on the location of the suspicious package or the bomb threat received.

6.4 Smoking Policy

The Health Act 2006 prohibits smoking in all enclosed and substantially enclosed premises and Council vehicles in the UK.

The Council has designated all areas of the premises as non-smoking areas. Staff and visitors are forbidden from smoking from these areas.

An employee smoking in an area designated as non-smoking will commit a disciplinary offence which will be dealt with in accordance with the Council's disciplinary procedure.

6.5 Driving on Business Policy

Policy statement

Driving is among the most hazardous tasks performed by employees. Legislation places a duty on the employer to provide a safe working environment, this is also extended to driving on business. It is a requirement for staff to follow safe driving practices. This includes steps to ensure the driver's total concentration and safe operation of vehicles.

Code of conduct

The company expects all staff whilst driving on company business to comply with traffic legislation, be conscious of road safety and demonstrate safe driving and other good road safety habits when driving. The following non exhaustive list of actions will constitute gross misconduct and may result in summary dismissal:

- Driving under the influence of illegal drugs or over the drink drive limit
- Driving while disqualified, or not correctly licensed
- Reckless or dangerous driving causing death or injury
- Failing to stop after an accident
- Any actions that warrant suspension of licence

Responsibility as an employee

If you drive on Council business, we require you to:

- Provide annually to the Town Clerk a copy of your vehicle insurance certificate
- To show to the Town Clerk annually your driving licence and permit a copy to be made
- Ensure that your vehicle has a valid MOT certificate and is in a roadworthy condition
- Ensure that your vehicle has valid road tax
- Ensure your insurance covers business travel
- The Council will not accept liability for any damage to privately owned vehicles
- Ensure that you are not taking any medication that may impair your driving ability
- Ensure you hold a current driving licence
- Immediately notify your line manager your driver licence has been suspended or cancelled or has limitations placed on it
- Be responsible and accountable for your actions when driving on business
- Assess driving hazards and anticipate “what if scenarios”
- Wear safety belts
- Drive within legal speed limits
- Comply with traffic legislation
- Do not use a mobile phone (including hands free kit) when driving – see instructions for mobile phone use
- Do not be distracted from the road by eating while driving
- Check your vehicle prior to the journey to ensure that it is within safe operating conditions. Checks should include proper inflation of tyres clean windows, mirrors properly adjusted, brakes, lights in working order, windscreen wipers and wash in working order
- Report any Accident or near miss incident to your line manager, including those that do not result in damage or injury.
- Take an accident report form on all journeys
- Report all serious accidents to the police and your line manager immediately (where reasonably practicable)
- Take regular and adequate rest breaks
 - At least 15 minutes for each 2 hours driven
 - Stop when tired
- Plan journey ahead, taking into consideration pre-journey work duties, the length of the trip and post journey commitments
- Stay overnight if other than under exceptional circumstances driving time and non driving duties exceed 11 hours or 400 miles in one day. If for unavoidable reasons you have to drive over these limits on an occasional day, considerable care must be taken to have regular breaks and avoid any risks of driving while tired

Responsibility as an employer

- The Council will not require staff to drive under conditions which are considered unsafe and/or likely to create an unsafe environment, physical distress, fatigue, etc.
- We will do this by:
 - line managers required to manage work schedules to ensure that safe driving practices are maintained,
 - take into account individual driving needs and experience,
 - collation of statistics on accidents and near miss incidents to ensure continuous improvement of driving policy,
 - regular review of policy and procedures to ensure the development and quality of the driving policy.

Instructions for Mobile phone use

A substantial body of research shows that using hand-held or hands-free mobile phone while driving is a significant distraction and substantially increases the risk of the driver crashing. Research shows that individuals are four times more likely to crash, injuring or killing themselves and/or other people.

Using a hands-free phone while driving, does not significantly reduce risks, because the problems are caused mainly by the mental distraction and divided attention, (RoSPA).

Mobile phones cause distractions in three ways:

- Taking hands off the wheel
- Becoming engrossed in a conversation and not concentrating on the road
- Mental distraction

The use of mobile phones whilst driving is not acceptable except where a legally compliant hands free unit is installed, and even then it is strongly advised against. You should adopt the following principles:

You must never use a mobile phone whilst driving unless you have a fully legally compliant hands-free unit and are an experienced driver used to handling such equipment: even in such cases you should never initiate calls whilst driving.

Unless you have a hands-free unit your phone should be switched off, with divert all calls to voicemail and check messages when your vehicle is stationary.

Never make calls, dial numbers or text while driving, even with a hands-free unit.

From a safety point of view, all use of mobile phones should be avoided while the vehicle is being driven, even with hands-free units, as drivers cannot fully concentrate on driving if they are having to process and respond to phone calls. If the phone has to be left on (and this may only be the case where a legally compliant hands-free unit is installed), the driver should pull off the road (in a safe position) to make a call or take a call for any length of time. If in such conditions you receive a call you should indicate that you are driving and that you will call

back when stationary. Ensure you are parked safely and switch your engine off before returning or making a call.

Drivers should also be aware that if you have an accident whilst using a hands-free device you may be prosecuted for driving without due care and attention.

What to do if you have an accident or near miss

- Stop your vehicle at the scene or as close as is safe, always ensure your safety first.
- If it is dark put on your florescent safety visor
- making sure you are not obstructing traffic.
- Ensure your own safety first;
- Help any injured people and call for assistance if needed;
- Try to get the following information:
 - Details of the other vehicle(s) and registration number(s);
 - Name and address of the other vehicle owner(s) and driver(s);
 - Name and address of any witness(es);
 - Name of insurer(s).
- Give the following information:
 - Your name and address and Council details;
 - If you damage another vehicle that is unattended, leave a note on the vehicle with your contact details.
- Contact the police:
 - If there are injuries;
 - If there is a disagreement over the cause of the crash;
 - If you damage property other than your own;
- Follow-up
 - If there is an injury, or major damage, report the crash to your manager as soon as you can. Otherwise report the crash within 48 hours.

Enforcement

This policy applies to all staff when driving on Council business and failure to comply with any element of it may constitute gross misconduct and lead to the summary dismissal of the employee in question.

7. Grievance Procedure

7.1 Introduction

The object of the grievance procedure is to enable employees who consider they have a grievance or complaint arising from their employment with the Council to have it dealt with at the nearest level and within as short a time as possible. Anyone wishing to use this procedure (other than the Town Clerk) can do so freely and without prejudice to his/her position in the Council.

This Grievance Procedure is in accordance with the Employment Act 2002 and applies to all employees, irrespective of job or grade.

Informal procedures may be used to settle any grievance but employees will retain the right to initiate the formal procedure if they so desire.

As an alternative to formal grievance procedure the Council may wish to resolve issues using an external or internal qualified mediator.

7.2 Informal procedure

If you have a grievance about your employment, please ask your immediate Supervisor or Manager to resolve it for you. Most issues can be resolved this way.

7.3 Submitting a written grievance

If any matter arises about which you are dissatisfied, then you should in the first instance bring this to the attention of your Manager, using the following stages:

- If your grievance is not resolved informally, you can raise it formally, by writing to your manager giving a brief outline of your grievance. If your grievance is against your Supervisor or Manager then you make write to the next stage of management.
- In the case of the Town Clerk, the immediate manager is deemed to be the Mayor. The next stage of management is the Chair of Personnel Committee.
- You will be invited to a meeting to discuss your grievance. The meeting will normally be arranged within 7 working days of receiving your written grievance.
- You may be accompanied at the meeting by a work colleague or trade union official. The Council may choose to have an HR representative present.
- At the meeting you will have the opportunity to explain your grievance, discuss it and say how you think it should be resolved.
- If necessary the hearing may be adjourned to allow for further investigation.

- The Council considers that in order to fully consider the issue(s) raised, it is reasonable to make and communicate the above decision within 10 working days (depending on the complexity) unless extended by mutual consent.

7.4 Appealing against the Council's response

- If you are not satisfied with the response to your grievance, you may appeal against it, by writing to the Town Clerk within 7 working days of receiving the response.
- In the case of the Town Clerk, any appeal should be submitted to the Personnel Committee.
- You will be invited to a further meeting to discuss it. The meeting will normally take place within 7 days of receiving your appeal.
- You may be accompanied at the meeting by a work colleague or trade union official.
- At the meeting you will be asked to say why you are not satisfied with the response to your grievance.
- If necessary the hearing may be adjourned to allow for further investigation.
- You will normally receive a written response within 7 working days of the meeting. If a response cannot be made within 7 days you will be given an explanation for the delay and told when a response can be expected.

7.5 Final appeal stage

- If you are not satisfied with the decision, you may, within 7 working days of written receipt of the decision, refer the matter to the Chair of Personnel Committee who will arrange for the grievance to be heard by the Staffing Appeals sub-committee.
- In the case of the Town Clerk, appeal at this stage is to Full Council.
- You may be accompanied at the meeting by a work colleague or trade union official.
- The decision of the panel will normally be final. However, in certain circumstances where important issues of principle arise or where it involves interpretation of national conditions of service, the appeal machinery of the Provincial Council may be invoked.

7.6 Other issues

If at any stage in the procedure the grievance is not dealt with within the specified time limit, you have the right to proceed to the next stage of the procedure.

If the Town Clerk or your immediate superior or line manager is the subject of the grievance, you have the right for the grievance to be heard by another manager, or to move to the next stage of the procedure. In order for this to be arranged, you must submit the grievance in writing to the Chair of the Personnel Committee. The Town Clerk or your line manager will be given the opportunity to express his / her views about the matter without obligation in your presence.

8. Disciplinary procedure

8.1 Purpose and scope

The purpose of the disciplinary procedure is to maintain standards of conduct, attendance, and job performance in the Council. The procedure is not contractual and the details and procedure may be changed at any time.

The procedure applies to all employees and its aim is to ensure consistent, fair and non-discriminatory treatment.

For any instances of apparent misconduct, an investigation will be conducted before any decision is taken to proceed to a disciplinary hearing.

No officer may investigate an allegation AND conduct the disciplinary hearing.

Only the Chair of Personnel Committee can dismiss an employee. In the event of the Chair of Personnel not being available, or the position not filled, the substitutes shall be (in order) the Leader of the Council, the Chair of Leisure and Environment Committee, the Chair of Planning Committee and the Town Clerk.

8.2 Stages

The disciplinary procedure allows for informal coaching and four stages of formal disciplinary action. Action may start at any stage depending on the severity of the offence.

Coaching

Minor lapses in conduct will be dealt with by an informal meeting to explain the problem and hopefully prevent a more serious situation building up. A diary note of the discussion may be kept for reference, but it is not recorded on your file as disciplinary action.

Stage 1

A formal oral warning may be given if informal action has not been effective or the first offence is considered sufficiently serious. This will state the reason for the warning and a note that, if there is no improvement, a first written warning will be given. A copy of the formal oral warning will be kept on file but will lapse after 6 months subject to satisfactory conduct.

Stage 2

A written warning may be given if the formal oral warning has not been effective, or the first offence is considered to be sufficiently serious. This will state the reason for the warning and a note that, if there is no improvement, a final written warning will be given. A copy of this first written warning will be kept on file but the warning will lapse after 12 months subject to satisfactory conduct.

Stage 3

A final written warning may be given if a further offence occurs while a written warning is valid or the misconduct is sufficiently serious. The warning will make it clear that any recurrence of the offence or other serious misconduct will result in dismissal. A copy of the warning will be kept on file but the warning will lapse after 12 months subject to satisfactory conduct.

Stage 4

Dismissal. You may be dismissed if a further offence occurs while a final written warning is still valid or an act of gross misconduct is committed. Only the Chair of Personnel Committee can dismiss an employee.

8.3 Procedure**If formal disciplinary action or dismissal is contemplated, the following course of action will be followed:**

- You will be notified in writing of the reason for the action and be asked to attend a disciplinary hearing.
- You will be given a minimum of three working days' notice of the hearing.
- The hearing will be conducted by the Town Clerk (Oral warning stage) or the Chair of Personnel Committee (Written or final written warning stage).
- In the case of disciplinary action taken against the Town Clerk, the hearing will be conducted by the Chair of Personnel Committee at all stages.
- You have the right to be accompanied at the hearing by a work colleague or trade union official.
- An investigation will be carried out to establish the facts.
- At the hearing, you will have the opportunity to answer the complaint, ask questions, present evidence, call witnesses and raise points about the evidence.
- If necessary the hearing may be adjourned to allow for further investigation.
- Written notes will be taken.
- No decision will be made until the hearing has concluded. You will be given the decision in writing and told of your right to appeal.

Appeals

If you wish to appeal against a disciplinary warning you must make the appeal in writing within five working days of receiving the decision, stating the grounds for the appeal. The appeal letter should be addressed as follows:

- appeal against an oral warning - the Town Clerk
- appeal against a written or final warning - the Leader of the Council

If you appeal, you will be invited to attend an appeal hearing, which will be conducted as follows:

- Oral warning – the Chair of Personnel Committee.

- Written, Final Written Warning or dismissal - Staffing Appeals Sub-Committee.
- In the case of a disciplinary warning issued to the Town Clerk, the appeal will be heard by the Mayor.
- You have the right to be accompanied at the appeal hearing by a work colleague or trade union official.
- The appeal hearing will normally be heard within five working days of the appeal being lodged.
- The appeal hearing will follow the same procedure as that for a disciplinary interview.
- The person hearing the appeal will reconsider the disciplinary penalty. It is always possible that the new decision may be more severe than the original penalty.
- After the appeal hearing, you will be informed in writing of the final decision.

Paid suspension

Following an allegation of gross misconduct, you may be suspended from work on contractual pay while an investigation is carried out. Paid suspension is not disciplinary action and does not imply guilt. Any decision to suspend will be taken by the Town Clerk in conjunction with the Chair of Personnel Committee. In the case of the Town Clerk, this decision will be taken by the Mayor.

8.4 Rules

The following is a non-exhaustive list of examples of offences, which amount to misconduct falling short of gross misconduct:

- Breach of the terms of the relevant national conditions of service or the terms of the contract of employment. This should not be applied where a complaint that the written terms of employment are incorrect or are being unfairly interpreted is being investigated under the normal grievance procedure. Refusal implies deliberate disobedience or lack of co-operation.
- Repeated unauthorised absence from work.
- Persistent lateness.
- Persistent and willful unacceptable performance.
- Breach of instructions on dealing with the public e.g. inappropriate behaviour, offering more or less favourable treatment or services to individual members of the public.
- Insubordination to a line manager or councillor.
- The use of bad language with the intent or the effect of causing insult, bullying and intimidation.
- Being under the influence of alcohol or drugs whilst at work.
- Repeated inappropriate standard of dress.
- Smoking on Council premises.
- Contravention of minor safety regulations.
- Disruptive behaviour.
- Unauthorised use of the Council's telephone system, email and internet.
- Breach of instructions on matters of health and safety such as not wearing protective clothing or disobeying warning notices.

Gross misconduct

Gross misconduct is misconduct serious enough to destroy the employment contract between the employee and the Council, making any further working relationship and trust impossible.

The normal penalty for gross misconduct is dismissal without notice.

The following offences are normally regarded as gross misconduct. This is not a comprehensive list:

- Falsification of Council records (including time/overtime sheets, expense claiming etc).
- Attempts to extort money, favours or gifts from members of the public or Councillors or its employees for personal gain
- Deliberately failing to comply with relevant statutory or regulatory requirements
- Serious insubordination
- Sexual misconduct
- Violent, abusive or intimidating conduct
- Deliberate damage to Council property, including deliberate introduction of software or any other action which may cause any of the Council's computer systems to seriously malfunction
- Failure to observe any requirement of the Council's equal opportunities policy for the time being in force including sexual or racial harassment
- Unauthorised use or disclosure of confidential information (including salary information, client information)
- Drunkenness or disorderly conduct (including being under the influence of alcohol or unauthorised substances or misusing substances) whilst at work, or on Council's business or otherwise on the Council's premises.
- Rudeness to clients
- Conduct whether inside or outside working hours which may adversely bring the Council into disrepute, or which reflects on your suitability for the type of work which you perform or your acceptability to other employees
- Accepting a gift which could be construed as a bribe
- Serious breach of Health & Safety rules which endanger the health & safety of others
- Failure to disclose correct information on your application for work with this Council
- Conviction for a criminal offence arising from or relating to your work for the Council
- Theft or unauthorised possession of property belonging to the Council, or to another employee or client.

9. Equality and Diversity Policy

9.1 Overall Policy

Haverhill Town Council is an Equal Opportunity employer.

No job applicant or employee should receive less favourable treatment because of his or her sex, race, sexual orientation, religion, disability, or age, or through any requirement which cannot be shown to be justified by the requirements of their job. Measures will be taken to ensure that individuals are selected, promoted, trained and treated on the basis of their relevant merits and abilities.

Applicants for employment are welcomed from disabled persons who have the necessary attributes for a post. If members of staff become disabled, every practical effort will be made to ensure that their employment with the Council continues. The training, career development and promotion of the disabled will, as far as possible, be identical to that of a person who does not suffer from a disability.

Where reasonably practicable, analyses of employees and applicants for employment will be carried out to assess whether the selection and distribution of employees reflects genuine equality of opportunity. These analyses should indicate where further improvements need to be made. Any information collected from employees to enable these analyses to be undertaken will be treated as strictly confidential and used solely for monitoring purposes.

Review of the policy and its effectiveness will be undertaken at regular intervals. Any employee or applicant for employment who feels they have a contribution to make to the continuation of good, sound equal opportunity practices should contact the Town Clerk.

The policy will be achieved through the following action points:

9.2 Equality Action Points

Individuals will be recruited, promoted and trained solely on the basis of their abilities and the requirements of the job.

When recruiting, skill and knowledge requirements will be determined, and candidates will be selected accordingly.

Reasonable adjustments will be made to remove obstacles to the recruitment and employment of disabled persons, such as ensuring that interview rooms and work locations are accessible by wheelchair or providing a sign language interpreter or making adaptations to work stations.

Employees will be made aware of their responsibilities for preventing harassment.

Any employee who believes they have suffered discrimination will be encouraged to raise the matter through the grievance procedure.

9.3 **Preventing Harassment**

Harassment is where one person behaves towards another in a way that causes them to feel threatened, humiliated or offended. There are many forms of harassment, including the following:

- Physical bullying or threatening, shouting swearing or verbal abuse.
- Inappropriate touching or physical contact
- Mimicking someone else's behaviour
- Talking about a subject in a way that causes offence. The subject could be sexual, racial, medical or anything which the other person may be genuinely sensitive about.
- Showing inappropriate pictures.
- Asking personal questions.
- Sending harassing messages or e-mail.

The Council intends to provide an environment where employees can carry out their work without fear of harassment.

Harassment on the grounds of sex, race, disability, sexual orientation, religion or belief is illegal and can result in criminal proceedings being taken against both the Council and employees.

9.4 **What to do if someone harasses you**

Wherever possible, you should tell the harasser that their behaviour is unwanted and ask them to stop, or you will report it. Sometimes harassment can be unintended and what is seen as harmless by one person may be deeply offensive to another.

But once it has been made clear that someone feels harassed, the other person has a duty to respect their wishes.

Informal Procedure

Under this procedure, the complainant should make an initial approach to the Town Clerk who will, insofar as possible, agree with the complainant a course of action in order to attempt to resolve the issue. Such action may include:

- the Town Clerk will meet with the person(s) against whom the complaint has been made, in order to discuss the complaint and settle the issue;
- the employee be given the opportunity to raise the problem, in the presence of the Town Clerk, with the person(s) who is alleged to be creating the problem, pointing out that their conduct is unwelcome, is offensive or interfering with work;
- the complainant raising the matter with the Town Clerk who will attempt to reach an informal solution with both parties.

Formal Complaint

Complaints of harassment should be made to the relevant line manager. Alternatively, the complainant may ask their recognised trade union

representative or a member of the personnel staff to make the approach to their Line Manager on their behalf. The Line Manager will instigate an investigation following which it will be decided whether the matter should be dealt with through the grievance procedure or, if more appropriate, the disciplinary procedure.

Complaints will be investigated thoroughly and as quickly as possible by the Town Clerk, taking due regard of both the complainant and the alleged harasser.

Dealing with Complaints

Any necessary action will be taken to protect the person who has made the complaint from further harassment.

For the purposes of both the informal and formal procedures, if the complaint is against the Town Clerk, the complaint can be made to the Chair of Personnel Committee.

If the complaint is shown to be true, disciplinary action will be taken against the harasser.

Both parties will have the right at any stage of the formal or informal procedure to be represented/accompanied by their trade union representative or a work colleague. All information gathered will be treated with as strictly confidential.

After the Procedure

Where a complaint is upheld it may be necessary to consider relocating or transferring one party. If practicable the complainant should be given first choice whether she or he wishes to be transferred and should not be disadvantaged.

Where a perpetrator is transferred, consideration should be given to the effect on their contract of employment. Where dismissal is considered the appropriate sanction, alternative employment on lesser terms may be offered.

If a complaint is not upheld, consideration may still need to be given to the voluntary transfer of one of the employees concerned.

The situation should be monitored to ensure that the harassment has stopped and that there has been no victimisation.

10. Capability procedure

This procedure recognises that there may be instances where unsatisfactory performance should be more appropriately dealt with outside the disciplinary procedure. For the purpose of this procedure, capability is assessed with reference to skill or aptitude which may, for example, relate to the introduction of new technology or maintaining a reasonable work performance.

In addition to matters more appropriate for the disciplinary procedure, this capability procedure does not apply to:

- Termination during or at the end of probation, whether or not extended beyond its original duration.

- Inadequate performance believed to be attributable to ill-health for which a separate procedure is operated.
- Inadequate performance believed to be attributed to a wilful refusal to work satisfactorily, which will come under the disciplinary procedure.

10.1 Stages

Coaching

Minor lapses in performance will be dealt with by an informal meeting to explain the problem and hopefully encourage an improvement in performance. A diary note of the discussion may be kept for reference, but it is not recorded on your file as formal action.

The purpose of the discussion is to bring to the employee's attention the reasons for the view that the employee is not performing satisfactorily (supported by evidence if appropriate), ascertain whether the employee accepts that there is a problem, listen to any explanations or statements made by the employee and discuss how the employee should seek to improve, providing assistance and training as necessary.

If, following this discussion the line manager considers it appropriate, arrangements will be made to supervise and monitor the employee's continuing performance, usually by the employee's immediate supervisor, with the employee being required to co-operate in this monitoring process.

Stage 1

A written warning may be given if informal action has not been effective. This will give a specific period during which performance will be reviewed, outline the performance level required and state that, if there is no improvement in performance during the review period, a final written warning will be given. A copy of this first written warning will be kept on file but the warning will lapse after 12 months subject to a satisfactory and sustained improvement in performance.

Stage 2

A final written warning may be given if performance does not reach satisfactory levels during the review period. The warning will give an additional review period and make it clear that any failure to reach a satisfactory level of performance during the review period may result in dismissal. A copy of the warning will be kept on file but the warning will lapse after 12 months subject to a satisfactory and sustained improvement in performance.

Stage 3

Dismissal. You may be dismissed if you fail to reach and sustain the required performance level during the final review period. Only the Chair of Personnel Committee can dismiss an employee.

10.2 Procedure

If formal action or dismissal is contemplated, the following course of action will be followed:

- You will be notified in writing of the reason for the action and be asked to attend a capability hearing.
- You have the right to be accompanied at the hearing by a work colleague or trade union official.
- An investigation will be carried out to establish the facts.
- At the hearing, you will have the opportunity to answer the complaint, ask questions, present evidence, call witnesses and raise points about the evidence.
- If necessary the hearing may be adjourned to allow for further investigation.
- Written notes will be taken.
- No decision will be made until the hearing has concluded. You will be given the decision in writing and told of your right to appeal.
- Appropriate supervision, monitoring and records of the monitoring will continue.

Appeals

- If you wish to appeal against a capability warning you must write to the Leader of the Council within five working days of receiving the decision.
- If you appeal, you will be invited to attend an appeal hearing, to be heard by the Staffing Appeal Sub-Committee.
- You have the right to be accompanied at the appeal hearing by a work colleague or trade union official.
- The appeal hearing will normally be heard within five working days of the appeal being lodged.
- The appeal hearing will follow the same procedure as that for a capability interview.
- The sub committee hearing the appeal will reconsider the penalty. It is always possible that the new decision may be more severe than the original penalty.
- After the appeal hearing, you will be informed in writing of the final decision.

11. Redundancy Policy

The Town Clerk will continuously keep under review the staffing requirements of the Town Council and as appropriate, will recommend adjustments to the approved establishment to meet the changing needs of the organisation. Such changes may result from statutory requirements, Compulsory Competitive Tendering or demands of operational efficiency and may result in changes to the numbers of employees required and / or their conditions of employment.

Redundancy arises when the need for a particular job diminishes or ceases. Everything possible will be done to avoid redundancy by using alternative methods, for example reduction in overtime working, natural wastage, review of the use of casual workers, lay-off and short time working where appropriate.

Where there is more than one employee in the selection pool of those deemed to be at risk of redundancy, the Council will use selection criteria to reach a provisional decision. The criteria used for selection will be applied objectively and

there will be consultation with both individual employees and employee representatives (where required) prior to any final decision being taken with emphasis on attempting to identify suitable alternative employment and alleviating personal hardship.

Individuals at risk of redundancy will be warned of likely redundancy as early as possible.

If 20 or more employees are to be made redundant within a period of 90 days or less, consultation will take place with elected employee representatives in accordance with statutory provisions.

11.1 Consultation procedure

Where a need for changes in staffing numbers are identified by the Town Clerk, it is recommended that unless circumstances make it inappropriate, the Town Clerk should individually consult staff on any proposals which may lead to changes in their employment arrangements and keep them informed of any subsequent developments. The views of those staff should also be taken into account when finalising the report for Personnel Committee consideration. However, there will be circumstances where this will not be desirable and such communication delayed until formal consultation has begun.

Once the report has been approved for consideration by Personnel Committee, it will be submitted for formal consultation between the Town Clerk, the unions and / or relevant employees.

The consultation process will provide for:

- A basic consultation period of up to 4 weeks (or more or less by agreement) in which to conduct and complete the consultation, or longer where stipulated by employment legislation. The consultation process for each report will be conducted through named contacts, identified before the process commences:
 - One union representative
 - The Town Clerk
- If, from the outset, a management proposal is acceptable to the trade unions, a fast track approach can be adopted without having to conform to the full consultation procedure.
- Management to provide all reasonable relevant information to the trade unions / employees including full financial details.
- The views of the trade unions / employees to be conveyed in writing to the Personnel Committee

In the event of the consultation process failing to reach agreement, an individual employee may invoke the grievance procedure against selection for redundancy or imposed changes to their terms and conditions of employment.

During the report preparation and consultation process, any officer identified as a potential beneficiary from the proposals will be excluded from being a nominated representative.

Union representatives will be given an opportunity to attend relevant Committee meetings to express their views and respond to officer / member questions.

Where it has not been possible to reach a consensus of opinion on proposed changes, the Personnel Committee may add a written response to the unions' views.

11.2 Selection criteria

Where changes in the requirement for staffing numbers are identified, the selection criteria set out below will normally be adopted, but not necessarily in the order shown, where there is a need to select between employees:

- disciplinary record;
- attendance record;
- relevant qualifications, experience and skills; and
- training needs.

However, where there are elected employee representatives, the selection criteria will be a matter on which the representatives will be consulted.

No employee will be selected for redundancy for any of the following reasons:

- union-related reasons
- Health and Safety-related reasons
- for asserting a statutory right
- maternity-related reasons
- disability-related reasons
- for carrying out the function of or standing as an employee representative

11.3 Redundancy payments

Any redundancy payment will be calculated in accordance with your statutory entitlement.

11.4 Alternative employment

The Council will always see if there is suitable alternative employment for anyone likely to be made redundant.

You may not receive a redundancy payment if you unreasonably refuse an offer of suitable alternative employment, providing the following conditions exist:

- The offer is made before the termination date.
- There is no change in:
 - fares, or travelling time to and from work;
 - rate of pay;
 - hours of work.
- There will be no break in employment.
- The alternative employment is suitable in relation to your skills, aptitude and experience.
- You must have acted unreasonably in refusing the offer.

Where an offer of alternative employment is made, both you and the Council have a four week trial period in which to decide if the offer of alternative employment is mutually acceptable. At the end of this period, either you or the Council can terminate employment and a statutory redundancy payment will be made if the appropriate conditions are met.

If you are given notice of redundancy, you will be allowed time off to look for alternative employment outside the Council.

11.5 Payment on termination

If your employment is terminated, you will receive the following:

- all outstanding wages and holiday pay up to the date of leaving;
- pay in lieu of notice, if applicable; and
- a statutory redundancy payment if you qualify.

11.6 Appeal

If you wish to appeal against the decision to dismiss you, you should follow the appeal procedure outlined in the Grievance Procedure.

12. Intellectual Property Rights

12.1 Copyright

By law, the Council owns the copyright of any designs, artistic or written work which you create during your employment. The copyright or design rights of such works exist automatically as soon as they are created and are not dependent on registration.

It would be a breach of copyright law if you reproduce outside of the Council any work which you created while in the Council's employment. This applies both during and after your employment with the Council.

12.2 Patents and Registered Designs

By law, any invention or design made by you in the normal course of your duties is the Council's property.

13. Holidays

13.1 Religious holidays (other than statutory public holidays)

The Council will endeavour to allow time off to observe all religious holidays; however those outside of the statutory public holidays will be considered at the Council's discretion. Please inform the Town Clerk as far in advance as possible of significant and expected dates. This entitlement must be taken out of your normal holiday entitlement or taken as unpaid leave.

13.2 Public holidays

You are entitled to eight statutory public holidays each year. These are:

- Spring bank holiday
- Good Friday
- Easter Monday
- May Day
- Summer bank holiday
- Christmas Day
- Boxing Day
- New Years Day

13.3 Annual Holidays

Your holiday entitlement is confirmed in your offer letter.

Details of annual leave entitlements are shown below. In order to be eligible for the additional leave after 5 years' service, an employee will need to have completed five years' continuous service.

The entitlement below is based on full-time working of 37hrs per week. Annual leave entitlement for part-time workers will be on a pro rata basis.

For all staff other than Town Clerk

- Less than 5 years service 22 days
- 5 or more years' service 26 days

For Town Clerk

- Less than 5 years service 26 days
- 5 or more year's service 30 days

The holiday year runs from the 1st April to the 31st March, this will form the basis for calculating entitlement for any extra days of holiday.

13.4 Extra-Statutory Days

In addition to statutory and general national holidays, staff are entitled to two extra-statutory days. One extra-statutory day must be taken at Christmas on a

date decided by the Town Clerk. The second extra-statutory day will then be added to the normal annual leave entitlement.

In other years, both extra-statutory days may be added to the annual leave entitlement.

If your employment with the Council starts after 1st October i.e. half way through the leave year, you will be entitled to only one extra-statutory holiday during the leave year in which your employment began.

13.5 Holiday booking procedure

You may not take your annual holiday until after the successful completion of your probationary period other than at the discretion of your Manager. However, your holiday entitlement is calculated from when you joined the Council.

If your period of employment is for less than a complete holiday year or if you start during a holiday year you will be entitled to take a fraction of your entitlement for the remainder of that year, calculated pro rata according to the period you have actually worked.

You must obtain the prior written permission of your supervisor before committing yourself to bookings or any alternative positive arrangements.

All applications for holiday must be made using your individual Annual Leave Record Card.

Not more than 10 consecutive working days' holiday may be taken at any one time without the prior consent of your Manager.

Not more than 10 working days' holiday may be taken in the summer holiday period without the prior consent of your Manager.

It is your responsibility to book all your holiday entitlement during the year. Holiday not taken at the end of the holiday year can only be carried over to the next year with permission from the Council.

All holidays are taken strictly subject to the approval of the Council. In some instances it may be necessary to refuse to grant a holiday request in order to ensure that adequate staffing levels are maintained at all times.

In the event that you leave the Council without taking all of your holiday entitlement then you will receive payment for any outstanding entitlement during the current holiday year based on the fraction of the year that you have worked. Conversely any holiday taken in excess of that entitlement, similarly calculated, will be set off against your final salary payment.

A half-day's holiday consists of 3.7 working hours. If you have a half-day's holiday in the morning you should return to the office to start work at 1.45 pm and if you have an afternoon off, you are free to leave the office at 12.45pm.

14. Sickness and Time-Off

Where it is possible we do ask you to make medical and dental appointments outside of working hours to avoid disruption at work.

If you are unable to attend work due to sickness you must phone your Manager as soon as you can on your first day of absence.

If you are absent for 5 working days or less, you must complete a self-certificate form and submit this to the Town Clerk immediately upon your return.

If you are absent for more than 5 working days you must obtain a doctor's certificate which should be given to the Town Clerk as soon as possible. You should not wait until your eventual return to work before doing so.

You may be asked to attend a return-to-work interview after any period of absence.

If you are absent from work owing to illness you are entitled to receive an allowance in accordance with the following scale:

| | |
|-----------------------------------|--|
| During 1st Year of Service | 1 month's full pay and (after completing 4 month's service) 2 month's half pay |
| During 2nd Year of Service | 2 months' full pay and 2 months' half pay |
| During 3rd Year of service | 4 months' full pay and 4 months' half pay |
| During 4th Year of service | 5 months' full pay and 5 months' half pay |
| 5 Years' Service or over | 6 months' full pay and 6 months' half pay |

On your return to work obtain form SSP2 from the Town Clerk, complete it and return it to the Town Clerk.

If you are sick during the period of annual leave, you will be regarded as being on sick leave from the date of your medical certificate and further annual leave will be suspended from that date.

14.1 Repeated or long-term sickness

If you are repeatedly ill or absent for a long period, the Council reserves the right to ask you to have a medical examination (at the Council's expense).

You will not be permitted to return to work until your doctor has accepted that you are fit to return to work. When you inform the Council you are fit to return the Council reserves the right to require you to attend a medical examination by the Council doctor prior to you being permitted to restart work.

14.2 Time off for Dependents

If you need time off for an emergency situation, you must let your Manager know as soon as possible.

In such cases one day's paid leave will normally be allowed where the Town Clerk considers the absence to come under the category of time off for dependants. After the first day's absence, further unavoidable absence must be taken either out of annual leave or, at the discretion of the Town Clerk, as unpaid leave.

Time off for dependants is designed to cover unanticipated situations. It is not to be taken where absence is anticipated and could have been avoided.

In the case of any unplanned, un-booked absence from the office you must report in to the Town Clerk as soon as possible on the first working day. On your return you must complete a Sickness/Absence record form, available from the Town Clerk and return it to them.

Any other time-off is at the discretion of the Council.

14.3 Compassionate Leave

In the unfortunate event of a bereavement or serious illness to a close family member (i.e. Parent, child, spouse, brother, sister), the Council will consider requests for compassionate leave.

Every situation will be treated on its merits and will be at the Council's discretion.

15. Maternity, Paternity, Parental and Adoption Leave

This is a summary of your entitlements. If you want to know more, please ask your Manager.

15.1 Maternity leave

There is a basic entitlement to 52 weeks maternity leave for any pregnant employee regardless of length of service. The entitlement is for 26 weeks of Ordinary Maternity Leave (OML) and 26 weeks of Additional Maternity Leave (AML).

You accrue holiday while you are on maternity leave and you can take it at the end of your leave. Holiday accrues according to your contractual entitlement during both OML and AML.

For babies due on or after 5th October 2008:

During the whole period of maternity leave, you accrue pro rata holiday entitlement based on your contractual entitlement.

When you return to work it will normally be to the same job you were doing before you left.

What you must do

To qualify for these rights you must tell the Council of your pregnancy and the date you want to start your maternity leave, by the 15th week before your baby is due. Bring a MATB1 form which states the date your baby is due.

If you don't want to take your full maternity leave you must tell the Council at least 8 weeks before the date you want to return.

Ante natal care

You are entitled to time-off with pay to attend ante natal appointments, provided you show your appointment card if asked by your Manager.

Maternity pay

If you will have at least 9 months and 2 weeks service when your baby is due you will be entitled to maternity pay for 39 weeks (provided you earn enough to pay NI contributions). The first 6 weeks are paid at the higher rate of 90% of normal earnings.

15.2 Paternity leave

You can qualify for paternity leave for a newly-born or newly adopted child if you have 9 months and 2 weeks service when the baby is due.

To qualify, you must have responsibility for the child's upbringing and be the biological father or the mother's husband or partner who is not necessarily biologically related to the child. In an adoption situation should the father wish to take adoption leave then the 'mother' or female carer of the adopted child, may take paternity leave.

Length of leave

You can take a block of one or two weeks, but not odd days or separate weeks.

Your leave can start when the child is born (or adopted), or later but must be taken within 56 days of the birth (or adoption).

Maternity Support Pay

Maternity support leave of 5 days with pay will be granted to you if you are the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth. You may be requested to provide a copy of the mother's MAT B1 form (maternity certificate).

Paternity pay

Statutory Paternity Pay is paid at the same as the standard rate of Statutory Maternity Pay.

What you need to do

Tell the Council about your paternity, at least 15 weeks before the baby is expected.

Fill in and return the paternity leave form when your Manager gives it to you.

If you would like more information about paternity leave, please ask your Manager.

15.3 Parental leave

Parental leave is unpaid leave which can be taken by any employee with one year's service who has parental responsibility for a child. Parental leave must be used for caring for the child.

Up to 4 weeks can be taken each year for each child. A maximum of 13 weeks in total can be taken for each child, or 18 weeks where the child is entitled to a disability living allowance.

Parental leave can be taken immediately after maternity leave.

When can Parental leave be taken?

Leave can be taken up to the child's fifth birthday. If the child is adopted it can be taken up to the fifth anniversary of the child's adoption, or the 18th birthday, if earlier.

If the child is disabled, leave can be taken at any time up to the 18th birthday.

Parental leave is taken in blocks of one week (or, if the child is disabled, in blocks of one day) up to a maximum of four weeks for each child in any year. For this purpose a 'year' starts on the date the employee is first eligible to take parental leave.

The Council has the right to postpone leave, for up to 6 months, if it would disrupt the business. Leave cannot be postponed if it is to be taken at the birth of a child or at the start of an adoption.

What you must do

If you wish to take parental leave you should give at least 21 days notice. The Council may ask you for evidence of your entitlement.

15.4 Adoption leave

Most of the rights and procedures for maternity apply to adoption.

To qualify for adoption leave, you must have 26 weeks' service and be newly matched with a child by an approved adoption agency.

Adoption leave is not available where a child is not newly matched for example when a step-parent is adopting a partner's children.

If you would like more information about adoption leave, please ask your Manager.

16. Leave of absence for public duties

Employees may be granted paid leave of absence (at their basic rate of pay) for public duties of the type indicated in the relevant Schemes of Conditions for Service or any supervening local arrangements. Staff wishing to apply for leave of absence for public duties should first contact the Town Clerk for advice on entitlement.

16.1 Jury Service

If you are summoned to perform Jury Service you should notify the Town Clerk immediately who will advise a Court Administrator of your employment with the Council to ensure that you are not assigned to hear any matters relating to customers of the Council. Any inadvertent conflict of interest would disqualify you from participating in the proceedings and you should notify the Court Clerk immediately.

You will not be entitled to paid leave for Jury Service. Please note that as you will not be paid during your period of Jury Service you may claim compensation for loss of earnings. Any additional payments made up for your loss of earnings will be entirely at the Council's discretion.

The Council reserves the right to approach the Chief Clerk of the Crown Court on its behalf to make representations for a postponement of jury service if your absence will seriously affect the operational requirements of the Council.

If on any day during the period of your Jury Service, you are released early, you must make every effort to attend work on that day. If in doubt, you should telephone your Manager for guidance.

Appendix 1

Travel & Subsistence Allowances

As at 1st April 2007 (These allowances will change in line with nationally agreed changes)

| | |
|---|---|
| Use of Own Car on Authorised Council Business | <u>£0.485 per mile</u> |
| Use of Public Transport | Full reimbursement on production of ticket |
| Meals Taken Outside of Haverhill | Full reimbursement of reasonable expenditure on production of receipt |

Appendix 2

Report Form for Violent / Aggressive Incidents

Complete ALL SECTIONS and pass form WITHOUT DELAY to the Town Clerk. This form may be filled in by anyone who has been involved in or witnessed a violent or aggressive incident.

Date of Incident : _____ Time of incident: _____

Where did incident occur (building, place, etc.): _____

Exact location of incident: _____

Person or persons suffering violence/aggression (use back of form if necessary):

Surname: _____ Forenames: _____

Title (Mr., Mrs., Ms): _____ Home telephone number: _____

Address _____

Post Code: _____

Date of birth: _____ Male / Female: _____

Status (Staff, Councillor, public, contractor, etc): _____

Identity of aggressor(s), if known, or description if not known: _____

Describe fully the violent or aggressive incident. Say what lead up to the incident and just what happened:

Was a weapon used, if so what? _____

Nature of injuries suffered (if any): _____

What action was taken after the incident (e.g. police called, complaint made, etc.):

Name and address of witness:

Were there any factors which contributed towards this incident?

Is aggressor known to have been involved in previous incidents? (give details):

Had any measures been taken to prevent an incident of this type occurring? Is so why did they fail?

What more could be done to prevent a similar incident from occurring?

Any other relevant information:

Name of person completing report:

Signature

Date

Note :- The incidents for which this form should be used include those involving physical violence, aggressive behaviour, verbal abuse, sexual or racial abuse, intentional damage to property.

Appendix 3

Retirement Notification Letter with Employee Reply Slip

[Employees name]
[Employees address]

[Date]

Dear [name]

Retirement

The reason I am writing to you is that, according to our records your 65th birthday is on [date]. I am sure you don't need to be reminded of this but under current legislation we have to put it in writing to you, and tell you what your options are.

- If you wish to retire when you reach the age of 65 you need do nothing further although it would help if you just confirm this on the slip below.
- If you wish to continue working after your normal retirement date, you should make a written request and send it to me at least 3 months before your 65th birthday.

If you make a request to continue working the Council will give it serious consideration and will arrange a meeting with you to discuss it.

If you wish you can use the attached slip at the base of this letter for your reply.

Yours sincerely

Manager

.....

To [manager]

This is to inform you that: (please tick A or B)

- A. I wish to retire on (date). or
- B. I wish to continue working after [intended retirement date].

If you ticked B, please state below how long you would like to continue working.

I wish to continue working

- a. Indefinitely or
- b. for.....months or
- c. until(date)

Signed Date

Haverhill Town Council

Family Friendly Policies

V1.0

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1. Maternity

1.1 Entitlements

An employee who is pregnant has the following entitlements regardless of her length of service:

- 52 weeks Maternity Leave. The first 26 week period is called Ordinary Maternity Leave. The second 26 weeks is called Additional Maternity Leave.

Maternity Leave can start any time from 11 weeks before the baby is due, although most women start it later.

- Time-off with pay for ante-natal care. (An appointment card can be asked for after the first session.

If the employee has at least 9 months and 2 weeks service when her baby is due, she is also entitled to:

- Maternity pay for 39 weeks. The first 6 weeks are paid at 90% of normal earnings. Lower-Rate Statutory Maternity Pay is paid for the remaining 33 weeks.

1.2 What The Pregnant Employee Needs To Do

Tell the Council that she is pregnant, at least 15 weeks before her baby is due. She should give a letter to the Council saying:

- that she is pregnant
- the date when the baby is due
- the date she wants to start maternity leave.

She should obtain a MATB1 form from the midwife or doctor and send it to the Council. The MATB1 form states the date the baby is due.

1.3 What The Manager Needs To Do

- Explain to the pregnant employee that she needs to notify the Council in writing as explained in 1.2.
- On receipt of her letter, send her a reply within 28 days, telling her the date she is expected to return from maternity leave. This will be 52 weeks after she starts her maternity leave.
- Arrange for a special risk assessment to be carried out to ensure there are no health risks to the employee during her pregnancy and on her return.
- Allow time-off with pay for her ante-natal appointments.
- Arrange for a special risk assessment to be carried out on return to work to assess if additional breaks are required while breastfeeding.

1.4 Keeping in Contact with an Employee on Maternity Leave

Managers have the right to make reasonable contact with an employee on maternity leave in order to plan and ease her return to work.

Where it is seen as beneficial to both parties, the woman on maternity leave can come to work and be paid for up to 10 “Keeping in Touch” days without losing her right to receive SMP.

1.5 Returning to Work after Maternity Leave

A woman is entitled to return from ordinary maternity leave to the same job and on the same terms as before, with continuous service during the maternity leave period.

If a salary review falls during her absence, she will receive the increase on her return and her Maternity Pay will be recalculated to include it.

A woman returning from Additional Maternity Leave has the same rights except that if it is not reasonably practicable to return to the same job, she can be offered a suitable alternative on the same terms and conditions.

There is no requirement for an employee to give notice of her return after maternity leave, because the Council should already have told her when she is due back.

If she wishes to return to work early she must give at least 8 weeks notice.

If an employee asks to return part-time after maternity leave the Council will consider the request under the flexible working provisions (see page 13).

1.6 Other Maternity terms

- Employees continue to accrue their contractual holiday entitlement during the whole of maternity leave.
- During the whole of maternity leave employees will be entitled to most contractual terms and conditions including benefits e.g. pension, company car, contractual holiday entitlement continue, except pay.
- Where possible accrued holiday entitlement must be used during the leave year and should not be carried over into a new leave year. Where, return from maternity leave falls close to the end of the holiday year, an employee will be permitted to carry holiday forward. Any holiday entitlement carried forward must be taken within the first 3 months of the new holiday year.
- An employee cannot take annual leave during additional maternity leave, but subject to arrangement, annual leave could be taken immediately before or after maternity leave. This will be the case assuming that this is within the leave year to which leave has been assigned.
- Maternity Pay is payable only for complete weeks (from the day on which the employee indicates she would like her SMP to start).
- Maternity Pay is based on earnings in the 8 weeks prior to the Qualifying Week (QW). The QW is 15 weeks before the baby is due. If a pay rise is granted after the QW it should be included in the maternity pay calculation.
- An employee is not eligible for Statutory Maternity Pay if her average weekly earnings are below the National Insurance lower earnings limit.
- An employee who is not eligible for Statutory Maternity Pay may be able to claim Maternity Allowance from the Benefits Agency.
- Maternity leave will start automatically if an employee is absent from work due to a pregnancy related illness during the last four weeks before the baby is due.
- An employee who suffers a stillbirth after 24 weeks is entitled to ordinary maternity leave.

2. Adoption Leave

Most of the rights and procedures for maternity apply to adoption, such as 52 weeks leave.

- To qualify for adoption leave, an employee must have 26 weeks service when notified of being matched with the child, for adoption
- Within 7 days of being notified that they have been matched, the employee must tell the Council the date they wish to begin their adoption leave.
- Employers should acknowledge the employee's adoption leave in writing and confirm the date when it will end.
- Adoption leave and pay are available where a child is newly matched for adoption, and not for example when a step-parent is adopting a partner's children.
- The employee can start their leave from the date of the child's placement or up to 14 days before it.
- Only one period of leave will be allowed regardless of the number of children being adopted at that time.
- If the child's placement ends during the adoption leave period, the employee can continue taking the leave for a further 8 weeks.
- Statutory adoption pay is the same as maternity pay, except it is paid for 39 weeks at the lower rate only.
- Employees must give the employer a copy of a 'matching certificate', which will be obtained from their adoption agency as evidence of their entitlement to statutory adoption pay.
- Where employees are not eligible for statutory adoption pay, the employer must provide an SAP1 form stating the reasons for ineligibility.

3. Parental leave

- Parental leave is unpaid leave which can be taken by employees with one year's service who have parental responsibility for a child. Parental leave must be used for caring for the child
- Up to 4 weeks can be taken each year for each child. A maximum of 13 weeks in total can be taken for each child, or 18 weeks where the child is entitled to a disability living allowance.

3.1 When can leave be taken?

- Leave can be taken up to the child's fifth birthday. If the child is adopted it can be taken up to the fifth anniversary of the child's adoption, or the 18th birthday, if earlier.
- If the child is disabled, leave can be taken at any time up to the 18th birthday.
- Parental leave is taken in blocks of one week (or, if the child is disabled, in blocks of one day) up to a maximum of four weeks for each child in any year. For this purpose a 'year' starts on the date the employee is first eligible to take parental leave.

3.2 Parental Responsibility

- Where the parents are married to each other at the time of the child's birth or adoption, both have parental responsibility. In other

circumstances, the mother has parental responsibility. A father has parental responsibility if his name is on the child's birth certificate.

3.3 Period of leave

- The entitlement is 13 weeks leave for each child. So if you have twins it is 26 weeks.
- The right is to 13 weeks per child in total. If you take say 4 weeks leave and then go to a different employer, you can only take a further 9 weeks only after one year's service with this employer.

3.4 Applying for parental leave

- At least 21 days' notice must be given.

3.5 Supporting evidence

The Council may ask for evidence of entitlement to parental leave i.e.

- parental responsibility for the child;
- the child's date of birth or, the date when adoption began;
- a child's entitlement to a disability living allowance.

3.6 Postponement of leave

- The Council has the right to postpone leave, for up to 6 months, if it would cause undue disruption to the operation of the business. Leave cannot be postponed if it is to be taken at the birth of a child or at the start of an adoption.
- If the Council wishes to postpone leave it must write to the employee within seven days of receiving the request, giving reasons and offering alternative dates.

3.7 Rights during parental leave

- Parental leave is unpaid. Holiday accrual continues during parental leave.
- For all other purposes the contract of employment remains in place.

3.8 Return to work after parental leave

- An employee who returns after parental leave of four weeks or less is entitled to return to the same job.

3.9 Parental leave after maternity leave

- Parental leave can be taken immediately after maternity leave.
- An employee who takes up to four weeks parental leave immediately after Ordinary Maternity Leave is entitled to return to the same job. If four weeks parental leave is taken immediately after Additional Maternity Leave, the entitlement is to return to the same job, or if that is not reasonably practicable, to another suitable job on the same terms and conditions.

4. Paternity Leave

4.1 Eligibility

An employee will qualify for paternity leave for a newly-born child or a newly adopted child, if he* meets the following requirements:

- has responsibility for the child's welfare and upbringing.
- Is the biological father, or the mother's husband or partner.
- Has 9 months and 2 weeks service at the date the baby is due.

*In certain adoption situations a female could qualify for paternity leave.

4.2 Length of leave

- A block of one week or two weeks can be taken. The leave cannot be taken as odd days or separate weeks.
- Leave can be started when the child is born (or adopted), or at a later date but must be taken within 8 weeks of the birth (or adoption). If the child is born early, it can be taken up to 8 weeks after the expected week of birth.
- The entitlement is the same, regardless of whether it is a single birth or multiple births.

4.3 Statutory Paternity Pay

- Statutory Paternity Pay is the same as the standard rate of Statutory Maternity Pay.
- An employee is not eligible for Statutory Paternity Pay if his average weekly earnings are below the National Insurance lower earnings limit. In these circumstances he may be able to claim allowances from the Benefits Agency.

4.4 What the Employee needs to do

- Tell the Council about your paternity, by the 15th week before the baby is expected.
- Fill in and return the Paternity Leave Form when your manager gives it to you.

4.5 What the Manager needs to do

- Give the employee a Paternity Leave Form and ask him to complete and return it as soon as possible. Explain that Statutory Paternity Pay cannot be paid without it.
- Explain that he can change the dates of his paternity leave by giving 28 days written notice.

5. Flexible Working

Any employee who has 26 weeks service and is responsible for the upbringing of a child aged 16 or under, or a disabled child under 18 or cares for a disabled adult, has the right to make a formal request for a change of hours or place of work. The request could be for one of a wide range of flexible working arrangements e.g. part-time, job-sharing, working from home, career breaks etc.

A request may only be made once every 12 months.

5.1 Form of request

- The application must be in writing, dated and contain the following information:
- Specify the change applied for and the date proposed for it
- Explain the effect that the change would have on the business, and how it could be dealt with.
- Explain how the employee is eligible for the right to request flexible working
- A statement as to whether such a request has been made previously.

5.2 Response to request

- On receiving a request the Council must arrange to hold a meeting within 28 days. The 28 day period can only be extended due to Holiday or sickness.

5.3 Right to be accompanied

- The employee has the right to be accompanied by a work-colleague (but not by a union officer who is not employed by the same employer).

5.4 Grounds for refusing a request

- The application may only be refused on the grounds that there is a good business case against it. The business case must include one or more specified reasons such as:
 - Burden of additional costs
 - Detrimental affect on ability to meet customer demand
 - Inability to reorganise work
 - Inability to recruit additional staff
 - Detrimental impact on quality or performance

5.5 Notice of decision

- Within 14 days of the meeting the employee must be given a written and dated notice of the decision. If the request has been refused the notice must give the grounds for refusal and an explanation as to why they apply. The appeal procedure must also be explained.

5.6 Appeal

- The employee is entitled to appeal within 14 days of receiving the decision. The appeal must be in writing, setting out the grounds for appeal and it must be dated.
- An appeal hearing must be arranged within 14 days of receipt of the appeal. Where possible a more senior manager should hear the appeal.
- The decision on the appeal must be given in writing within 14 days of the hearing. If the appeal is not allowed, the reasons must be given.

5.7 Extension of time limits

- Any of the time limits can be extended by agreement between the parties. The agreement should be in writing and signed by both parties.

Appendix 1 – First Maternity Letter

Dear

Congratulations and thank you for telling me about your pregnancy.

In order to ensure that the Council continues to provide a safe working environment for you during your pregnancy I have arranged for you to attend a meeting with me on (insert date and time) at (insert venue) in order that I may conduct a maternity risk assessment with you.

To make sure you qualify for your maternity entitlements you are also required to:

- Bring a certificate from your doctor or midwife (MAT B1) and
- Notify the Council (at least 15 weeks before your baby is due) of the date you intend to start your maternity leave.

I would be grateful if you could confirm that you are able to attend for your risk assessment and the date that you intend commencing your maternity leave by returning the slip at the base of this letter.

I will then write back to you to confirm the date you are due to return.

Yours sincerely

.....
To: _____

I am writing to tell you that I am able to attend for my maternity risk assessment on :

_____ (date)

And intend to start my maternity leave on

_____ (date)

Signed: _____

Print Name: _____

Date: _____

Appendix 2 – Second Maternity Letter

Dear

Congratulations and thank you for telling me about your pregnancy and the date that your baby is due. I am writing to you about your maternity leave.

You are eligible for 39 weeks paid maternity leave plus 13 weeks additional maternity leave.

Given your chosen start date of _____, your maternity leave will end on _____.

If you wish to return to work earlier (for example at the end of your paid maternity leave), you must notify the Council giving at least 56 days notice.

You can use the slip at the base of this letter if you wish.

If you want to change the date your leave starts you must, if at all possible, give 28 days notice.

Yours sincerely

To: _____

I am writing to notify you of the date I intend to return to work following my maternity leave.

My date of return will be : _____

Signed: _____

Print Name: _____

Date: _____

Appendix 3 -- re Keeping in Touch days during maternity leave.

Dear

I hope that all is well with you and *(the pregnancy / your new baby)*.

As you may be aware, employees on maternity leave have the opportunity to come into work for up to 10 days during their maternity leave with no loss of Statutory Maternity Pay. These are known as 'Keeping in Touch' or 'KIT' days and are designed, as the name suggests, to enable you to keep up-to-date with developments at the Council or to undertake training.

Accordingly, we would like to invite you to come in on *(date)* at *(time)* for *(purpose: meeting, training session etc)* and this would count as one of your KIT days. **You would receive *(either normal day's pay or SMP payment, at Council's discretion, but must be agreed in advance of the KIT day)*.**

You are under no obligation to attend, but we hope that it may be a useful exercise for both you and the Council, and will help to ease your return to work later on if you choose to do so.

Please would you let me know by *(date)* whether or not you are able to attend? If you have any queries about this or any other aspect of your maternity leave, please do not hesitate to contact me. We hope to see you soon.

Yours sincerely

Appendix 4 – Re Returning to Work

Dear

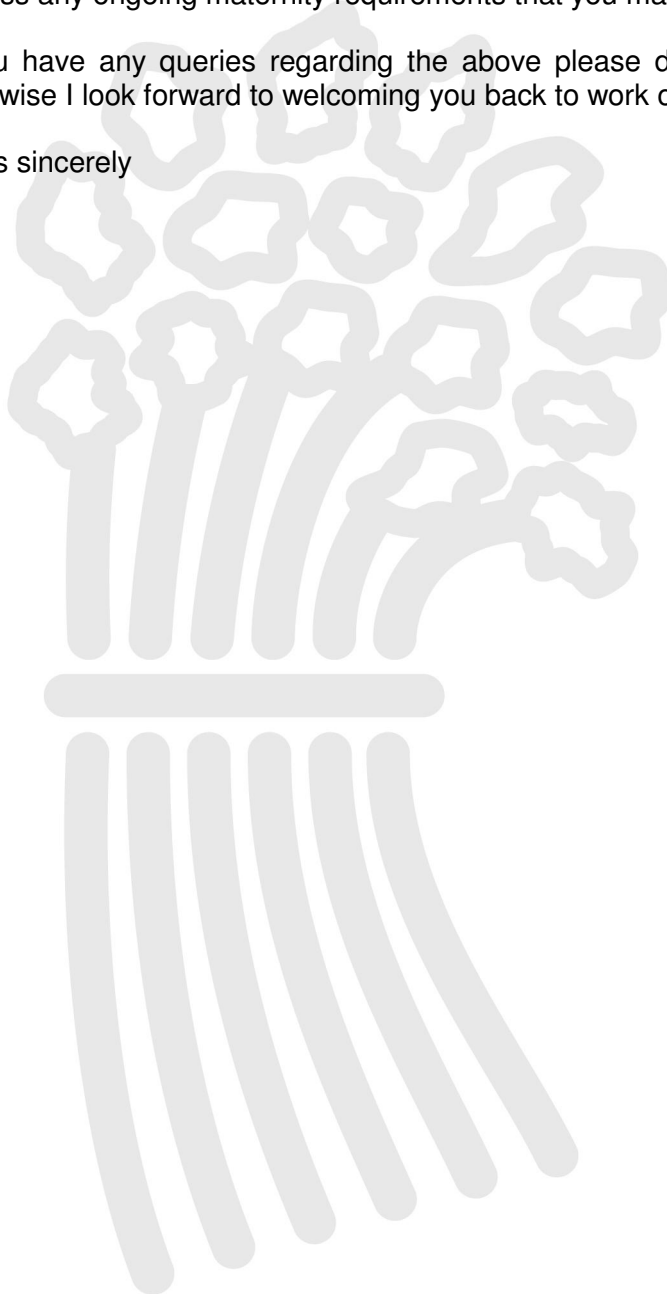
I hope that all is well with you and your new baby and that you are continuing to enjoy your maternity leave.

As I am sure you are aware your leave is due to finish on (insert date) and you will be returning to work on (insert date).

I would like to arrange to meet with you at (insert time) on (insert return to work date) in order to bring you up to date with changes that have occurred over the past year and to discuss any ongoing maternity requirements that you may have.

If you have any queries regarding the above please do not hesitate to contact me, otherwise I look forward to welcoming you back to work on (insert date).

Yours sincerely



Appendix 5 - Adoption Leave Acknowledgement Letter

Dear

Congratulations and thank you for advising us that you will be adopting a child. I am writing to confirm your adoption leave entitlements which will be as follows:

You commenced work with the Council on (insert date) and you are therefore, **entitled/not entitled** to adoption leave.

Given that your leave will commence on (insert date), it will end on (insert date) and you will return to work on (insert date).

If you wish to change the date that you will commence leave you should provide at least 28 days notice to the Council.

You **will/will not** be entitled to 39 weeks statutory adoption pay. This will amount to (insert amount) per week commencing on (insert date) and finishing on (insert date). **The SAP1 form enclosed will explain why you do not qualify for adoption pay. Your adoption agency will be able to advise if you are able to apply for alternative financial support.**

The Council will maintain contact with you during your adoption leave and you should be aware that you are permitted to work for up to 10 days during your period of leave without it affecting your entitlement to statutory adoption pay.

Should you decide not to return to work you are required to give your usual period of notice.

If you have any further queries or concerns regarding your adoption entitlements please do not hesitate to contact me.

Yours Sincerely



Appendix 6 - Paternity Leave Letter

Dear

Thank you for completing and submitting the self certification form to take paternity leave.

I confirm that you will start your paternity leave on _____ and paternity payment on _____ and return to work on _____.

You will continue to receive normal benefits during your paternity leave except in the following cases:

- You will receive only the statutory paternity pay during your absence.
- You will not receive any sickness pay should you be ill during this period.

Should the above dates change you must let me know 28 days or more in advance, so that we have time to make arrangements for your absence.

I would like to take this opportunity to congratulate you and hope that all goes well with the birth of your baby.

Yours sincerely



