

Charlton Musgrove Parish Council

Employee Handbook

2021

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Section 1 Welcome & Introduction

1.1 Welcome

Dear Colleague,

Welcome to Charlton Musgrove Parish Council. We are extremely proud of our organisation and the team that we have assembled to support it. We have developed our employment policies and procedures to make sure that everyone is treated fairly and consistently. We have developed them to make you aware of what we expect and what we offer in return. We aim to provide the highest standards of quality and service in everything that we do and believe that our employees are the key to achieving this goal. Further information about the Council can be found at charltonmusgrovepc.org.uk

We sincerely hope that you enjoy a long and rewarding career with us. Please read this handbook carefully and let your line manager / Staffing Committee know if you have any queries.

The Staffing Committee
Charlton Musgrove Parish Council

1.2 Introduction

This handbook provides a guide to the employment policies of Charlton Musgrove Parish Council to which additions or alterations may be made from time to time. All employees are required to read this handbook carefully and to understand its contents fully. Should clarification of any point be required, please take the matter up with your line manager / Staffing Committee.

1.3 General employment

This handbook provides details of the Council's employment policies and procedures and how they will be implemented. It is for use by all employees, the Council and its Committees in making decisions with respect to personnel matters. All day-to-day employee management decisions on personnel matters are delegated to the line manager / Staffing Committee. Day-to-day matters relating to the Clerk will be dealt with by the Staffing Committee on the Council's behalf. Procedures in law also exist for the review of issues for all staff by the Council and its Committees. These procedures are detailed within this handbook.

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

1.4 Equal opportunities statement

Charlton Musgrove Parish Council is committed to maximising the effective use of people in the best interests of both Charlton Musgrove Parish Council and its employees and will pursue equality of opportunity as a means of achieving this objective. Therefore, Charlton Musgrove Parish Council's policy requires that employment and progression within it will be determined solely by personal merit and the application criteria which are related to the effective performance of the job and the needs of the business. No applicant or employee will be treated less favourably than any other on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (which includes colour, nationality and ethnic or national origins), religion or belief, sex or sexual orientation.

Section 2 Conditions of Employment

2.1 Probationary Period

Generally, employees will initially be engaged for a probationary period, details of which will be given in individual Statements of Terms and Condition of employment. Performance and conduct factors will be reviewed during the probationary period, resulting in either confirmation of your employment, an extension of the probationary period or termination of your employment.

2.2 Documentation

It is a criminal offence to employ someone who is not entitled to be in the UK or to do the work Charlton Musgrove Parish Council is offering. Therefore as a matter of course we will ask all employees to provide proof of eligibility to work. On starting work with Charlton Musgrove Parish Council, each employee must present:

- (i) National Insurance Number
- (ii) P45
- (iii) Birth Certificate or other proof of age
- (iv) Job related qualifications when requested
- (v) Passport /work permit/ biometric immigration document / national identity card
- (vi) Driving Licence when requested
- (vii) Bank details for payment of wages
- (viii) Any other proof of eligibility to work as requested by Charlton Musgrove Parish Council.

2.3 References

References from previous employers will be requested in respect of all employees. Continued employment is subject to receipt of replies which are satisfactory to Charlton Musgrove Parish Council. Should satisfactory references not be received, Charlton Musgrove Parish Council reserves the right to terminate your employment.

2.4 Your Salary

You are appointed on a single salary point and this will be reviewed annually. All salaries are paid monthly or weekly (as detailed in your Statement of Main Terms and Conditions), by direct transfer into your bank account. Therefore, it is in your interest to make sure that you keep us informed of any changes to your bank account.

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

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

Overtime and time off in lieu

All arrangements for overtime should be agreed in writing beforehand with the line manager / Staffing Committee setting out what work is to be undertaken and the hours worked recorded. In general, employees who work overtime are expected to take time off in lieu, save where agreed with the line manager / Staffing Committee that overtime shall be paid. Time off in lieu should also be taken if there is a requirement to work on a statutory bank holiday. Certain ongoing jobs however do unavoidably require to be worked outside normal working hours, and

where this is the case employees who are asked to do overtime on a regular or semi-regular basis will be paid. All time off in lieu shall usually be taken within one month.

N.B. The above provisions shall not apply for any posts where payment for overtime is included within the basic salary and terms and conditions of employment.

Salary Deductions

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

- (i) Income tax
- (ii) National insurance
- (iii) Pension scheme
- (iv) Union dues
- (v) Student loan repayments
- (vi) Any overpayments in salary

Any salary enquiries should in the first instance be taken up with your line manager / Staffing Committee.

Taxation

P45

On starting, you should hand in your Income Tax Form P45 to your payroll provider (details of whom will be provided when you start) to ensure that the correct income tax is deducted.

P60

At the end of each Income Tax Year, which is 5 April, you will be given a certificate of Pay, Income Tax and National Insurance Contributions (P60), which shows the total amount for income tax purposes that has been paid to you in the year. Always remember to keep your P60 as the Inland Revenue or the Department of Works & Pensions may request them.

Tax queries

There may be times when you need information about your tax, for instance if you get married, claim tax credits or if you have a part-time role. If so, please contact your payroll provider for the address of your tax office. You will need to quote your National Insurance number, which you can find on your payslip.

2.5 Expenses

Where an employee is required to travel as a requirement of their job, the Council will reimburse actual expense and subsistence incurred in accordance with the scale laid down and published by HMRC in the annual salaries and allowances notification. Charlton Musgrove Parish Council will reimburse you for all necessary approved travel, accommodation and other reasonable expenses incurred whilst you are engaged on authorised Charlton Musgrove Parish Council business.

You must check with your line manager / Staffing Committee regarding the precise rules and your entitlements before incurring any expenses, especially in relation to the standard of accommodation and travel plus any incidental expenses to which you may or may not be entitled.

All expense forms must be signed and dated by you and your line manager / Staffing Committee before they are submitted for payment. All expenses should be submitted within 3 months of being incurred. Any abuse of the Expense System will result in disciplinary action, which could result in summary dismissal.

2.6 Hours of Work

Your hours of work are detailed in your main statement of terms and conditions of employment. The way in which you work these hours may be changed and you may be asked to work extra hours depending upon the operational requirements of the Parish Council. Any additional hours will usually be compensated by time off in lieu unless agreed in advance otherwise.

Employees on part time contracts working less than full time hours will have such benefits as pay and annual leave calculated pro rata to the standard working week.

2.7 Breaks

Your normal lunch and any other breaks you are entitled to (as applicable) are those notified to you at the time of your engagement. A lunch break of at least 30 minutes should be taken and this should normally be between the hours of 12 noon and 2pm. Exceptionally it can be taken at other times if agreed with your line manager / Staffing Committee.

2.8 Additional Hours

Additional hours are those hours worked over and above the weekly total for which employees are contracted to work. You may be requested to work overtime and you will be expected to co-operate with any reasonable request. All overtime must be authorised in advance by your line manager / Staffing Committee. Your entitlement to payment for overtime is determined by your contract of employment. If you are entitled to payment for overtime, no remuneration or compensation is payable for overtime not authorised in advance, nor would time off in lieu normally be granted in such circumstances.

Working on a public/ bank holiday

You may be required to work on any or all public/ bank holidays. If you work on one of the above days, you will be paid as normal and entitled to take one day off in lieu at a mutually agreed date, which shall be taken within one month.

2.9 Time Keeping

You are responsible for attending punctually for work in accordance with the hours stipulated within your main statement of terms and conditions of employment. You may not leave work prior to your normal finishing time without the permission from your immediate line manager / Staffing Committee. Persistent lateness, unacceptable levels of absence and/or unauthorised absence will be considered to be a breach of procedure and may result in disciplinary action being taken.

2.10 Restrictions on Other Business Activities

You are expected to devote the whole of your time and attention during business hours to your duties and will not, at any time, without the prior written consent of your line manager be directly engaged, concerned or interested in or connected with any other business or concern, whether during or outside your normal working hours. Charlton Musgrove Parish Council will not unreasonably withhold consent to other activities that do not create a conflict with your duties for the Council or that may lead to you working in excess of an average 48-hour working week.

Charlton Musgrove Parish Council has a responsibility to ensure that you do not work excessive hours. The Council does however, reserve the right to require that any other employment undertaken by an employee of the Council does not conflict with the role or standards required to be undertaken in the Public Office of your role within the Council.

2.11 Holidays

General Rules

Your holiday entitlement will be as per your Statement of Terms and Conditions of employment. The calculation of your annual leave commences from the first day of your employment. Full time employees are entitled to take 20 working days, in each leave year (pro rata for part time employees.) The minimum annual leave entitlement will increase to twenty-five working days (pro rata for part time employees) when you have completed five years continuous service immediately prior to the commencement of the leave year. In addition, you are entitled to the public/ bank holidays (pro rata for part time employees), and time off during the Christmas and New Year break when the office is closed.

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

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

Holidays are approved on a first come, first serve basis. Therefore you are advised to submit your holiday requests as early as possible. In any event, you should give Charlton Musgrove Parish Council at least one month's notice of your intention to take leave, and Charlton Musgrove Parish Council reserves the right to refuse a leave request where operational requirements dictate. If a leave request is refused, then you will be given options of alternative dates on which you may take leave.

In the event that Charlton Musgrove Parish Council wishes you to take leave at a specified time, Charlton Musgrove Parish Council may give you one month's notice of a period of leave, of whatever duration as may be specified by Charlton Musgrove Parish Council.

Holidays will be taken at the discretion of Charlton Musgrove Parish Council to ensure effective operation of the business. You must agree all holidays in advance with your line manager / Staffing Committee. If you take holidays without prior authorisation, you may be subject to disciplinary action.

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

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

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

Bank/ public holidays

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

Part-time workers entitlements

The entitlement to annual leave, bank and public holidays and additional statutory days is based on the number of contractual hours. For example, an employee who works 20 hours per week on a Monday, Wednesday and Friday would be entitled to a bank holiday entitlement of:

(Part time contractual hours) 20/ (FTE contractual hours) 37 X 7.4 (FTE contractual hours per day) X (number of bank holidays) 8 = 32 hours bank holiday entitlement per year.

2.12 Absence from work – due to illness/ Injury

Policy Principles

1. The Council fully understands that staff will occasionally be unwell and will need to stay at home when too sick to come into work. Most large, medium and many small businesses and organisations put in place policies and procedures to enable such absences to be managed so that services are not compromised and Council priorities can continue to be met.
2. If such circumstances arise, managers will offer support to staff to achieve satisfactory attendance by helping a person return to work as soon as they can. Through discussion, the manager and staff member will identify the barriers to preventing a return to work so that support can be given where possible.
3. Where the level of absence is of concern, managers may consider putting in place formal action with a view to improving attendance. Formal warnings could be issued to address high levels of poor attendance. Where an absence is for a continuous period, regular meetings will take place between the manager and the employee to identify any support needed to help return to work when well enough.
4. On rare occasions where high levels of sick absence can no longer be tolerated, dismissal may be considered.

Notification

If you are absent from work for any reason other than a planned holiday, you must report your absence to your line manager / Staffing Committee as soon as reasonably practicable. You will be asked to provide the specific reason for absence, when it started, and when you expect to return to work.

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

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

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

Informal action

1. Following a period of absence, the manager may meet with the employee to discuss the circumstances of the absence and to review all previous sickness in the previous 12 months. This includes making sure the employee is aware of their level of absence from work and to offer support which could be put in place to prevent further absence.
2. This informal meeting which should be done where possible on the day of the return will be called the Welcome Back Discussion. The main details of the discussion should be recorded and filed with the member of staff's personnel file.

Formal action

1. Every employee will have a 'Trigger Point' (consideration point). For employees working a five day week this will be 8 working days (pro rata for those working part-time).
2. This means that sickness absence of 7 days or less in a rolling 12-month period is satisfactory. However, if 8 days or more is reached, then the manager may invite the employee to a separate meeting to discuss the circumstances of the unsatisfactory attendance. In most circumstances the manager will decide whether a formal meeting is needed at the Welcome Back Discussion and will inform the employee that they would like to meet with them separately to discuss their unsatisfactory attendance in detail.
3. The formal interview should take place as soon as practicable following the period of absence, whilst giving the employee sufficient notice to seek any advice necessary.
4. If following the formal meeting the manager decides that formal action is appropriate then they will set a first written warning. This is followed by a six month review period.
5. Attendance becomes unsatisfactory if during if the six-month Review Period the employee reaches 50% of their trigger point. This means that for full-time staff 3 days sickness is satisfactory but the warning period is failed if 4 days or more are taken.
6. If the first written warning is not passed then a final written warning will be considered and monitoring is the same as for the first written warning.
7. If the employee passes the six-month warning period following the first written warning, then no further action is taken other than they enter a 12 month sustained improvement period. Monitoring during this this period continues and if the employee reaches or exceeds their usual trigger point (i.e. 8 days), at any time, then a further six month warning period may be considered.
8. If the final written warning is passed then the employee enters the sustained improvement period and monitoring continues as above.
9. If the employees attendance is unsatisfactory during the Final Written Warning or within the sustained improvement period following a final written warning then dismissal may be considered.
10. The manager may at any point ask the employee to consent to provide occupational health advice or to discuss the problems with their doctor.

Continuous absence

1. Where an employee has a more serious illness and the absence lasts for a month or more the manager should meet with the employee formally at 28 days and then every month after. These meetings will involve identifying what the barriers are to prevent a return to work and any help that can be offered to enable the person to return.
2. The Council may request that the employee consents to provide an occupational health report to advice on what the issues are and when a return to work may be possible.
3. If it becomes clear that the absence cannot be tolerated any longer then a formal interview may be arranged to determine whether the person should be dismissed.

Disabled Employees and reasonable adjustments

1. For employees with disabilities, the Council has a duty to make reasonable adjustments where needed to ensure they are not put at a disadvantage compared to a non-disabled person. This could involve making a change to the way a duty is carried out, to a physical feature or the environment. It may also be appropriate to raise the persons trigger point to take account of disability-related absences.

Reasons why formal action may not be appropriate

1. Conducting a formal meeting does not automatically mean that a warning review period will be set by the manager. Certain circumstances may be taken into account which would lead them to tolerate and support an absence even though the trigger point has been reached. Examples of this are:
 - (i) The sickness is pregnancy related

- (ii) The absence is for an operation or treatment that would improve the employee's health and thereby improve their attendance
- (iii) It is known that the employee requires reasonable adjustments, but they are not yet in place.
- (iv) The circumstances or nature of the sickness is unusual and it would be unfair or unreasonable to give a warning.

Paperwork

Managers will record the main points arising from informal or formal meetings and file copies of all letters and related documents in the employee's personnel file. It is important to record the reasons why certain decisions have been made by the manager. If an employee is transferred to another department or team the new manager needs to be able to quickly determine if there are issues with attendance or if formal action is in place. Documents should be copied to the employee as the process moves forward.

Medical Assessment

If the Council has concern for an employee's health we may require that a medical examination, by a doctor or occupational health professional appointed by Charlton Musgrove Parish Council, be undertaken at Charlton Musgrove Parish Council's expense and with your authorisation.

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

Medical Appointments

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

- (i) The appointment is substantiated with an appointment card;
- (ii) The time of the appointment causes as little disruption as possible, i.e. at the beginning or end of the day; and
- (iii) Prior permission from your manager has been obtained

Payment will be only be made for reasonable time off if the hours are made up at another time.

Time off for hospital appointments will be granted, provided that the appointment is substantiated with an appointment card and prior permission from your line manager / Staffing Committee has been obtained. There is no requirement to make this time back.

Charlton Musgrove Parish Council Sick Pay

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

Statutory Sick Pay

If you are eligible, your entitlement to Statutory Sick Pay (SSP) commences immediately you begin employment with Charlton Musgrove Parish Council. It is payable for a maximum period of 28 weeks, unless you have taken some entitlement with a previous employer. When SSP entitlement has been exhausted, new SSP entitlement totalling 28 weeks commences when an eight week (56 calendar days) period of work has been completed without any linked 'periods of incapacity for work' (PIWs).

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

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

Sick Pay during Holidays

If you fall sick immediately before or on the first working day of your holiday it may be treated as a sickness absence, enabling you to take the holiday at a later date. This will be at your line manager / Staffing Committee discretion and subject to the provisions of 2.11.

This will only be considered if you:

- (i) Notify your line manager / Staffing Committee of the circumstances by telephone on the first working day of the absence; and
- (ii) Provide medical evidence from your doctor or hospital. This must be dated on and related to the first working day of your absence. You must then submit this to your line manager / Staffing Committee as soon as possible.

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

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

Conduct Whilst On Sick Leave

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

- (i) Participate in any sports, hobbies or social activities which are inconsistent with their illness or injury or which can aggravate the illness or injury or which could delay recovery;
- (ii) Undertake any other employment whether paid or unpaid; or
- (iii) Engage in any activity which is inconsistent with the nature of the illness or injury.

Should your period of absence be lengthened by involvement in any of the above, Charlton Musgrove Parish Council may withhold sick pay and take further disciplinary action.

Access to Medical Records

In order to gain as much information about the employee's medical condition as possible, Charlton Musgrove Parish Council may also request their permission to contact their GP and ask for a medical report on the employee's condition. This procedure includes certain rights for the employee, including the right to decline, and the employee may ask to see a report before Charlton Musgrove Parish Council, or provide comments. Full details of the procedure would be provided in the event of any such request being made.

2.13 Leave Of Absence

In all cases other than due to illness or injury, you must get permission from your line manager / Staffing Committee, prior to absence. If you take time off without prior authorisation, it will be deemed that you have breached Charlton Musgrove Parish Council procedures and may be liable to disciplinary action.

2.14 Leave for Family Emergencies

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

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

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

There is no entitlement for leave to be paid. In exceptional cases, however, it may be appropriate for pay to be given. Note that it may also be appropriate for the employee to take annual leave in some cases. During leave, employees must advise their manager at the earliest opportunity if they need longer off work than anticipated to deal with the emergency.

Due to the nature of emergency leave, there are no minimum notice requirements. However, before taking leave, employees must speak to their line manager / Staffing Committee, or if unavailable, the Clerk. Email & texting are not acceptable forms of communication of the intention to take leave.

Taking emergency leave without advising the appropriate personnel and/or using appropriate media, as detailed above, may result in disciplinary action.

2.15 Bereavement / Compassionate Leave

Charlton Musgrove Parish Council recognises that time off work following the death of a family member for mourning, supporting other family members and/or to make funeral arrangements and to attend the funeral are necessary. Therefore, some paid leave can be given, up to a maximum of three days, if agreed with your line manager / Staffing Committee. In situations which are similarly distressing, consideration will be given to granting paid or unpaid time off at the discretion of the line manager / Staffing Committee.

It should be noted that three days paid leave is a maximum for exceptional circumstances and should not be considered as an automatic entitlement.

Bereavement leave is fully paid, based on a normal day’s pay. In other words, pay will be received as if you had attended work.

2.16 Flexible Working

Charlton Musgrove Parish Council is committed to helping its employees to balance the demands between their work and home life.

All employees, irrespective of their length of service or personal circumstances can request changes to their working arrangements. The application for flexible working is described in full in the appendices.

Your Manager will not always be able to agree to your request, but no request will be unreasonably refused.

2.17 Part Time Working

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

2.18 Jury Duty / Court Attendance

Employees summoned for Jury Service or as a witness will be granted leave of absence without prejudice to normal holiday entitlement. Time off for a witness or Jury Service is unpaid, but Charlton Musgrove Parish Council will make up the difference between the employee's basic rate of pay and the Loss of Earnings compensation provided by the court. Charlton Musgrove Parish Council will also pay the employee's National Insurance Contributions whilst the employee is on Jury Service.

Employees called for Jury Service must:

- (i) forward the 'Jurors Loss of Earnings' form to their line manager / Staffing Committee;
- (ii) be advised to claim the maximum Loss of Earnings Allowance from the court; and
- (iii) at the end of their jury service, provide a statement from the court showing the gross amount of compensation paid for loss of earnings.

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

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

2.19 Time Off For Public Duties

Under section 50 of the Employment Rights Act 1996, Charlton Musgrove Parish Council is obliged to provide reasonable time off for the following public duties:

- (i) Justice of the Peace, or a member of the following bodies:
- (ii) Local Authority;
- (iii) Statutory Tribunal;
- (iv) Police Authority;
- (v) Board of prison visitors or a prison visiting committee;
- (vi) Relevant health body;
- (vii) Relevant education body; and
- (viii) Environment agency.

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

2.20 Membership of Her Majesty's Reserve Forces

An employee who is or becomes a Member of the Reserve Forces must advise their line manager / Staffing Committee with immediate effect. Unless otherwise agreed with Charlton Musgrove Parish Council, time off must be taken as annual paid leave other than in times of national emergency.

In the event of mobilisation for active duty, a Reservist should inform their line manager / Staffing Committee as soon as practicable. The law gives certain rights to members of the Reserve Forces upon mobilisation, and full consideration will be given to those rights. Charlton Musgrove Parish Council may, dependent upon operational needs, wish to request a deferral of mobilisation. The rights of Reservists to have their jobs kept open for them upon demobilisation will be respected.

2.21 Retirement

Charlton Musgrove Parish Council does not operate a compulsory retirement age for its employees. Please see the appendices for further details contained within the Retirement Policy.

2.22 Termination of Employment

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

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

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

An exit interview will be conducted with all employees who leave Charlton Musgrove Parish Council.

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

2.23 Redundancy

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

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

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

2.24 Resignation

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

2.25 Walking off the Job

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

2.26 Disciplinary Sanctions

In cases of misconduct, you may be subject to disciplinary action, which includes various levels of warning up to and including dismissal. The Disciplinary Procedure is outlined in section 4.

2.27 Trade Union Membership or Professional Body

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

2.28 Health & Safety

You must take care of your own health & safety at work and that of colleagues and/or other people who may be affected by your actions at work. You are expected to co-operate with management and/or other employees in observing statutory duties as well as Charlton Musgrove Parish Council procedures relating to Health & Safety. Charlton Musgrove Parish Council's policy can be found in section 5, of this handbook.

2.29 Data Protection

If your job involves handling personal information, you must ensure that it is kept securely, in accordance with the Council's Privacy Policy. Inappropriate use or disclosure of such information may constitute criminal offence.

2.30 Death in Service

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

Section 3 General Information & Employee Benefits

3.1 Pension Scheme

The Local Government Pension Scheme is no longer open to new entrants. An auto-enrolment scheme is open to all qualifying members of staff on either an opt-out or opt-in basis, (depending on your employment status), the details of which will be given to you when you begin your employment.

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

Should your personal circumstances alter whilst in employment, you must notify your line manager / Staffing Committee at the first opportunity.

3.3 Disclosure of Information

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

Any public statement or any statement to a person employed or associated with the media concerning Charlton Musgrove Parish Council, its residents, customers, suppliers or their activities, must be made in line with the Council's Communication Policy. Nothing in this policy (3.3) prevents an employee from giving evidence when required by a Court, or from making any Public Interest Disclosure in good faith to an appropriate person or body.

3.4 Security

Employees have a duty of care to safeguard the property and equipment of Charlton Musgrove Parish Council. Security regulations and arrangements should be strictly adhered to. If you notice anything suspicious, report it to your line manager / Staffing Committee in the first instance.

Right of Search

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

Building Security

If you have keys for any Parish Council property you must ensure that the building is secured and alarmed when leaving it at the end of the working day.

3.5 Personal Property

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

3.6 Letters and Personal Calls at Work

Charlton Musgrove Parish Council premises and facilities should not be used for personal telephone calls or receipt of correspondence, except when express permission has been obtained from your line manager / Staffing Committee. Should you answer a telephone, please remember that you are acting as a representative of Charlton Musgrove Parish Council and you are therefore required to deal with any query in a polite, courteous and professional manner.

Personal mobile telephones should be kept on silent mode during working hours. Employees should restrict personal mobile telephone calls and text messages to their rest breaks.

3.7 Recruitment

Charlton Musgrove Parish Council will advertise internally as well as externally. The recruitment method will be detailed in the advert and internal applicants should inform their manager of their intention to apply. Candidates will be sorted and the interviewing processes will be conducted fairly, objectively and without favouritism.

3.8 Induction

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

3.9 Performance

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

3.10 Development Reviews and Appraisals

Charlton Musgrove Parish Council will ask you to take part in a twice-yearly review programme, with an interim review and annual appraisal. We do this to build on your strengths and to offer support / training in the case of any weaknesses. The reviews should be seen as a positive process, which we believe are beneficial to both the employee and the Council. These reviews of your work performance, which your line manager / Staffing Committee will discuss with you, will provide you with the opportunity to discuss your progress with your line manager / Staffing Committee, record any comments and create plans for your development.

3.11 Promotion

Promotions are made solely on the basis of individual merit and all suitable candidates will be considered regardless of their age, sex, race, religion, belief, marital status, disability or sexual orientation. Promotion may arise from the recognition that an individual has reached a point of being able to take on additional responsibilities or from vacancies arising from the departure of another employee. Length of service, on its own does not lead to promotion; the only consideration is the person's ability to fulfil the role in question.

3.12 Personnel records

You have a personnel file which contains all of the relevant information about your employment including records from appraisals / reviews, individual meetings and training and development undertaken. You have the right to know what data is held by Charlton Musgrove Parish Council about you and you can request to be supplied with a copy of your file. Requests for a copy should be made to your line manager / Staffing Committee. For further

information relating to the protection of data see the appendices, and the Council's Privacy Policy.

3.13 Training & development

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

3.14 Communication

It is everyone's responsibility to commit to developing effective communications. Charlton Musgrove Parish Council welcomes ideas and suggestions from all on how to make Charlton Musgrove Parish Council a better place to work. For further information refer to the Council's Communications Policy.

3.15 Council Property

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

Section 4 Disciplinary & Grievance Procedures

4.1 Disciplinary Procedure

Charlton Musgrove Parish Council strives to establish an enterprise committed to the highest standards of quality and productivity, seeking to attract, retain and motivate quality people by providing an effective working environment which supports quality results.

To this end Charlton Musgrove Parish Council believes in the importance of clearly communicating the performance standards and behavioural conduct that are expected of all employees. Where conduct or performance falls below the acceptable standard, the disciplinary procedure set out below will be used.

This procedure does not form part of employees' terms and conditions of employment and may be disregarded or departed from at the absolute discretion of the Council. The Council is responsible for maintaining behaviour and performance standards and discipline. Employees are responsible for their own actions and for abiding by Council rules and standards of conduct. Counselling will take place in an appropriate location using external support as necessary.

The following principles will apply at all stages of the disciplinary procedure:

- a) Minor cases of misconduct and poor performance may be dealt with informally through advice, coaching, re-training and counselling and not through the formal disciplinary procedure.
- b) No disciplinary action will be taken until a case has been subject to a full and separate investigation.
- c) At every stage an employee will be advised of the nature of the complaint against them in writing and the evidence to support such allegations, prior to disciplinary proceedings being taken. In certain circumstances, this principle may be modified to maintain the confidentiality of witnesses, as appropriate in the circumstances of the case. The employee will be issued with copies of evidence and / or notes of proceedings as appropriate.
- d) An employee will be given full opportunity to state their case.
- e) At every formal stage where a decision is taken that may result in disciplinary action being taken or appealed an employee will have the right to make a reasonable request to be accompanied.
- f) All requests for a companion must be reasonable, for example, if an employee requests a companion and there may be the appearance of a conflict of interest arising, or the requested companion cannot attend within a reasonable time, that request may be refused. Anyone asked to be a companion may decline to do so if they wish, but any employee acting as a companion has the right to be paid normally for the time spent in work as a companion. If the chosen companion is a Trade Union representative, Charlton Musgrove Parish Council will normally liaise with the Trade Union to verify the credentials of the Companion.
- g) An employee will not normally be dismissed for a first disciplinary offence except in the case of gross misconduct. Certain situations may arise where dismissal is necessary to maintain standards in the workplace or to ensure confidence in Charlton Musgrove Parish Council's reputation is maintained. Employees in the first two years of employment may be dismissed with notice at any time if their continued employment is not beneficial to Charlton Musgrove Parish Council.
- h) Disciplinary decisions will be confirmed in writing.
- i) An employee has the right to appeal against a disciplinary decision.

This policy is based on and complies with the ACAS Code of Practice.

It is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

This policy confirms:

- a) The Council will fully investigate the facts of each case.
- b) The Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see the ACAS publication "How to Manage Performance."
- c) Employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case.
- d) Employees may be accompanied or represented by a trade union representative or a work colleague at any disciplinary or investigatory meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining their case.
- e) The Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions.
- f) If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date.
- g) Any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council.
- h) Information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the Data Protection Act 1998.
- i) Recordings of the proceedings at any stage of the disciplinary procedure are prohibited unless agreed as a 'reasonable adjustment' that takes into account the employee's medical condition.
- j) Employees have the right to appeal against any disciplinary action. The appeal decision is final.
- k) If an employee who is already subject to the Council's disciplinary procedure, raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure.
- l) Disciplinary action taken by the Council can include an oral warning, a written warning, final written warning or dismissal.
- m) Except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that there has been misconduct.
- n) If an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it.
- o) The Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the Council's and the employee's consent.

Examples of Misconduct

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

- a) Unauthorised absence
- b) Poor timekeeping
- c) Misuse of the Council's resources and facilities
- d) Inappropriate behaviour
- e) Refusal to follow reasonable instructions
- f) Breach of health and safety rules

Examples of Gross Misconduct

Acts of gross misconduct undermine the relationship between the employee and employer, and bring into question the continuation of the employment contract. Any act that entitles an employer to terminate the contract without notice is gross misconduct.

Examples of gross misconduct are detailed below:

- a) Disorderly or indecent conduct, harassment, fighting, physical violence, offensive or threatening behaviour
- b) Damaging Council's property, equipment, products or materials
- c) Consumption or unauthorised possession of alcohol or drugs on Council premises or in Council time
- d) Being under the influence of alcohol or drugs on Council premises or in Council time
- e) Unauthorised use or possession of Council property or the property of other employees
- f) Falsification of records, including time sheets, absence records etc, in respect of yourself or a fellow employee
- g) Making false claims for payment or other benefits
- h) Hiding, concealing or misappropriating Council property or the property of other employees
- i) Serious breaches of the Council's regulations or procedures, including hygiene and health and safety regulations
- j) Endangering the safety of people, plant or equipment
- k) Refusing to wear personal protective equipment when required to do so
- l) Deliberate contamination of materials, product or processes
- m) Gross insubordination and/or failure to or refusal to carry out a lawful and reasonable instruction
- n) Acts of harassment, or discrimination, particularly on the grounds of sex, race, religion, disability, colour, ethnic origin, sexual orientation or age
- o) Misuse of Charlton Musgrove Parish Council's name, equipment, facilities or property
- p) Inappropriate use of email or internet systems
- q) Negligence, recklessness or serious error, which causes unacceptable loss, damage, disruption or injury
- r) Unauthorised use or serious disclosure of confidential Council information
- s) Carrying an offensive weapon
- t) Bringing Charlton Musgrove Parish Council into disrepute
- u) Failure to maintain the accounting standards required by Audit Commission Regulations; or
- v) Any breach of legislation which directly affects your ability to carry out your duties and/ or the expected standards of a person working in the public service.

The list above is not exhaustive. Acts or breaches of duty or other substantial reasons comparable to any of the above may constitute gross misconduct.

Disciplinary Investigation

There will be an investigation of the facts. The Council's Staffing Committee will appoint an Investigator who will be responsible for undertaking the disciplinary investigation. The Investigator will be independent and will normally be a Councillor. If the Staffing Committee considers that there are no Councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The Investigator will be asked to submit a report within 20 working days of appointment. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage.

The Staffing Committee will first notify the employee in writing of the alleged misconduct and ask them to attend a meeting with the Investigator. The employee will be given at least five working days' notice of the meeting with the Investigator so that they have reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee should be provided with a copy of the Council's

disciplinary procedure. The Council will also inform the employee that when they meet with the Investigator, they will have the opportunity to comment on the allegations of misconduct.

Employees may be accompanied or represented by a trade union representative or a work colleague at any investigatory meeting.

If there are other persons (e.g. employees, Councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee. The Investigator has no authority to take disciplinary action. Their role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the Staffing Committee whether or not disciplinary action should be taken.

The Investigator's report will contain their recommendations and the findings on which they were based. They will recommend either:

- a) The employee has no case to answer and there should be no further action under the Council's disciplinary procedures;
- b) The matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally; or
- c) The employee has a case to answer and there should be action under the Council's disciplinary procedure.

The Investigator will submit the report to the Staffing Committee, which will decide whether further action will be taken. If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

The Disciplinary Meeting

If the Staffing Committee decides that there is a case to answer, it will appoint a panel of three Councillors. The panel will appoint a Chairman from one of its members. The Investigator shall not sit on the panel. No Councillor with direct involvement in the matter shall be appointed to the panel. The employee will be invited, in writing, to attend a disciplinary meeting. The panel's letter will confirm the following:

- a) The names of its Chairman and other two members;
- b) The details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting;
- c) A copy of the investigation report, all the supporting evidence and a copy of the Council's disciplinary procedure;
- d) The time and place for the meeting. The employee will be given reasonable notice of the hearing (at least 15 working days) so that they have sufficient time to prepare for it;
- e) That witnesses may attend on the employee's and Council's behalf and that both parties should inform each other of their witnesses' names at least 5 working days before the meeting;
- f) That the employee and the Council will provide each other with all supporting evidence at least 5 working days before the meeting. If witnesses are not attending the meeting, witness statements will be submitted to the other side at least 5 working days before the hearing; and
- g) That the employee may be accompanied by a companion, either a trade union representative or a work colleague.

This disciplinary meeting will be conducted as follows:

- a) The Chairman will introduce the members of the panel to the employee;
- b) The investigator will present the findings of the investigation report;
- c) The Chairman will set out the Council's case and present supporting evidence (including any witnesses);
- d) The employee (or the companion) will set out their case and present evidence (including any witnesses);
- e) Any member of the panel and the employee (or the companion) may question the Investigator and any witness;
- f) The employee (or the companion) will have the opportunity to sum up their case;
- g) The Chairman will provide the employee with the panel's decision with reasons, in writing, within 5 working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision; and
- h) The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the panel.

Disciplinary Action

If the panel decides that there should be disciplinary action, it may be any of the following:

1. Formal Oral Warning

An oral warning is issued for most first instances of minor misconduct. The Council will notify the employee:

- a) of the reason of the warning, the improvement required (if appropriate) and the time period for improvement;
- b) that further misconduct/failure to improve will result in more serious disciplinary action;
- c) of the employee's right to appeal; and
- d) that a note confirming the oral warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for 6 months.

2. Formal Written Warning

If there is a repetition of earlier misconduct which resulted in an oral warning, or for different and more serious misconduct, the employee will normally be given a written warning which will set out:

- a) the reason for the written warning, the improvement required (if appropriate) and the time period for improvement;
- b) that further misconduct/ failure to improve will result in more serious disciplinary action;
- c) of the employee's right to appeal; and
- d) that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for 9 months.

3. Final Written Warning

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

- a) The reason for the final written warning, the improvement required (if appropriate) and the time period for improvement;
- b) That further misconduct/ failure to improve will result in more serious disciplinary action up to and including dismissal;
- c) The employee's right of appeal; and
- d) That a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for 12 months.

4. Dismissal

The Council may dismiss:

- a) For Gross Misconduct;
- b) If there is no improvement within the specified time period in the conduct which has been the subject of a final written warning; or
- c) If another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

The Council will consider very carefully a decision to dismiss. If an employee is dismissed, they will receive a written statement of the reasons for their dismissal, the date on which the employment will end and details of their right of appeal.

Length of time warnings will remain "live"

A first formal warning will normally have a time limit of six months; a second formal warning nine months and a final formal warning will normally be twelve months. After the relevant period of time, Charlton Musgrove Parish Council will disregard the warning but retain it on the employee's record. In each case, Charlton Musgrove Parish Council will specify the length of time that the warning will remain "live" but reserves the right to extend the time period in appropriate circumstances.

No Disciplinary Action

If the panel decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action imposed as a result of the disciplinary meeting will remain in force unless and until it is modified as a result of an appeal.

The Appeal

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

The grounds for appeal include;

- a) A failure by the Council to follow its disciplinary policy;
- b) The Staffing-Committee's decision was not supported by the evidence;
- c) The disciplinary action was too severe in the circumstances of the case; or
- d) New evidence has come to light since the disciplinary meeting.

The Appeal will be heard by a panel of three members of the Staffing Committee or Councillors who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the Staffing Committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the Staffing Committee. The appeal panel will appoint a Chairman from one of its members.

The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that they may be accompanied by a companion, either a trade union representative or a work colleague.

At the appeal meeting, the Chairman will:

- a) Introduce the panel members to the employee;
- b) Explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Disciplinary Meeting panel; and
- c) Explain the action that the appeal panel may take.

The employee (or their companion) will be asked to explain the grounds for appeal.

The Chairman will inform the employee that they will receive the decision and the panel's reasons, in writing, within five working days of the appeal hearing.

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

If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved. The appeal panel's decision is final.

Dismissal without Notice (Summary Dismissal)

Acts of gross misconduct undermine the relationship between employee and employer, and bring into question the continuation of the employment contract. Examples of acts of gross misconduct are set earlier in this section.

If it has been established that, after a full investigation, there has been an act of gross misconduct, or a serious breach of duty, or conduct, which brings Charlton Musgrove Parish Council into disrepute, the individual will be summarily dismissed, without notice, by the employee's immediate manager. Any mitigating circumstances will be considered prior to the dismissal.

In all disciplinary interviews where dismissal is a possible outcome, a representative from senior management will ordinarily be present. Where a decision to dismiss without notice is made, the dismissal will apply as from the end of the relevant disciplinary interview.

Capability

Where an employee fails to meet the standards required to fulfil the requirements of their role due to a lack of capability, management will endeavour to help the individual to come up to standard, as appropriate. Such endeavours will include coaching, re-training and counselling in order to offer the individual help and support.

The individual will be advised of:

- a) The standards expected of them;
- b) The improvements required;
- c) The consequences of failing to improve;
- d) The risk to their continued employment; and
- e) Any suitable alternative employment available.

If an employee fails to make the improvements required within the specified timescales, they may be subject to action and ultimately to dismissal.

If an employee loses a driving licence, e.g. due to “totting-up” of penalty points, and driving is an essential part of the job, the employee may be at risk of dismissal on capability grounds, subject to consideration of alternative ways of working or alternative work. Charlton Musgrove Parish Council may consider a temporary demotion for the duration of a ban, together with a change in pay if the alternative job has a lower “going rate of pay”.

Excess Sick Leave

Attendance is unsatisfactory if an employee’s sick absence level reaches or exceeds eight working days (less, pro-rata, for employees who do not work every day of the normal working week) in a rolling 12-month period. This is called the Consideration Point. The rolling 12-month period is the 12 months up to the last day of the most recent sick absence.

The employee may reach or exceed the Consideration Point by taking frequent, short sick absences or a continuous spell of sick absence.

If the sick absence level reaches or exceeds the Consideration Point, the manager should arrange a formal meeting when the employee returns to work, and follow the procedure for managing unsatisfactory attendance.

Disciplinary Action against an Employee Representative

Where there is a recognised Trade Union for a particular group of employees, the union representatives are subject to the same standards of conduct as other employees. However, no disciplinary action will be taken against an employee representative until the Full Time Officer of the union has been informed.

4.2 Grievance Procedure

Charlton Musgrove Parish Council recognises that it is in the interests of all parties that individual and group issues should be dealt with effectively and speedily in an atmosphere of mutual trust and confidence. It is intended that most issues be resolved informally between employees and their immediate manager. This procedure does not form part of employees’ terms and condition of employment and may be subject to change at the discretion of the Council. Any employee has the right to raise a grievance with management concerning their working conditions and employment arrangements, to seek redress and to be treated in a fair and effective manner.

Where a grievance relates to an individual’s immediate manager, the complaint should be taken up with manager’s immediate manager. Where the grievance relates to the Clerk, the complaint should be taken up with the Chairman of the Staffing Committee.

An employee has the right to be accompanied at any formal stage of the grievance procedure, where a decision may be taken or varied.

Grievances arising from the following should be addressed in that relevant policy procedure and not through the grievance procedure:

- Disciplinary matters; and
- Equal opportunity and harassment.

This policy is based on and complies with the 2009 ACAS Code of Practice.

It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.

This policy confirms:

- Employees have the right to be accompanied or represented at a grievance meeting or appeal by a trade union representative or work colleague. The companion will be permitted to address the grievance/ appeal meetings, to present the employee's case for their grievance/ appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining their case.
- The Council will give employee reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date.
- Any changes to specified time limits must be agreed by the employee and the Council.
- An employee has the right to appeal against the decision about their grievance. The appeal decision is final.
- Information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the Data Protection Act 1998.
- Recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition.
- If an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure.
- If a grievance is not upheld, no disciplinary action will be taken against an employee if they raised the grievance in good faith.
- The Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the Council's and the employee's consent.

Informal Grievance Procedure

The Council and its employee benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with their manager to see if an informal solution is possible. Both should try to resolve the matters at this stage. If the employee does not want to discuss the grievance with their manager (for example, because it concerns the manager), the employee should contact the chairman of the Staffing Committee or, if appropriate, another member of the Staffing Committee.

Formal Grievance Procedure

If it not possible to resolve the grievance informally, the employee may submit a formal grievance. It should be submitted in writing to the chairman of the Staffing Committee.

The Staffing Committee will appoint a panel of three members to investigate the grievance. The panel will appoint a Chairman from one of its membership. No Councillor with direct involvement in the matter shall be appointed to the sub- committee.

Investigation

The panel will investigate the matter before the grievance meeting, which may include interviewing others (e.g. employees, Councillors or members of the public).

Notification

Within 10 working days of the Council receiving the employee's grievance, the employee will be asked, in writing, to attend a grievance meeting. The panel's letter will include the following:

- The names of its Chairman and other members;
- A summary of the employee's grievance based on their written submission;
- The date, time and place for the meeting. The employee will be given reasonable notice of the meeting, which will be within 25 working days of when the Council received the grievance;
- The employee's right to be accompanied by a trade union representative or work colleague;
- A copy of the Council's grievance policy;
- Confirmation that, if necessary, witnesses may attend on the employee's behalf and that the employee should provide the names of their witnesses at least 5 working days before the meeting; and
- Confirmation that the employee will provide the Council with any supporting evidence at least five working days before the meeting.

The Grievance Meeting

At the grievance meeting:

- The Chairman will introduce the members of the panel to the employee;
- The employee (or companion) will set out the grievance and present the evidence;
- The Chairman will ask the employee what action they want the Council to take;
- Any member of the panel and the employee (or the companion) may question any witness;
- The employee (or companion) will have the opportunity to sum up the case;
- The Chairman will provide the employee with the panel's decision, in writing, within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal; and
- A grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the panel.

The Appeal

If an employee decides that their grievance has not been satisfactorily resolved by the panel, they may submit a written appeal to the Staffing Committee. An appeal must be received by the Council within five working days of the employee receiving the panel's decision and must specify the grounds of appeal.

Appeals may be raised on a number of grounds, e.g.:

- A failure by the Council to follow its grievance policy;

- The decision was not supported by the evidence;
- The action proposed by the panel was inadequate/inappropriate; or
- New evidence has come to light since the grievance meeting.

The Appeal will be heard by a panel of a different three members of the Staffing Committee or Councillors who have not previously been involved in the case. There may be insufficient members of the Staffing Committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.

The employee will be notified, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that they may be accompanied by a trade union representative or work colleague.

At the appeal meeting, the Chairman will:

- Introduce the panel members to the employee;
- Explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee; and
- Explain the action that the appeal panel may take.

The employee (or their companion) will be asked to explain the grounds of their appeal.

The Chairman will inform the employee that they will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.

The appeal panel may decide to uphold the decision of the Staffing Committee or substitute its own decision.

The decision of the appeal panel is final.

Section 5 Health and Safety

5.1 Health & Safety Policy

Charlton Musgrove Parish Council is committed to the protection of the health, safety and welfare of its employees whilst they are at work. This protection also extends to invited visitors and contractors whilst on Charlton Musgrove Parish Council premises. Charlton Musgrove Parish Council recognises that effective management systems and procedures have an important role in the prevention of accidents/injuries and incidents of ill health.

The objectives of this policy are:

- The progressive elimination, reduction or control of health and safety risks based on their assessment following the identification of hazards;
- Acceptance by all personnel of health and safety as a major responsibility; and
- The fulfilment of legal requirements and standards.

Charlton Musgrove Parish Council will ensure that all reasonable steps are taken to:

- Safeguard the health, safety and welfare of all employees; and
- To protect non-employees, property and the environment from any hazard created by Charlton Musgrove Parish Council's operations.

To meet these responsibilities Charlton Musgrove Parish Council will assess health & safety risk within its operations and develop, implement and monitor the effectiveness of suitable working standards to minimise such risk, as far as it is reasonably practicable.

All management and employees are required to be involved in achieving these objectives.

Management Responsibilities

Management is committed to and responsible for the achievement of the following objectives:

- Accept ultimate responsibility for the health, safety and welfare standards within Charlton Musgrove Parish Council. Standards prescribed by legislation will form the minimum basis for operating;
- Provide and maintain a safe and healthy working and operating environment;
- Regularly reviewing and revise where necessary, Charlton Musgrove Parish Council's health & safety policy at regular intervals, as required by our Health and Safety Advisor;
- Providing adequate resources to ensure that standards are implemented effectively and that competent advice on health & safety matters is available to management;
- Consult with employees on matters affecting their Health & Safety;
- Prevent accidents and cases of work related ill health;
- To maintain safe and healthy working conditions;
- Ensure that all employees are aware of the health & safety risks connected with their duties and have received adequate training to enable them to perform and agree standards or work procedures; and
- Monitor the effectiveness of standards and work procedures, and regularly reassess the health and safety risks.

Employee Responsibilities

All employees must accept responsibility to:-

- Take reasonable care of their own and colleagues' health & safety and that of other people who may be

- affected by their actions at work;
- Co-operate fully with management in ensuring that all health and safety standards and working procedures adopted by Charlton Musgrove Parish Council are adhered to; and
- Report immediately to management any working situation which they consider to be a danger to the health, safety or welfare of themselves or others.

5.2 Fire & Fire Evacuation Procedure

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

In the event of a fire at Charlton Musgrove Memorial Hall, all staff must follow the Fire Policy and Procedures.

5.3 Accidents

All accidents involving personal injury no matter how slight must be reported to a first aider for treatment and entered in the Accident Book. For those working from home, any accident in the course of your employment must be recorded in the Accident Book.

Your line manager / Staffing Committee will ensure that the Council Accident Record is updated. Where the accident is notifiable as defined in the local Council Health and Safety Guide, your line manager / Staffing Committee will be informed and they will notify the appropriate authorities.

Under normal circumstance accidents must be reported immediately after they occur by entry into the accident book. In some circumstances this may not be possible (e.g. if an accident occurs off site and the injured person is absent from work). In such cases, the accident must be notified to Charlton Musgrove Parish Council within 48 hours so that the necessary entry can be made in the accident book and an investigation can commence.

Failure to comply with the above may result in disciplinary action unless there are genuine mitigating circumstances.

5.4 Hazard Reporting

Employees are encouraged to report any hazards that they identify to their line manager / Staffing Committee.

5.5 Personal Protective Clothing & Equipment

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

5.6 Manual Handling

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

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

If in doubt, the Health & Safety Executive at gov.uk offers excellent information to support employees.

5.7 Drugs and Alcohol

It is the responsibility of Charlton Musgrove Parish Council to ensure, so far as is reasonably practicable the health, safety and well-being of all employees. Employees who are under the influence of drugs and or alcohol whilst at work may adversely influence their own safety and that of their colleagues. Please refer to the Drugs and Alcohol Policy in the appendix section.

5.8 First Aid

First aid kits are maintained in each work location operated by the Council. Where appropriate, first aid will be applied preferably by a Council first aider or by a competent person. Where more serious injury is sustained, professional help will be sought as soon as possible.

5.9 Risk Assessments

Periodically, Health and Safety reviews will take place in each area. Risk Assessment forms will be completed and copies will be held by the person with responsibility for that area and your line manager / Staffing Committee. The person responsible for overseeing Health and Safety in a particular area will implement improvements to minimise significant risks.

5.10 Safety Instructions

Safety instruction will primarily be provided “on the job” but will be supplemented by more formal tuition when required.

APPENDICES

Appendix 1 Council and Employee Working Protocol

Depending on the administrative structure adopted by the Council in any municipal year in this protocol;

"Committee" means committee, sub-committee, working groups, task groups or consultative groups.

"Chairman" means chairman, vice chairman.

Introduction

Effective working relationships are needed between members and employees if Charlton Musgrove Parish Council is to provide high value quality services and if the mutual confidence of members and employees is to be maintained. Any misunderstandings, stresses and tensions which are not resolved can harm the effectiveness of these relationships. This Code cannot and does not seek to cover every eventuality, but does seek to strengthen and introduce, where necessary, good working relationships to clarify possible areas of doubt; and to offer advice as to how any difficulties which might arise can best be resolved properly and speedily.

All members of the Council must:

- a) be guided by The Parish Council's Model Code of Conduct;
- b) comply with the Council's Standing Orders and any other rules and procedures adopted by the Council;
- c) ensure that any facilities provided by Charlton Musgrove Parish Council for members' use are used strictly for the intended purpose and for no other purpose; and
- d) comply with any relevant statutory provisions

NOTE: It is the responsibility of members themselves to ensure that they have proper advice. If members are ever in any doubt in terms of the law, Charlton Musgrove Parish Council rules, general propriety, conflicts of interest, etc., then the Parish Clerk should be consulted.

Chairman and Vice Chairman

Strictly speaking, the role of the Chairman and Vice Chairman is only recognised for procedural purposes (e.g. in conducting meetings and exercising a casting vote). In practice, the Chairman and Vice Chairman are recognised as the 'lead members' of Charlton Musgrove Parish Council, representing the Council at appropriate meetings, events, interviews etc.

Employees

Employees of Charlton Musgrove Parish Council serve the whole organisation. They advise Charlton Musgrove Parish Council and its Committees and are responsible for ensuring that the decisions of the Council and its Committees are effectively implemented. All are required to be politically neutral in their dealings with elected members. All are expected to uphold the highest standards in relation to the following:

- a) General principles: the public is entitled to expect the highest standards of conduct from all local government employees. The role of such employees is to serve Charlton Musgrove Parish Council in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.
- b) Accountability: employees are accountable and owe a duty to Charlton Musgrove Parish Council. They must act in accordance with the principles set out here, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.
- c) Political neutrality: employees, excluding political assistants, must follow every lawfully expressed policy of

Charlton Musgrove Parish Council and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with any statutory restrictions on political activities.

- d) Relations with members, the public and other employees: mutual respect between employees and members is essential to good local government and working relationships should be kept on a professional basis. Employees of relevant authorities should deal with the public, members and other employees sympathetically, effectively and without bias.
- e) Equality: employees must comply with policies relating to equality issues, as agreed by Council, in addition to the requirements of the law.
- f) Stewardship: employees of Charlton Musgrove Parish Council must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.
- g) Personal interests: an employee must not allow their private interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others. Employees should abide by the rules of their authority about the declaration of gifts offered to or received by them from any person seeking to do business with Charlton Musgrove Parish Council or which would benefit from a relationship with Charlton Musgrove Parish Council. Employees should not accept benefits from a third party unless authorised to do so by the Council.
- h) Treatment of Information: openness in the dissemination of information and decision making should be the norm at Charlton Musgrove Parish Council. However, certain information may be confidential or sensitive and therefore not appropriate to a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it or needs to have access to it for the proper discharge of their functions. Nothing in this protocol can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information. Employees are responsible to their line manager / Staffing Committee and ultimately the Parish Clerk, who has responsibility for the proper management of the organisation's employees as head of the paid service. The Parish Clerk and senior employees will often need to work closely with the Chairman, Vice Chairman and Committee Chairmen if there is to be effective policy development and executive decision-making. This relationship has to function without compromising the ultimate responsibilities of employees to the organisation as a whole and with due regards to such technical, financial, professional and legal advice that employees can legitimately use or obtain.
- i) Information for members: it is important for the Parish Clerk and employees to keep members informed about the major issues concerning the organisation. If members are not receiving, or are having difficulty in obtaining, information which they feel they need or to which they are entitled in order to carry out their duties they should contact the Parish Clerk.
- j) Respect and courtesy: for the effective conduct of business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between members and employees. This, too, plays a very important part in the organisation's reputation and how it is seen by the public and other local authorities and organisations. It is very important that both members and employees remember their obligations to enhance Charlton Musgrove Parish Council's reputation and to avoid criticism by members of employees and by employees of members in public or semi-public places and contexts. As a matter of courtesy, should a member wish to discuss any issue with the senior members of staff, the Parish Clerk or Deputy Clerk, arrangements should be made for a meeting at a mutually convenient time, preferably during working hours.
- k) Undue pressure: in their dealings with all employees, members need to be aware that it is easy for employees to be overawed and feel at a disadvantage. Such feelings can be intensified where members hold Chairmanships or Vice-Chairmanships. Members are requested not to approach an employee direct to undertake tasks on their behalf. Nor should a member apply undue pressure, either to do anything that an employee is not empowered to do or to undertake work outside normal duties or outside normal hours. All

approaches should go via the line manager / Staffing Committee. Particular care needs to be taken in connection with the use of the organisation's property, resources and services. Similarly, an employee must neither seek to use undue influence on an individual member to make a decision in their favour nor raise personal matters to do with their job nor make claims or allegations about other employees. This should be done as part of the Grievance Procedure already in place. Reports to Charlton Musgrove Parish Council or its Committees should be written by the Parish Clerk or another employee authorised by them. It is likely that a sensitive report would be discussed with the respective Chairman in advance and they may wish to make suggestions to the Parish Clerk or the employee as to the contents of the report. However, the report is the employee's and any amendments can only be made with the Parish Clerk's agreement or permission.

- l) Familiarity: close personal familiarity between individual members and employees can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information, or information which should not properly be passed between them, e.g. personal details. Such familiarity could also cause embarrassment to other members and/or other employees and even give rise to suspicions of favouritism. For the above reasons close personal familiarity should be avoided.
- m) Redress: if a member considers that they have not been treated with proper respect or courtesy by an employee, they may raise it with the Parish Clerk as Head of the Paid Staff or with the Staffing Committee. If an employee feels the same way about a member, they should raise the matter with the Parish Clerk or Staffing Committee without delay. If necessary, the issue will be subject to further consideration by the Parish Clerk / Staffing Committee together with the Chairman, and referred to Full Council if considered necessary
- n) Political activity: employees will not be permitted to be local authority councillors in Charlton Musgrove, South Somerset District Council or Somerset County Council level, nor should they speak or publish written work for the public at large or to section of the public with the apparent intention of affecting public support for a political party. Employees must not be involved in advising any political group within the Parish Council, or attend any of their meetings in a personal or official capacity.
- o) Breaches of the code: employees of Charlton Musgrove Parish Council serve the whole organisation and are responsible to the Parish Clerk and not individual elected members who serve on the organisation, whatever office they might hold. Their conduct is subject to the application of the organisation's employment policies and procedures. If an employee is found to be in breach of the requirements of this protocol, appropriate disciplinary action will result. If an elected member is in breach of the requirements of this protocol, then a complaint should be raised with the Monitoring Officer at South Somerset District Council.
- p) Declarations of interest: in accordance with Government legislation, all members must declare any personal or prejudicial interests in line with the Parish Council's Code of Conduct in respect of any item under consideration by Charlton Musgrove Parish Council or meetings of its Committees. Employees should declare to the Parish Clerk any financial or non-financial interest, which they consider, could potentially bring about conflict with the Parish Council's interests.

Conclusion

Mutual understanding, openness on these sorts of sensitive issues and basic respect are the greatest safeguard of the integrity of the organisation, its members and employees.

Appendix 2 Whistleblowing Policy

This policy applies to all employees and officers of Charlton Musgrove Parish Council, it does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of management. Other individuals performing functions in relation to Charlton Musgrove Parish Council, such as agency workers and contractors, are encouraged to use it.

It is important that any fraud, misconduct or wrongdoing by workers or officers of Charlton Musgrove Parish Council is reported and properly dealt with. Charlton Musgrove Parish Council therefore encourages all individuals to raise any concerns that they may have about the conduct of others or the way in which the business of the Parish Council is run. Hopefully employees will never have the need to use these instructions. However, if a situation does arise which causes an employee worry or concern, the procedure outlined below are designed to enable employees to report to the right person who will know what to do next.

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

The Public Interest Disclosure Act 1998

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

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

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

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure. Charlton Musgrove Parish Council encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether or not to raise a concern, they should discuss the issue with their line manager / Staffing Committee.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.
- No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure Charlton Musgrove Parish Council's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to their line manager / Staffing Committee or Chairman.

Procedure

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use Charlton Musgrove Parish Council's grievance procedure. Please note that employees are not expected to know the precise nature of any wrongdoing nor its extent. In particular, employees are not authorised to carry out any investigation work on their own account to obtain evidence or to confirm suspicions.

1. In the first instance any concerns should be raised with the line manager / Staffing Committee. If they believe the line manager / Staffing Committee to be involved, or for any reason do not wish to approach the line manager / Staffing Committee, then the worker should proceed straight to stage 7.
2. Contact may be made either by telephone or in writing to the Council offices with the envelope marked "Private and Confidential – to be opened by the addressee only." The Chairman of the Staffing Committee will handle the matter.
3. It is important to note that you should not discuss your suspicions with anyone else.
4. Once the employee has reported their suspicions, they should await acknowledgement.
5. The line manager / Staffing Committee will arrange an investigation of the matter (either by investigating the matter in person or immediately passing the issue to someone in a more senior position). The investigation may involve the employee and other individuals involved giving a written statement or attending an interview. Any investigation will be carried out in accordance with the principles set out above. The employee's statement will be taken into account, and they will be asked to comment on any additional evidence obtained. The employee should keep a copy of any report or item submitted.
6. The person who carried out the investigation will then report to the Staffing Committee, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the Staffing Committee will start the disciplinary procedure. On conclusion of any investigation, the worker will be told the outcome of the investigation and what the board has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.
7. If the worker is concerned that their line manager / Staffing Committee is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the board, they should inform the Chairman at Charlton Musgrove Parish Council, who will arrange for another manager or councillor to review the investigation carried out, make any necessary enquiries and make their own report to the Council as in stage 2 above. If for any other reason the worker does not wish to approach their line manager / Staffing Committee they should also in the first instance contact the Chairman of the Council. Any approach to the Chairman of the Council will be treated with the strictest confidence and the worker's identity will not be disclosed without their prior consent.
8. Employees should contact the Chairman of the Council if they are not satisfied in any way with the initial response they have been given, for example if you are asked to do anything in connection with your suspicions, which you consider improper or beyond the scope of your normal duties.
9. If, on conclusion of the stages outlined above, the employee reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:
 - HM Revenue & Customs;
 - the Financial Services Authority;
 - the Office of Fair Trading;
 - the Health and Safety Executive; and
 - the Environment Agency.

The employee should remember that they are not expected to form any judgement about the findings. The responsibility of every employee is primarily to notify one (or more if you wish) of the contacts above, who will know what further procedures will need to be taken.

Appendix 3 Staff Privacy Statement

This policy does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of the Council. In the course of your work you may come into contact with and use confidential personal information about people, such as names and addresses or even information about customers' circumstances, families, health and other private matters.

This policy helps you ensure that neither you nor the Council breach the Data Protection Act 2018, which provides strict rules in this area. If you are in any doubt about what you may or may not do, seek advice from your line manager / Staffing Committee. If you are in doubt and cannot get in touch with them or the data protection officer, do not disclose the information concerned.

Charlton Musgrove Parish Council holds personal data about you. In your employment contract you have consented to the data being used as set out in the contract. If this information changes, you should let us know so that our records can be updated. These records may include:

- Information and references collected during the recruitment process
- Details of terms and conditions of employment
- Payroll, tax and NI information
- Performance information
- Details of grades and job duties
- Health records
- Absence, self-certification forms and holiday records
- Details of disciplinary investigations and proceedings
- Minutes from meetings attended
- Training records
- Contact and next of kin details
- Correspondence with Charlton Musgrove Parish Council and other information provided to Charlton Musgrove Parish Council

Charlton Musgrove Parish Council believes these uses are consistent with the employment relationship and with the principles of the Data Protection Act. The information held will be for our management and administrative use only. Occasionally we may need to disclose information about an employee to relevant third parties, e.g. when legally required to do so, or requested to do so by an employee. Charlton Musgrove Parish Council might need to hold further information on employees but disclosure to any other person will be made only when strictly necessary for the following purposes:

- Regarding an employee's health, for the purpose of compliance with our health and safety and our occupational health obligations. To assist with management decisions relating to whether an employee's health affects their ability to do their job, whether reasonable adjustments are necessary to assist employees with a disability.
- For the purpose of insurance, pension, sick pay and other related benefits in force from time to time.
- In connection with unspent convictions to enable Charlton Musgrove Parish Council to assess an employee's suitability for employment.

The Data Protection Act 2018 requires that eight data protection principles be followed in the handling of personal data. These are that personal data must:

- be fairly and lawfully processed;
- be processed for limited purposes and not in any manner incompatible with those purposes;
- be adequate, relevant and not excessive;
- be accurate;
- not be kept for longer than is necessary;
- be processed in accordance with individuals' rights;
- be secure; and
- not be transferred to countries without adequate protection.

If you access another employee's records without authority this will be treated as gross misconduct and is a criminal offence under s.170 of the Data Protection Act 2018. On e-mails, see Charlton Musgrove Parish Council internet and e-mail policy but also follow the guidance below recommended by the Information Commissioner's Office.

Charlton Musgrove Parish Council follows the retention periods recommended by the Information Commissioner in its Employment Practices Data Protection Code. You should therefore treat the following as guidelines for retention times in the absence of a specific business case supporting a longer period.

Application form	Duration of employment
References received	1 year
Payroll and tax information	6 years
Sickness records	3 years
Annual leave records	2 years
Unpaid leave/special leave records	3 years
Annual appraisal/assessment records	5 years
Records relating to promotion, transfer, training, disciplinary matters	1 year from end of employment
References given/information to enable references to be provided	5 years from reference/end of Employment
Summary of record of service, e.g. name, position held, dates of employment	10 years from end of employment
Records relating to accident or injury at work	12 years

Any data protection queries should be addressed to your line manager / Staffing Committee or a data protection officer.

Appendix 4 Internet and use of email policy

This policy should be considered in conjunction with the Council's Communication Policy.

Charlton Musgrove Parish Council encourages its employees to use email and the internet at work where this can save time and expense. However, it requires that employees follow the rules below because any serious breach could lead to dismissal. Any employee who is unsure about whether something they proposes to do might breach this email and internet policy should seek advice from their manager. This policy does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of the Council.

Although Charlton Musgrove Parish Council encourages the use of e-mail and the internet where appropriate, their use entails some risks. For example, employees must take care not to introduce viruses on to the system and must take proper account of the security advice below. Employees must also ensure that they do not send libellous statements in e-mails as Charlton Musgrove Parish Council could be liable for damages.

These rules are designed to minimise the legal risks to Charlton Musgrove Parish Council when its employees use e-mail at work and access the internet. Where something is not specifically covered in this policy, employees should seek advice from their manager.

Employees will be informed whenever this policy changes, but it is their responsibility to read the latest version of this document.

Use of email

If you are given access to the email system you are responsible for the security of your username and password. You must not allow any unauthorised persons to access your email account. You should therefore keep your personal password confidential and change it regularly. When leaving your email account unattended or when leaving the office you should ensure that your system is locked to prevent unauthorised persons accessing your account.

Should you receive an email which has been wrongly delivered to your email address you should notify the sender of the message by redirecting the message to that person, unless this is junk mail and it should be deleted immediately. In the event that the email contains confidential information you must not disclose or use that confidential information. If you have any queries, please contact your line manager / Staffing Committee.

Contents of emails

Emails that employees intend to send should be checked carefully. Confidential information should not be sent externally, and in some cases internally by email without express authority from your line manager / Staffing Committee.

Email should be treated like any other form of written communication and, as such, what is normally regarded as unacceptable in a letter is equally unacceptable in an e-mail communication.

The use of email to send or forward messages which are defamatory, offensive, obscene or otherwise inappropriate will be treated as misconduct under the appropriate disciplinary procedure. In serious cases this could be regarded as gross misconduct and lead to dismissal.

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

Statements to avoid in emails include those criticising Charlton Musgrove Parish Council's residents, customers, members, or staff, those stating that there are quality problems with goods or services of suppliers or customers, and those stating that anyone is incompetent.

CCing

Employees should exercise care not to copy e-mails automatically to all those copied in to the original message to which they are replying. Doing so may result in disclosure of confidential information to the wrong person. General messages to a wide group should only be used where necessary and the blind carbon copy (BCC) should always be used to protect customer/ client confidentiality.

Attachments

Employees should not attach any files that may contain a virus to emails, as Charlton Musgrove Parish Council could be liable to the recipient for loss suffered. Charlton Musgrove Parish Council has virus-checking in place but, if in doubt, employees should check with the IT support team. Employees should exercise extreme care when receiving e-mails with attachments from third parties, particularly unidentified third parties, as these may contain viruses.

Personal use of email

Although the computers are primarily for business use, Charlton Musgrove Parish Council understands that employees may on occasion need to send or receive personal emails. When sending personal emails from Council computers, employees should show the same care as when sending work-related emails. Council email addresses should not be used for the sending of any personal correspondence.

Monitoring of email

Charlton Musgrove Parish Council reserves the right to monitor employees' emails but will endeavour to inform the employee when this is to happen and the reasons for it. Charlton Musgrove Parish Council considers the following to be valid reasons for checking an employee's e-mail:

- If the employee is absent for any reason and communications must be checked for the smooth running of the business to continue.
- If Charlton Musgrove Parish Council suspects that the employee has been viewing or sending offensive or illegal material, such as material containing racist terminology or nudity (although Charlton Musgrove Parish Council understands that it is possible for employees inadvertently to receive such material and they will have the opportunity to explain if this is the case).
- If Charlton Musgrove Parish Council suspects that an employee has been using the email system to send and receive personal communications.
- If Charlton Musgrove Parish Council suspects that the employee is sending or receiving emails that are detrimental to Charlton Musgrove Parish Council.

When monitoring emails, Charlton Musgrove Parish Council will, save in exceptional circumstances, confine itself to looking at the address and heading of the emails.

Sensible internet use

Where employees are allowed access to the internet at work they are expected to use it sensibly and in such a manner that it does not interfere with the efficient running of Charlton Musgrove Parish Council. Employees may be called upon to justify the amount of time they have spent on the internet or the sites that they have visited.

It trusts employees not to abuse the latitude given to them, but if this trust is abused it reserves the right to alter the policy in this respect.

Removing internet access

Charlton Musgrove Parish Council reserves the right to deny internet access to any employee at work, although in such a case it will endeavour to give reasons for doing so.

Registering on websites

Many sites that could be useful for Charlton Musgrove Parish Council require registration. Employees wishing to register as a user of a website for work purposes are encouraged to do so. However, they should ask their manager before doing this. Access to chat rooms and gaming are not permitted on computers belonging to the Council.

Downloading software

Software should only be installed on Council computers with the permission of the Parish Clerk/Staffing Committee.

Personal use of the internet

Although the computers are primarily for business use, Charlton Musgrove Parish Council understands that employees may on occasion need to use the internet for personal purposes. Employees may access the internet at work for personal purposes provided that:

- the internet is not used to access offensive or illegal material, such as material containing racist terminology or nudity;
- they do not enter into any contracts or commitments in the name of or on behalf of Charlton Musgrove Parish Council.

Monitoring of internet access at work

Charlton Musgrove Parish Council reserves the right to monitor employees' internet usage but will endeavour to inform the affected employee when this is to happen and the reasons for it. Charlton Musgrove Parish Council considers the following to be valid reasons for checking an employee's internet usage:

- If Charlton Musgrove Parish Council suspects that the employee has been viewing offensive or illegal material, such as material containing racist terminology or nudity;
- If Charlton Musgrove Parish Council suspects that the employee has been spending an excessive amount of time viewing websites that are not work related; or
- An employee has acted in a way that damages the reputation of Charlton Musgrove Parish Council and/or breached commercial confidentiality.

Neither email nor the internet must ever be used for accessing or transmitting inappropriate material which includes:

- Any message that could constitute bullying/harassment, e.g. on the grounds of sex, race or disability;
- Excessive personal use, e.g. social invitations, personal messages, jokes, cartoons, chain letters;
- On-line gambling;
- Accessing and/or sending pornography;
- Downloading or distributing copyright information and/or any other licensed software;
- Posting confidential information about other workers, Charlton Musgrove Parish Council or its customers and /or suppliers; or
- Violation of copyright laws.

In addition, employees must not:

- Damage computers, computer systems, or computer networks;
- Use other's passwords and identities;
- Trespass in other's folders, works, or files;
- Intentionally waste limited resources;
- Employ the system for commercial purposes;
- Employ the system for illegal activities; or
- Download any commercial software.

Council websites

Only those who have been given express permission by the Clerk may add and / or delete information to Charlton Musgrove Parish Council's websites.

Disciplinary sanctions

Any breach of this policy can lead to action under Charlton Musgrove Parish Council's disciplinary and dismissal procedure.

Appendix 5 Social Networking Policy

This policy on social networking websites is in addition to Charlton Musgrove Parish Council's existing policy on email and internet use, it does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of management. As employees are aware, the internet is provided for business use. Charlton Musgrove Parish Council recognises that many employees use the internet for personal purposes and that many employees participate in social networking on websites. The purpose of this policy is to outline the responsibilities of employees using the internet to access social networking websites.

Personal conduct

Charlton Musgrove Parish Council respects an employee's right to a private life. However, Charlton Musgrove Parish Council must also ensure that confidentiality and its reputation are protected. It therefore requires employees using social networking websites to:

- ensure that they do not conduct themselves in a way that is detrimental to Charlton Musgrove Parish Council;
- take care not to allow their interaction on these websites to damage working relationships between staff, members, residents, or customers of Charlton Musgrove Parish Council.

Disciplinary action

If Charlton Musgrove Parish Council monitors employees' internet use to ensure that it is in accordance with this policy, access to the web may be withdrawn in any case of misuse of this facility. If appropriate, disciplinary action may also be taken in line with Charlton Musgrove Parish Council's disciplinary policy.

Security and identity theft

Employees should be aware that social networking websites are a public forum, particularly if the employee is part of a "network". Employees should not assume that their entries on any website will remain private. Employees should never send abusive or defamatory messages. Employees must also be security conscious and should take steps to protect themselves from identity theft, for example by restricting the amount of personal information that they give out. Social networking websites allow people to post detailed personal information such as date of birth, place of birth and favourite football team, which can form the basis of security questions and passwords. In addition, employees should:

- ensure that no information is made available that could provide a person with unauthorised access to confidential information; and
- refrain from recording any confidential information regarding Charlton Musgrove Parish Council on any social networking website.

Recruitment

At no stage during the recruitment process will the Council conduct searches on prospective employees on social networking websites. This is in line with Charlton Musgrove Parish Council's equal opportunity policy.

Appendix 6 Retirement Policy

The purpose of this policy is to set out Charlton Musgrove Parish Council's approach to the retirement of employees.

Retirement age

Charlton Musgrove Parish Council does not operate a compulsory retirement age for its employees. Charlton Musgrove Parish Council is committed to equal opportunities for all its employees. Charlton Musgrove Parish Council recognises the contributions of a diverse workforce, including the skills and experience of older employees. It believes that employees should, wherever possible, be permitted to continue working for as long as they wish to do so. Charlton Musgrove Parish Council operates a flexible retirement policy and employees may voluntarily retire at a time of their choosing.

Retirement procedure

If an employee has decided that they wish to retire, they should inform their line manager / Staffing Committee in writing as far in advance as possible and, in any event, in accordance with their notice period as set out in their contract of employment. This will assist Charlton Musgrove Parish Council with its succession planning.

Charlton Musgrove Parish Council will write to the employee acknowledging the employee's notice to retire.

Charlton Musgrove Parish Council will arrange a meeting with the employee to discuss arrangements for retirement, including the intended retirement date, succession and handover plans, pension details and phased retirement, if applicable.

Employees should consider their pension provision and take independent financial advice before making any decision in relation to retirement.

Succession planning

An employee who is shortly to retire will often have considerable knowledge in relation to their role and responsibilities. Charlton Musgrove Parish Council may require the employee's assistance and cooperation for succession planning.

Prior to retirement, employees should cooperate with Charlton Musgrove Parish Council, if requested to do so, by:

- providing full written details of the status of work projects and future steps;
- developing a job description, including key competencies and skills required for the role;
- ensuring a smooth handover of work; and
- assisting in training any successor.

Appendix 7 Redundancy & Security of Employment Policy

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

Although Charlton Musgrove Parish Council's policy is to avoid redundancies wherever possible, the needs of the organisation may from time to time require a reduction in the overall number of staff employed or organisational changes that result in some employees being made redundant. If selecting employees for redundancy is necessary, the criteria for selection will be discussed with you at the time. A fair procedure will be applied. At all times the overriding consideration will be the future operation of the Council.

The Council will make efforts on your behalf to find you another suitable position with the same status and remuneration in so far as may be reasonable to do so.

Where this is necessary, Charlton Musgrove Parish Council will ensure that:

- the total number of redundancies made is kept to a minimum;
- employees and, where appropriate, their representatives are fully consulted on any proposals and their implementation;
- selection for redundancy is based on clear criteria that will, as far as possible, be objectively and fairly applied;
- every effort is made to redeploy or find alternative work for employees selected for redundancy; and
- support and advice is provided to employees selected for redundancy to help them find suitable work when their employment has come to an end.

If circumstances arise where redundancy may be a possibility the first steps will be to consult with all employees with a view to seeking an agreed solution:

- Reduce overtime to a workable minimum; and
- Restrict recruitment.

Voluntary redundancy

In order to minimise the need for compulsory redundancies, Charlton Musgrove Parish Council may consider requests from employees for voluntary redundancies. Whether or not additional payments will be offered in relation to voluntary redundancies will be a matter for consultation and will depend on the circumstances. Charlton Musgrove Parish Council reserves the right at its absolute discretion to decline requests for voluntary redundancy.

Redundancy selection

The criteria used in selecting employees for redundancy will depend on the existing circumstances and the particular needs of Charlton Musgrove Parish Council at the time. However, every effort will be made to construct a fair and robust set of criteria following appropriate consultation.

Individual employees who are provisionally selected for redundancy following the application of the criteria will be informed of the fact and invited to a meeting, at which they will be given an opportunity to make representations that the application of the criteria results in unfairness to them or if they feel that there has been a mistake in the application of the criteria.

In certain circumstances, where stand-alone roles are considered for redundancy, it may not be appropriate to use selection criteria, but this will be discussed in consultation with the individuals concerned.

Alternative work

Charlton Musgrove Parish Council will make every effort to redeploy to suitable alternative work any employee

who is selected for redundancy. Such employees will be informed of all the available vacancies in Charlton Musgrove Parish Council at the time of their selection and will be given an opportunity to discuss with their line manager / Staffing Committee which vacancies are likely to be suitable for them. While priority will be given wherever possible to employees under threat of redundancy, Charlton Musgrove Parish Council reserves the right to select the best available candidate in relation to any given vacancy.

Employees have a separate legal entitlement to be offered any suitable alternative work that is available if they are made redundant while on maternity leave.

Time off work when under notice of redundancy

An employee under notice of redundancy with more than two years' service will be entitled to a reasonable amount of paid time off to look for alternative work, attend interviews, etc. Employees wishing to take advantage of this right should make the appropriate arrangements with their line manager / Staffing Committee. Employees with less than two years' service do not have the automatic legal right to paid time off work when under notice, but prior requests for time off will be considered sympathetically.

Termination of employment

Depending on the circumstances, Charlton Musgrove Parish Council may waive its right to insist on employees working their notice and instead give a payment in lieu of notice. Employees with two or more years' service may be entitled to a statutory redundancy payment. The amount of this payment will be confirmed when the employee is selected for redundancy and the sum will be paid along with the employee's final salary payment or payment in lieu of notice.

Appendix 8 Family-friendly policies

8.1 Maternity Policy

This policy sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness, and maternity leave and pay. It does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of management.

Charlton Musgrove Parish Council recognises that, from time to time, employees may have questions or concerns relating to their maternity rights. It is Charlton Musgrove Parish Council's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the maternity provisions are complex, if an employee becomes pregnant they should clarify the relevant procedures with their line manager / Staffing Committee to ensure that these are followed correctly.

The following definitions are used in this policy:

"Expected week of childbirth" means the week, starting on a Sunday, during which the employee's doctor or midwife expects them to give birth.

"Qualifying week" means the 15th week before the expected week of childbirth.

Notification of pregnancy

On becoming pregnant, an employee should notify their line manager / Staffing Committee as soon as possible. This is important, as there are health and safety considerations for Charlton Musgrove Parish Council.

By the end of the qualifying week, or as soon as reasonably practicable afterwards, the employee is required to inform Charlton Musgrove Parish Council in writing of:

- the fact that they are pregnant;
- their expected week of childbirth; and
- the date on which they intend to start their maternity leave.

The employee must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The form must have either the doctor's name and address or the midwife's name and registration number on it.

The employee is permitted to bring forward their maternity leave start date, provided that they advise Charlton Musgrove Parish Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone their maternity leave start date, provided that they advise Charlton Musgrove Parish Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Charlton Musgrove Parish Council will formally respond in writing to the employee's notification of their leave plans within 28 days, confirming the date on which they are expected to return to work if they take the full 52-week entitlement to maternity leave.

Time off for antenatal care

Once an employee has advised Charlton Musgrove Parish Council that they are pregnant, they will be entitled not to be unreasonably refused paid time off work to attend antenatal appointments as advised by their doctor, registered midwife or registered health visitor.

In order to be entitled to take time off for antenatal care, the employee is required to produce a certificate from their doctor, registered midwife or registered health visitor, stating that they are pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical

certificate or appointment card, if requested to do so.

Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised them to attend, in addition to medical examinations.

The employee should endeavour to give their line manager / Staffing Committee as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

Health and safety

Charlton Musgrove Parish Council has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to employees who are pregnant, have recently given birth or are breastfeeding. Charlton Musgrove Parish Council will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out their normal job duties, Charlton Musgrove Parish Council will take such steps as are reasonably necessary to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

If it is not possible for Charlton Musgrove Parish Council to alter the employee's working conditions to remove the risks to their health and there is no suitable alternative work available to offer them on a temporary basis, Charlton Musgrove Parish Council may suspend them from work on maternity grounds until such time as there are no longer any risks to their health. This may be for the remainder of their pregnancy until the commencement of their maternity leave. If an employee is suspended in these circumstances, their employment will continue during the period of the suspension and it does not in any way affect their statutory or contractual employment and maternity rights. The employee will be entitled to their normal salary and contractual benefits during the period of their suspension, unless they have unreasonably refused an offer of suitable alternative employment.

Sickness absence

If an employee is absent from work during pregnancy owing to sickness, they will receive normal statutory or contractual sick pay in the same manner as they would during any other sickness absence provided that they have not yet begun ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before their expected week of childbirth, their maternity leave will start automatically.

If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, they must notify Charlton Musgrove Parish Council in writing of this as soon as reasonably practicable.

Maternity leave

All pregnant employees are entitled to take up to 26 weeks' ordinary maternity leave and up to 26 weeks' additional maternity leave, making a total of 52 weeks. This is regardless of the number of hours they work or their length of service. Additional maternity leave begins on the day after ordinary maternity leave ends.

Ordinary maternity leave can start at any time after the beginning of the 11th week before the employee's expected week of childbirth (unless their child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If the employee gives birth before their maternity leave was due to start, they must notify Charlton Musgrove Parish Council in writing of the date of the birth as soon as reasonably practicable.

The law obliges all employees to take a minimum of two weeks of maternity leave immediately after the birth of the child (four weeks in the case of factory workers).

Ordinary maternity leave

During the period of ordinary maternity leave, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as life assurance, private medical insurance, permanent health insurance, private use of a Charlton Musgrove Parish Council car, laptop, mobile phone and gym membership) will continue; contractual annual leave entitlement will continue to accrue; and pension contributions will continue to be made provided that the employee is receiving statutory maternity pay (SMP). Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had they not gone on maternity leave.

Salary will be replaced by SMP if the employee is eligible to receive it.

Employees are encouraged to take any outstanding annual leave due to them before the commencement of ordinary maternity leave. Employees are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during maternity leave, the employee should take the full year's entitlement before starting their maternity leave.

Additional maternity leave

During the period of additional maternity leave, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. Any benefits in kind (such as life assurance, private medical insurance, permanent health insurance, private use of a Charlton Musgrove Parish Council car, laptop, mobile phone and gym membership) will continue and contractual annual leave entitlement will continue to accrue. Salary will be replaced by statutory maternity pay (SMP) for the first 13 weeks of additional maternity leave if the employee is eligible to receive it. The remaining 13 weeks of additional maternity leave are unpaid. Pension contributions will continue to be made during the period when the employee is receiving SMP but not during any period of unpaid additional maternity leave.

Statutory maternity pay

Statutory maternity pay is payable for up to 39 weeks during maternity leave. An employee is entitled to SMP if:

- they have been continuously employed by Charlton Musgrove Parish Council for at least 26 weeks at the end of the qualifying week and they are still employed during that week;
- their average weekly earnings in the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date are not less than the lower earnings limit for national insurance contributions;
- they are still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth);
- they provide a MAT B1 form stating their expected week of childbirth; and
- they give Charlton Musgrove Parish Council proper notification of their pregnancy in accordance with the rules set out above.

For the first six weeks, SMP is paid at the higher rate, which is equivalent to 90% of the employee's average weekly earnings calculated over the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date. For the purpose of calculating average weekly earnings, shift allowances, overtime payments, bonuses and commission are all included.

The standard rate of SMP is paid for the remaining 33 weeks (or less if the employee returns to work sooner). This is paid at a rate set by the Government for the relevant tax year, or 90% of the employee's average weekly earnings calculated over the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date if this is lower than the Government's set weekly rate.

If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of their maternity leave (whether ordinary maternity leave or additional maternity leave), the higher or standard rate

of SMP will be recalculated to take account of the employee's pay rise, regardless of whether SMP has already been paid. This means that the employee's SMP will be recalculated and increased retrospectively, or that they may qualify for SMP if they did not previously. The employee will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay rise. Statutory maternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Payment of SMP cannot start prior to the 11th week before the employee's expected week of childbirth. Statutory maternity pay can start from any day of the week in accordance with the date the employee starts their maternity leave. Statutory maternity pay is payable whether or not the employee intends to return to work after their maternity leave.

Employees who are not entitled to SMP may be entitled to receive maternity allowance payable by the Government.

Contact during maternity leave

Shortly before their maternity leave starts, Charlton Musgrove Parish Council will discuss the arrangements for an employee to keep in touch during their leave, should they wish to do so. Charlton Musgrove Parish Council reserves the right in any event to maintain reasonable contact with the employee from time to time during their maternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

Keeping -in-touch days

Except during the first two weeks after childbirth (four weeks in the case of factory workers), an employee can agree to work for Charlton Musgrove Parish Council (or to attend training) for up to 10 days during either ordinary maternity leave or additional maternity leave without that work bringing the period of their maternity leave to an end and without loss of a week's SMP. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

Charlton Musgrove Parish Council has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during their maternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between Charlton Musgrove Parish Council and the employee. Any keeping-in-touch days worked do not extend the period of maternity leave. Once the keeping-in-touch days have been used up, the employee will lose a week's SMP for any week in which they agree to work for Charlton Musgrove Parish Council.

Returning to work

The employee will have been formally advised in writing by Charlton Musgrove Parish Council of the date on which they are expected to return to work if they take their full 52-week entitlement to maternity leave. The employee is expected to return on this date, unless they notify Charlton Musgrove Parish Council otherwise. If they are unable to attend work at the end of their maternity leave due to sickness or injury, Charlton Musgrove Parish Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While the employee is under no obligation to do so, it would assist Charlton Musgrove Parish Council if they confirm as soon as convenient during their maternity leave that they will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date, they must give Charlton Musgrove Parish Council at least eight weeks' notice of their date of early return, preferably in writing. If they fail to do so, Charlton Musgrove Parish Council may postpone their return to such a date as will give Charlton Musgrove Parish Council eight weeks' notice, provided that this is not later than the expected return date. If the employee decides not to return to work after maternity leave, they must give notice of resignation as soon as possible and in accordance with the terms of their contract of employment. If the notice period would expire after maternity leave has ended, Charlton Musgrove Parish Council may require the employee to return to work for the remainder of the notice period.

Rights on and after return to work

On resuming work after ordinary maternity leave, the employee is entitled to return to the same job they occupied before commencing maternity leave on the same terms and conditions of employment as if they had not been absent.

On resuming work after additional maternity leave, again, they are entitled to return to the same job as before commencing maternity leave on the same terms and conditions of employment as if they had not been absent. However, if it is not reasonably practicable for Charlton Musgrove Parish Council to allow the employee to return to the same job, Charlton Musgrove Parish Council may offer the employee suitable alternative work, on terms and conditions that are no less favourable than would have applied if they had not been absent.

An employee who worked full-time prior to their maternity leave has no automatic right to return to work on a part-time basis or to make other changes to their working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of Charlton Musgrove Parish Council's business. If an employee would like this option to be considered, they should write to their line manager / Staffing Committee setting out their proposals as soon as possible in advance of their return date, so that there is adequate time for full consideration of the request. The procedure for dealing with such requests is set out in Charlton Musgrove Parish Council policy on flexible working, see the Appendices section.

8.2 Shared parental leave policy

Introduction to Shared Parental Leave

Mothers continue to be entitled to 52 weeks of maternity leave, and 39 weeks of Statutory Maternity Pay. However, in order to allow for couples caring for a new child to have flexibility, Shared Parental Leave enables mothers to commit to ending their maternity leave and pay early and to share the untaken balance of their maternity leave and statutory maternity pay as Shared Parental Leave and pay with their partner.

Similar provisions apply for sharing adoption leave. This policy is in place to set out the rules and requirements for employees taking Shared Parental Leave, which are rather complex.

If an employee wishes to take Shared Parental Leave, they should clarify the relevant procedures with the Clerk to ensure that they are followed correctly. These rules are recognised as being complex, so please do feel free to ask questions about how the rules work.

If an employee takes up to 26 weeks Shared Parental Leave (including maternity or adoption leave), then they will be entitled to return to the same job as if they had not been absent. If 26 or more weeks are taken, then the employee has the right to return to another job on terms that are no less favourable, provided that the job is suitable and appropriate for the employee.

The following terms are used in this policy:

"Compulsory Maternity Leave": The law requires mothers to take compulsory maternity leave for the first 2 weeks following birth, 4 weeks for factory workers.

"Expected week of childbirth" means the week, starting on a Sunday, during which the mother's doctor or midwife expects them to give birth. This would be confirmed in a MATB1 form.

"Maternity leave curtailment notice" is a notice from a mother to curtail their maternity leave, so that it can be shared with their partner.

"Mother" means the mother or expectant mother of the child."

"Notice of entitlement and intention" is a notice from the employee giving a preliminary indication of each period of Shared Parental Leave that they are requesting.

“Ordinary Parental Leave” is the right to 18 weeks unpaid leave in connection with the birth of a child. It should not be confused with ‘Shared Parental Leave’, which derives from Maternity Leave.

“Parent” Either the mother or partner taking Shared Parental Leave.

"Partner" is the person who is sharing the parental leave with the mother and the partner can be the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother. This could be a person of either sex, provided that they live with the mother and the child in an enduring family relationship, but the ‘partner’ cannot be the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew. The partner is the employee who may take Shared Parental Leave if the mother ‘releases’ her untaken leave for the partner to take.

"Period of leave notice" is a notice from the employee setting out the start and end dates of each period of Shared Parental Leave that an employee is requesting.

“Shared Parental Pay” is the equivalent of the Statutory Maternity Pay that the mother would get if they stayed on maternity leave (for up to 39 weeks) and it is normally the lower of 90% of the mother’s normal weekly pay or the current SMP rate per week, but it may be revised every 5th April. It is called ‘ShPP’ in literature, to avoid confusion with Statutory Paternity Pay. Any pension contributions will continue to be due when an employee is getting ShPP, but not if on unpaid Shared Parental Leave.

“SPLIT days”: Shared Parental Leave (Keeping) In Touch Days, days when an employee on Shared Parental Leave can come to work to keep in touch and be paid, without ending the period of Shared Parental Leave. Up to 20 SPLIT days are available, if employer and employee agree.

“We/us” is Charlton Musgrove Parish Council, your employer.

The Shared Parental Leave Process in Outline

1. The mother goes on maternity leave/ adoption leave.
2. The mother notifies the employer of their intention to curtail their maternity leave and that they meet the criteria for sharing parental leave, at least 8 weeks before it is to start.
3. A partner notifies their employer of their intention to take Shared Parental Leave and that they meet the criteria for sharing parental leave, at least 8 weeks before it is to start.
4. The employer has 14 days to ask the employee (i.e. the mother or partner) for the details of their partner’s employer and evidence of the birth or adoption.
5. The employee must provide the requested information within 14 days.
6. Any compulsory maternity leave period ends.
7. The employee (mother or partner) notifies their employer of their intention to take Shared Parental Leave. Note that this could be given with notification that the employee is eligible for Shared Parental Leave, but it does not have to be done at the same time. The employee can make up to three bookings for separate period of Shared Parental Leave. If the employee books one continuous period of leave, and is eligible to take it, then the employee is automatically entitled to take that leave. The employee may request ‘discontinuous leave’, which the employer may refuse.
8. The employer should respond within 14 days of getting the notice, and either confirms that the employee’s leave request is granted (automatic for continuous leave) or asks for a meeting to discuss a discontinuous leave request.

9. The employer and employee may agree a period of discontinuous leave, if not, then the employee can start a period of continuous leave instead, or withdraw a notice to take leave within 15 days of giving it.
10. The employee may give notice to vary periods of leave as long as at least 8 weeks' notice is given in writing.

Application of the Shared Parental Leave Policy

This policy applies to all our employees, whether they are the mother or the partner. If it is only the mother who is employed by us, their partner must submit any notifications to take Shared Parental Leave to their own employer, if they want to take a period of Shared Parental Leave.

Similarly, if it is the partner who is employed by us, the mother must submit any notifications to take Shared Parental Leave to their own employer. In some situations, a mother who is sharing parental leave with one of our employees may not have an employer, so the mother would have to provide some information to allow for Shared Parental Leave and pay if appropriate.

The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for Shared Parental Leave are handled properly. Inevitably, there will be a sharing of some personal data in these circumstances, which would be lawful as it would be necessary to share it for the purposes of implementing Shared Parental Leave.

How Much Shared Parental Leave can be taken?

There is a minimum amount of maternity leave that a mother has to take before they can share parental leave, as Shared Parental Leave cannot start before the end of the Compulsory Maternity Leave Period. How much leave is shared will depend on when the mother brings their maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. You can request to take Shared Parental Leave in one continuous block (in which case we are required to accept the request as long as you qualify for Shared Parental Leave and comply with the notice requirements), or as a number of discontinuous blocks of leave (in which case you need our agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.

Compulsory Maternity Leave will limit when a partner can take Shared Parental Leave (as the compulsory maternity leave period must end) and the parents can take 50 weeks as a maximum amount of Shared Parental Leave, or 48 weeks if the mother is a factory worker. Mothers often start maternity leave before giving birth, so the maximum amount of leave that would be shared in practice is likely to be less.

However, a partner can take Shared Parental Leave at any time from the date of the child's birth, so both mother and partner can be off work at the same time, but sharing parental leave in this way would mean that any statutory paternity leave and pay for the partner would be lost, i.e. if a partner opts for Shared Parental Leave that overlaps with Statutory Paternity Leave (and Pay), then the Shared Parental Leave only applies. The mother and partner must take any Shared Parental Leave within 52 weeks of the birth or adoption.

Who Qualifies to Take Shared Parental Leave?

For employees to qualify to take Shared Parental Leave, both parents must qualify for it under the requirements set out in law. The starting point is a mother qualifying for Maternity Leave.

A mother qualifies for Shared Parental Leave if:

- they have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and they remain in continuous employment with us until the week before any period of Shared Parental Leave that they take;
- they have, at the date of the child's birth, the main responsibility (apart from the partner) for the care of the child;
- they are entitled to statutory maternity leave in respect of the child; and
- they comply with the requirement to provide a notice about their maternity leave curtailment requirements (or they have returned to work before the end of statutory maternity leave), and have met

the Shared Parental Leave notice and evidence requirements, which are explained in this policy.

Additionally, in order for a mother to qualify for Shared Parental Leave, their partner must meet the following conditions:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the current maternity allowance threshold for any 13 of those 66 weeks; and
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

Note that the number of children born or expected as a result of pregnancy does not change the amount of Shared Parental Leave that can be taken for either the mother or the partner.

The partner qualifies for Shared Parental Leave if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and they remain in continuous employment with us until the week before any period of Shared Parental Leave that they take;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- comply with the relevant Shared Parental Leave notice and evidence requirements.

In addition, for the partner to qualify for Shared Parental Leave, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the current maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and
- comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

Notice Requirements for Shared Parental Leave

An employee wishing to take advantage of Shared Parental Leave will have to provide a formal written notice to us, and your partner will have to formally notify their employer too. The notices that either a mother or a partner must give to the relevant employer to be able to take Shared Parental Leave are made up of three elements. They are:

- a "maternity leave curtailment notice" from the mother setting out when they propose to end their maternity leave (unless the mother has already returned to work from maternity leave);
- a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of Shared Parental Leave that they are requesting; and
- a "period of leave notice" from the employee setting out the start and end dates of each period of Shared Parental Leave that they are requesting.

The notice periods set out below are the minimum required by law. However, the earlier you inform us of your intentions, the more likely it is that we will be able to accommodate your wishes, particularly if you want to take periods of discontinuous leave.

Employees are advised that, if they have already decided the pattern of Shared Parental Leave that they would like

to take, they can provide more than one type of notice at the same time. For example, the mother could provide a maternity leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time. Similarly, the partner could provide their notice of entitlement and intention and period of leave notice at the same time.

The Mother's Notice to Curtail Maternity Leave

In order to share parental leave, the mother must either return to work before the end of their maternity leave (which requires them giving the required 8 weeks' notice of their planned return) or provide the employer with a 'maternity leave curtailment notice'. The maternity leave curtailment notice must be in writing and state the date on which maternity leave is to end. That date must be:

- after the compulsory maternity leave period, which is the 2 weeks (or 4 weeks for factory workers) after birth;
- at least 8 weeks after the date on which the mother gave the maternity leave curtailment notice to the employer; and
- at least 1 week before what would be the end of the additional maternity leave period.

The mother must provide the maternity leave curtailment notice at the same time as providing either the notice of entitlement and intention or a declaration of consent and entitlement signed by the mother confirming that the partner has given their employer a notice of entitlement and intention.

Withdrawing a Maternity Leave Curtailment Notice

The mother can withdraw their notice curtailing maternity leave in limited circumstances. The withdrawal of a maternity leave curtailment notice must be in writing and can be given only if the mother has not already returned to work. A mother can withdraw a maternity leave curtailment notice if:

- it is discovered that neither the mother nor the partner are entitled to Shared Parental Leave or statutory shared parental pay and the mother withdraws the maternity leave curtailment notice within 8 weeks of the date on which the notice was given;
- the maternity leave curtailment notice was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within six weeks of the child's birth; or
- the partner has died.

Employee's Notice of Entitlement and Intention

The employee, whether the mother or the partner, must provide us with a notice of entitlement and intention to take Shared Parental Leave. A notice of this type does not commit the employee to take Shared Parental Leave, as the notice can be revoked and a new one given, as explained in this policy. A notice must:

- a) be in writing; and
- b) be provided at least 8 weeks before the start date of the first period of Shared Parental Leave to be taken by the employee.

Furthermore, the employee's notice of entitlement and intention is required to set out the following information.

1. If the employee taking leave from us is the mother:

- the mother's name;
- the partner's name;
- the start and end dates of any statutory maternity leave taken or to be taken by the mother;
- the total amount of Shared Parental Leave available, this should be worked out and do seek advice if you wish to check the amount that you think is available;
- the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth must be provided as soon as reasonably practicable after birth, and before the first

- period of Shared Parental Leave to be taken by the mother);
- how much Shared Parental Leave the mother and partner each intend to take; and
- an indication as to when you intend to take Shared Parental Leave (including the start and end dates for each period of leave). Note that the indication of when you intend to take Shared Parental Leave can be changed.

The mother's notice of entitlement and intention must include a declaration signed by the mother that:

- they meet, or will meet, the requirements to qualify to take Shared Parental Leave;
- the information given in the notice of entitlement and intention is accurate; and
- they will immediately inform us if they cease to care for the child.

In addition, the mother's notice of entitlement and intention must include a declaration signed by the partner:

- specifying the partner's name, address, and national insurance number (or declaring that the partner does not have a national insurance number);
- declaring that the partner satisfies, or will satisfy, the conditions set out above;
- declaring that the partner is either the father of the child, or is married to, the civil partner of, or the partner of, the mother;
- declaring that the partner consents to the amount of leave that the mother intends to take; and
- declaring that the partner consents to the mother's employer processing the information in the partner's declaration.

2. If the employee taking leave from us is the partner:

- the partner's name;
- the mother's name;
- the start and end dates of any periods of statutory maternity leave, statutory maternity pay or maternity allowance taken or to be taken by the mother;
- the total amount of Shared Parental Leave available;
- the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth must be provided as soon as reasonably practicable after birth, and before the first period of Shared Parental Leave to be taken by the partner);
- how much Shared Parental Leave the partner and mother each intend to take; and
- an indication as to when you intend to take Shared Parental Leave (including the start and end dates for each period of leave). Note that the indication of when you intend to take Shared Parental Leave can be changed.

The partner's notice of entitlement and intention must include a declaration signed by the partner that:

- they meet, or will meet, the requirements to qualify to take Shared Parental Leave;
- the information given by the partner in the notice of entitlement and intention is accurate; and
- they will immediately inform us if they cease to care for the child or if the mother informs them that the mother no longer meets the requirement to have curtailed her maternity leave or pay period.

In addition, the partner's notice of entitlement and intention must include a declaration signed by the mother:

- specifying the mother's name, address, and national insurance number (or declaring that the mother does not have a national insurance number);
- declaring that the mother satisfies, or will satisfy, the conditions set out above and they will notify the partner if they no longer qualify for maternity leave, statutory maternity pay or maternity allowance;
- declaring that the mother consents to the amount of leave that the partner intends to take;
- declaring that they will immediately inform the employee if they no longer meet the requirement to have curtailed their maternity leave or pay period; and
- declaring that the mother consents to the partner's employer processing the information in the mother's declaration.

Within 14 days of receiving a notice of entitlement and intention from you, whether you are the mother or partner, we can request from you:

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth would be sufficient); and
- the name and address of the other parent's employer (or a declaration that the other parent has no employer).

You have 14 days from the date of the request to send us the required information.

Variation or Cancellation of Notice of Entitlement and Intention

You can vary or cancel your proposed Shared Parental Leave dates following the submission of a notice of entitlement and intention, provided that you provide us with a written notice. The written notice must contain:

- an indication as to when you intend to take Shared Parental Leave (including the start and end dates for each period of leave);
- details of any periods of Shared Parental Leave that have been notified through a period of leave notice;
- details of any periods of statutory shared parental pay that have been notified in relation to periods where Shared Parental Leave was not to be taken; and
- a declaration signed by the mother and the partner that they agree to the variation.

Any indication of leave intended to be taken that you provide in a 'variation of notice of entitlement and intention' can be changed up until when you provide a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that you can make. However, you may only give a maximum of three notices to take leave.

The Employee's Period of Leave Notice

To take a period of Shared Parental Leave, you as an employee must provide us with a written notice setting out the start and end dates of each period of Shared Parental Leave requested in that notice.

A period of leave notice must be given not less than 8 weeks before the start date of the first period of Shared Parental Leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

Variation or Cancellation of Period of Leave Notice

You can vary or cancel your proposed Shared Parental Leave dates after you give a period of leave notice, provided that you provide your employer with a written notice not less than 8 weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

- vary the start date or the end date of any period of Shared Parental Leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

Limit on Number of Requests for Leave

You can provide a combined total of up to three periods of leave notices or variations of period of leave notices per pregnancy, although we may waive this limit in some circumstances.

Continuous Period of Shared Parental Leave

If you submit a period of leave notice requesting one continuous period of leave, you will be entitled to take that period of leave.

Discontinuous Periods of Shared Parental Leave

You may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother and

partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities, but only in weekly blocks.

If you submit a period of leave notice requesting discontinuous periods of leave, we, in the 2 weeks beginning with the date the period of leave notice was given, can:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested.

If agreement is reached within those two weeks, you are entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, you are entitled to take the leave as one continuous period of leave. In that event, you must choose a start date for the leave that is at least 8 weeks from the date on which the period of leave notice was originally given. You must notify us of that date within five days of the end of the two-week discussion period. If you do not choose a start date within five days of the end of the two-week discussion period, your period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if we have refused the request or no agreement has been reached during the two-week discussion period, you may withdraw a period of leave notice requesting discontinuous periods of leave. You can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that you can make.

Amount of Shared Parental Pay Available

Statutory shared parental pay is available for eligible parents to share between them while on Shared Parental Leave. The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity pay or maternity allowance the mother has been paid when the maternity leave or pay period ends.

A total of 39 weeks' statutory maternity pay or maternity allowance is available to the mother. As there is a compulsory maternity leave period of 2 weeks (or 4 weeks for factory workers), this means that a mother who ends maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with their partner (or 35 weeks' statutory shared parental pay in the case of factory workers). In practice, it will normally be less than this because of the maternity leave that mothers usually take before the birth.

Any statutory shared parental pay due during Shared Parental Leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.'

It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

Qualifying for Statutory Shared Parental Pay

For employees to qualify for statutory shared parental pay, both parents must meet certain requirements.

The **mother** qualifies for statutory shared parental pay if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and they remain in continuous employment with the employer until the week before any period of shared parental pay that they get;
- have normal weekly earnings for a period of 8 weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the

- child;
- are absent from work and intend to care for the child during each week in which they receive statutory shared parental pay; and
- are entitled to statutory maternity pay in respect of the child, but the maternity pay period has been reduced.

In addition, for the mother to qualify for statutory shared parental pay, the partner must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- have average weekly earnings of at least the current maternity allowance threshold for any 13 of those 66 weeks.

The **partner** qualifies for statutory shared parental pay if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with their employer until the week before any period of shared parental pay that they get;
- have normal weekly earnings for 8 weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- are absent from work and intend to care for the child during each week in which they receive statutory shared parental pay.

In addition, for the partner to qualify, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the current maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory maternity pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period has been reduced.

Rights During Shared Parental Leave

During Shared Parental Leave, all terms and conditions of the employee's contract except normal pay will continue. Your normal pay will be replaced by statutory shared parental pay if the employee qualifies for it. This means that, while sums payable by way of pay will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid. Employees who receive benefits such as life assurance and private medical insurance will remain in the schemes.

Contact During Shared Parental Leave

We reserve the right to maintain reasonable contact with employees during Shared Parental Leave. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease the return to work or to update them on developments at work during their absence.

An employee can agree to work for us (or to attend training) for up to 20 days during Shared Parental Leave without that work bringing the period of their Shared Parental Leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days.

We have no right to require employees to carry out any work and employees have no right to undertake any work

during their Shared Parental Leave. Any work undertaken, and the amount of salary paid for any work done on SPLIT days, is entirely a matter for agreement between employees and us.

If you are entitled to receive statutory shared parental pay for any week during which you attend work for SPLIT days, you will still receive this in the usual way. In addition, we will also pay you for each hour that you work during a SPLIT day, and we will discuss this further with you.

Returning to Work Following Shared Parental Leave

An employee has the right to resume working in the same job when returning to work from Shared Parental Leave if the period of leave, when added to any other period of Shared Parental Leave, statutory maternity leave or statutory paternity leave taken by that employee in relation to the same child, is 26 weeks or less.

If an employee is returning to work from Shared Parental Leave and the period of leave taken is more than 26 weeks, when added to any other period of Shared Parental Leave, statutory maternity or paternity leave taken in relation to the same child, or was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than 4 weeks, or a period of additional maternity leave, the employee has the right to return to the same job unless this is not reasonably practicable. In these circumstances, if it is not reasonably practicable for us to permit a return to the same job, that employee has the right to return to another job that is suitable and appropriate for them.

8.3 Adoption leave policy

This policy sets out the rights of employees to statutory adoption leave and pay, it does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of management.

An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave. The employee's entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The employee's maximum entitlement is thus to take up to 52 weeks' adoption leave.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave subject to their following the correct notification procedures as set out below.

Statutory adoption pay

Employees who qualify for adoption leave will also qualify for statutory adoption pay provided that their average weekly earnings are not less than the lower earnings limit for national insurance contributions. Statutory adoption pay is payable for up to 39 weeks at a rate set by the Government for the relevant tax year. In the first six weeks of the adoption pay period, statutory adoption leave will be paid at 90% of the employee's normal weekly earnings.

Parents who will become the legal parents of a child under a surrogacy arrangement are entitled to take statutory adoption leave if the child's expected week of birth begins on or after 5 April 2015. Local authority foster parents who are also prospective adopters ("foster to adopt") are entitled to take ordinary adoption leave in relation to children matched for adoption on or after 5 April 2015.

Statutory adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Timing of adoption leave

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier. In order to make administration as easy as possible, the employee should discuss the timing of their adoption leave with their manager as early as possible.

Notice requirements

In order to be entitled to take adoption leave and receive statutory adoption pay, the employee is required to give the employer written notification of their intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. Notice, which must be in writing if the employer requests it, must specify the date the child is expected to be placed with the employee for adoption and the date the employee intends their adoption leave to start.

The employee is permitted to bring forward their adoption leave start date, provided that they advise Charlton Musgrove Parish Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone their adoption leave start date, provided that they advise Charlton Musgrove Parish Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. The employee must also, if their employer requests it, provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.

Any failure to give proper notice of an intention to start adoption leave will be regarded as a disciplinary offence, leading potentially to disciplinary sanctions for misconduct if appropriate.

Within 28 days of receiving the employee's notice of intention to take adoption leave, the employer will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

Rights during adoption leave

During ordinary adoption leave and additional adoption leave, all terms and conditions of the employee's contract except normal pay will continue. Salary/wages will be replaced by statutory adoption pay if the employee is eligible for it.

This means that, while sums payable by way of wages or salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid. The employee will remain in the life assurance and private medical insurance schemes, where applicable.

Employees are encouraged to take any outstanding holiday due to them before the commencement of adoption leave. Employees are reminded that holiday must be taken in the year that it is earned.

Contact during adoption leave

Charlton Musgrove Parish Council reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

Time off to Attend Adoption Appointments

Employees who are adopting a child are entitled to take time off to attend adoption appointments. An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). The other can elect to take unpaid time off to attend up to two adoption appointments (under s.57ZL of the Employment Rights Act 1996).

The purpose of the appointment is to enable the employee (and their partner) to have contact with the child (for example, to bond with them before the placement) and for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

The organisation will ask the individual for proof of the date and time of the appointment and that the

appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).

In addition, if the employee is adopting jointly, the organisation will ask the individual to sign a declaration, to be submitted alongside the documentary evidence, confirming that they have elected to exercise their right under either s.57ZJ or s.57ZL of the Employment Rights Act 1996 to take time off to attend an adoption appointment. The organisation will ask for the declaration on the first occasion on which the individual asks for time off to attend an adoption appointment.

Keeping-in-touch Days

Employees can agree to work for Charlton Musgrove Parish Council (or to attend training) for up to 10 days during their adoption leave without that work bringing their adoption leave to an end and without loss of a week's statutory adoption pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

Charlton Musgrove Parish Council has no right to require employees to carry out any work and employees have no right to undertake any work during their adoption leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and Charlton Musgrove Parish Council.

Returning to Work after Adoption Leave

The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that they give the appropriate notification. Alternatively, the employee may take their full period of adoption leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of adoption leave has elapsed, they must give at least eight weeks' notice in writing to Charlton Musgrove Parish Council of the date on which they intend to return.

The employee has the right to resume working in the same job if returning to work from ordinary adoption leave. If the employee returns to work after a period of additional adoption leave, they are entitled to return either to the same job, or if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable. Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the adoption leave period.

If the employee decides during adoption leave that they do not wish to return to work, they should give written notice of resignation to Charlton Musgrove Parish Council as soon as possible and in accordance with the terms of their contract of employment.

Surrogacy

Intended parents in a surrogacy arrangement who meet the criteria to apply for a parental order under the Human Fertilisation and Embryology Act 2008 and intend to apply or have applied for one will be eligible to take ordinary paternity leave and pay, adoption leave and pay and shared parental leave and pay.

The couple must elect which of them will take adoption leave. An employee who takes adoption leave in these circumstances can curtail their adoption leave and take shared parental leave with the other parent, provided that the parents both meet the relevant eligibility requirements.

8.4 Paternity leave policy

This policy sets out the statutory rights and responsibilities of employees who wish to take paternity leave, it does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of management.

Charlton Musgrove Parish Council recognises that, from time to time, employees may have questions or concerns

relating to their paternity rights. It is Charlton Musgrove Parish Council's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible

Ordinary Paternity Leave

An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to two weeks' ordinary paid paternity leave provided that they have 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected.

Ordinary paternity leave is available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. A separate policy is available in respect of adoption leave.

Ordinary paternity leave is also available to parents in a surrogacy situation and approved prospective adopters who look after children as part of a "fostering to adopt" arrangement.

To qualify for ordinary paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.

Ordinary paternity leave is granted in addition to an employee's normal annual holiday entitlement. Ordinary paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Ordinary paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

Notification of Ordinary Paternity Leave

Where an employee wishes to request ordinary paternity leave in respect of a birth child, they must give their line manager / Staffing Committee 15 weeks' written notice of the date on which their partner's baby is due, the length of ordinary paternity leave they wish to take and the date on which they wish the leave to commence.

In the case of an adopted child, the employee must give written notice of their intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date the employee intends to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

If an employee subsequently wishes to change the timing of the ordinary paternity leave, they must give 28 days' written notice of the new dates. The employee must also, if so requested, complete and sign a self-certificate declaring that they are entitled to ordinary paternity leave and ordinary statutory paternity pay.

Ordinary Statutory Paternity Pay

Pay during ordinary paternity leave will be at a standard rate in force at the time, or at a rate equivalent to 90% of the employee's average weekly earnings if this figure is less than standard rate. However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for ordinary statutory paternity pay.

Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory paternity pay can start from any day of the week in accordance with the date the employee starts their paternity leave.

Time off for Antenatal Care

Employees have the right to take time off to accompany the pregnant person with whom they are having a child at up to two antenatal appointments. This time off will be unpaid.

To be eligible to take this form of time off, the employee could be the husband or civil partner of the pregnant person, or could be living with the pregnant person in an enduring family relationship. In addition, the employee will be eligible for the time off if they are the biological father of the expected child or in a "foster to adopt" arrangement.

In a surrogacy arrangement the employee will also be entitled to take unpaid time off to attend the antenatal appointment with the person carrying the child.

The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. The organisation expects that normally no more than half a day is needed for an antenatal appointment, but the employee's leave includes the time needed to travel to the appointment and any waiting time needed at the appointment and can be for a maximum of six-and-a-half hours on each occasion.

Employees who would like to make a request for time off to accompany someone at an antenatal appointment should in the first instance contact your line manager / Staffing Committee.

The employee should endeavour to give their line manager / Staffing Committee as much notice as possible of when they need the time off for the antenatal appointment and, wherever possible, try to arrange these as near as possible to the start or end of the working day.

8.5 Parental leave policy

This policy does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of management. An employee is entitled to up to 18 weeks' unpaid parental leave per child if they meet one of the following conditions:

- They are the parent of a child who is under 18 years of age.
- They have adopted a child under the age of 18 (the right to parental leave lasts for a period of five years from the date of adoption or until the child's 18th birthday, whichever is the sooner).
- They have acquired formal parental responsibility for a child who is under 18 years of age.

An employee who is the parent or adoptive parent of a child who has been awarded disability living allowance is entitled to up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18th birthday.

To qualify for parental leave, employees must have completed at least one year's continuous service with Charlton Musgrove Parish Council.

Rights during Parental Leave

Qualifying employees will be entitled to a maximum of 18 weeks' parental leave to be taken up until the child's eighteenth birthday (unless the child is adopted or disabled - see above). During parental leave the employee will remain employed, although pay and most contractual benefits will be suspended. The right to accrue statutory holiday entitlement will, however, remain in place. Certain other terms of employment will remain in force, as follows. During parental leave employees will be entitled to the implied obligation of trust and confidence and any terms and conditions of employment relating to:

- notice of termination;
- redundancy compensation; and
- disciplinary or grievance procedures.

Employees taking parental leave will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:

- notice of termination;
- disclosure of confidential information;

- the acceptance of gifts or other benefits; and
- participation in any other business.

Conditions of Leave

Charlton Musgrove Parish Council has adopted the default scheme for the taking of parental leave and the following conditions apply. An employee may not exercise any entitlement to parental leave unless they have complied with any request made by Charlton Musgrove Parish Council to produce evidence as to their entitlement (e.g. parental responsibility or expected responsibility for the child in question; the child's date of birth or date on which placement for adoption began; where the employee is exercising a right in relation to a disabled child, details of the child's entitlement to disability living allowance).

The employee must give proper notice of the period of leave that they propose to take. This notice must be given to Charlton Musgrove Parish Council at least 21 days before the date on which leave is to start and must specify the dates on which the period of leave is to begin and end.

Where the employee is the father of the child in respect of whom the leave is to be taken and the employee requests parental leave to begin when the child is born, their notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give this notice at least 21 days before the expected week of childbirth.

Where the parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's notice must be given to Charlton Musgrove Parish Council at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of parental leave requested.

Charlton Musgrove Parish Council may postpone a period of parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where Charlton Musgrove Parish Council considers that its business would be unduly disrupted if the employee were to take leave during the period requested. In such a case, Charlton Musgrove Parish Council will allow the employee to take an equivalent period of parental leave beginning no later than six months after the commencement of the period originally requested. Charlton Musgrove Parish Council will give notice in writing of the postponement stating the reason for it and specifying suggested dates for the employee to take parental leave. Such notice will be given no more than seven days after the employee's notice was given to Charlton Musgrove Parish Council.

Employees may not take parental leave in blocks of less than one week (except in relation to a child who is disabled).

Employees may not take more than four weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

Return from Leave

At the end of parental leave, the employee will be entitled to return to the same job provided that the leave was for a period of four weeks or less (and did not follow on immediately from a period of additional maternity or adoption leave). If the period of parental leave was longer than four weeks (or followed on immediately from a period of additional maternity or adoption leave), then the employee will be entitled to return to the same job or, if that is not practicable, to a similar job that has the same or better status, terms and conditions as the previous job.

8.6 Flexible working policy

Charlton Musgrove Parish Council believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress and improve performance and productivity. All employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered seriously by their employer.

Requests for flexible working

A request for flexible working could include a request for a change to the number of hours that the employee works, a request for a change to the pattern of hours worked, a request to job share or a request to perform some or all of the work from the employee's home.

All requests must be made in writing to your line manager / Staffing Committee. Any request made under this policy must include:

- the date of the application;
- the changes that the employee is seeking to their terms and conditions;
- the date on which the employee would like the terms and conditions to come into effect;
- what effect the employee thinks the requested change would have on Charlton Musgrove Parish Council;
- how, in their opinion, any such effect might be dealt with;
- a statement that this is a statutory request;
- whether or not the employee has made a previous application for flexible working; and
- if the employee has made a previous request, when the employee made that application.

Where the request is being made by a disabled person as part of a request for a reasonable adjustment to their working arrangements, the employee should state this in the written application.

The line manager / Staffing Committee should not reject out of hand a request that does not contain the required information. The line manager / Staffing Committee should explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.

Meeting to discuss a flexible working request

Once the line manager / Staffing Committee receives the request, it will be dealt with as soon as possible, but no later than the deadline set out below. The line manager / Staffing Committee will usually arrange a meeting to deal with the request. Where a request can, without further discussion, be approved in the terms stated in the employee's written application, a meeting should not be necessary.

An employee should be given the right to be accompanied by a work colleague at any flexible working meeting. The meeting should take place in a private meeting room so that the discussion is kept away from other employees. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and Charlton Musgrove Parish Council.

Outcome of a flexible working request

After the meeting, the line manager / Staffing Committee will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to Charlton Musgrove Parish Council against any adverse impact of implementing the changes. Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the deadline set out below. The request may be granted in full or in part: for example, Charlton Musgrove Parish Council may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee will be given the right to appeal the decision if the employee's request is not upheld or is upheld in part.

Reasons for turning down a flexible working request

The line manager / Staffing Committee will give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are:

- the burden of additional costs;
- an inability to reorganise work among existing staff;
- an inability to recruit additional staff;
- a detrimental impact on quality;
- a detrimental impact on performance;
- a detrimental effect on ability to meet customer demand;
- insufficient work for the periods the employee proposes to work; and
- a planned structural change to the business.

The line manager / Staffing Committee must not reject a request for any other reason.

Flexible working requests that are granted

If the request is upheld, the employee and the line manager / Staffing Committee will discuss how and when the changes will take effect. Any changes to terms and conditions will be put in writing and sent to the employee as an amendment to their contract of employment as soon as is reasonably practicable.

Timescales

All requests will be dealt with within a period of three months from first receipt to notification of the decision on appeal. The line manager / Staffing Committee should hold the meeting within 28 days of receiving the request and notify the decision to the employee within 14 days of the meeting, so that there is enough time for any appeal to be concluded. Employees who are dissatisfied with the outcome of their request are allowed to lodge an appeal within 14 days of the notification, with the appeal to be heard within 14 days. The employee will be informed of the outcome of their appeal within 14 days of the appeal meeting. These time limits may be extended where both the employee and employer are in agreement. For example, the relevant manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

Problems with a flexible working request

If an employee is dissatisfied or unclear at any stage throughout the process, they should contact a senior member of the management team. If an employee is dissatisfied with the way in which their request has been handled, they should raise a grievance under Charlton Musgrove Parish Council's grievance procedure.

Line managers / Staffing Committees who receive a request will have regard to Charlton Musgrove Parish Council's equal opportunities policy when considering the request.

If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

Appendix 9 Equality and Diversity Policy

This policy does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of management.

Our Commitment

Charlton Musgrove Parish Council is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against customers. This policy is intended to assist Charlton Musgrove Parish Council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. Charlton Musgrove Parish Council has a separate dignity at work policy, which deals with these issues.

The Law

It is unlawful to discriminate directly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics". Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics. Direct discrimination is explained below.

Indirect discrimination, which is explained below, is also unlawful unless it can be justified.

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

Types of Unlawful Discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

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

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity). For example, if someone has a disabled child, then making decisions based on that person's connection with the child would be associative discrimination on the grounds of disability.

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity). For example, calling someone homophobic names because of a 'standing joke' that they are gay when they are known to be not gay is on the grounds of the perception that they are gay, and therefore is discrimination on the grounds of sexual orientation.

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare their treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments and is then systematically excluded from all meetings; such behaviour could amount to victimisation.

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

Equal opportunities in employment

Charlton Musgrove Parish Council will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

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

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

Charlton Musgrove Parish Council will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process. Charlton Musgrove Parish Council cannot lawfully discriminate in the selection of employees for recruitment or promotion, but Charlton Musgrove Parish Council may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group that Charlton Musgrove Parish Council identifies as being under-represented in particular types of job.

Dignity at work

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

Customers, suppliers and other people not employed by Charlton Musgrove Parish Council Charlton Musgrove Parish Council will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by Charlton Musgrove Parish Council.

Employees should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

Training

Charlton Musgrove Parish Council will provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision-making where equal opportunities issues are likely to arise. Charlton Musgrove Parish Council will provide training to all existing and new employees and others engaged to work at Charlton Musgrove Parish Council to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment. Charlton Musgrove Parish Council will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

Your responsibilities

Every employee is required to assist Charlton Musgrove Parish Council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, Charlton Musgrove Parish Council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

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

Grievances

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

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

Use of Charlton Musgrove Parish Council's grievance procedure does not affect your right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

Monitoring and review

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

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 2018.

Appendix 10 Dignity at Work Policy

This policy does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of the Council.

Our commitment

Charlton Musgrove Parish Council is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect. The Council deplores all forms of personal harassment, abuse, bullying and intimidation deriving from whatever source and seek to ensure that the working environment is sympathetic to all the Council's employees.

Harassment and bullying can have very serious consequences for individuals and Charlton Musgrove Parish Council. Harassment or bullying may make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance and could cause them to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide. Effects on Charlton Musgrove Parish Council can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to Charlton Musgrove Parish Council's reputation. Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected. Serious harassment may be a criminal offence.

The Council recognises that it has a duty to implement this policy and all employees and Councillors are expected to comply with it. Charlton Musgrove Parish Council will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. Charlton Musgrove Parish Council will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

The scope of this policy

This policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work at Charlton Musgrove Parish Council, whether by direct contract with Charlton Musgrove Parish Council or otherwise. If the complainant or alleged harasser is not employed by Charlton Musgrove Parish Council, e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that Charlton Musgrove Parish Council could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after investigation and disciplinary proceedings.

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. business trips and work-related social events.

What is bullying and harassment?

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

Harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find

different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to them.

Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (for example, a perception that they are gay or disabled), when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease repeatedly an individual because of an incorrect belief that that the recipient is deaf. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if their child is disabled, wife is pregnant or friend is a devout Christian.

Harassment also includes circumstances where an individual is subjected to unwanted conduct from a third party, such as a client or customer. For example, it might be that a client makes a series of racist remarks to a black employee. If an employee feels that they have been bullied or harassed by customers, suppliers, vendors or visitors, they should report any such behaviour to their manager who will take appropriate action. Bullying or harassment of customers, suppliers, vendors or visitors will be dealt with through the disciplinary procedure. A single incident can be harassment if it is sufficiently serious. All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under Charlton Musgrove Parish Council's disciplinary policy. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offences, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

Examples of bullying or harassment

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter or e-mail. Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- the offer of rewards for going along with sexual advances, e.g. promotion, training;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures;
- excluding an individual because they are associated or connected with someone with a protected characteristic, e.g. their child is gay, spouse is black or parent is disabled;
- ignoring an individual because they are perceived to have a protected characteristic when they do not, in fact, have the protected characteristic, e.g. an employee is thought to be Jewish, or is perceived to be a transsexual;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups;
- spreading malicious rumours or insulting someone;
- picking on someone or setting them up to fail;
- making threats or comments about someone's job security without good reason;

- ridiculing someone;
- isolation or non-cooperation at work; and
- excluding someone from social activities.

What is victimisation?

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and Charlton Musgrove Parish Council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

What should I do if I think I am being bullied or harassed?

You may be able to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it. You may feel able to approach the person yourself, or with the help of a manager, trade union representative or another employee. Alternatively, an initial approach could be made on your behalf by one of these people. You should tell the person what behaviour you find offensive and unwelcome and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your manager. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using Charlton Musgrove Parish Council's grievance procedure. In the case of grievances about bullying or harassment, the normal grievance procedure is modified so that you can choose whether to raise your grievance with your manager. Charlton Musgrove Parish Council will ensure that you can bring your complaint in the first instance to someone of your own sex, if you so choose.

In very serious cases, a criminal offence may have been committed and you may wish to report matters to the police. Your manager can arrange for someone to accompany you to make a complaint to the police.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance. You will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings. Charlton Musgrove Parish Council will decide on a balance of probabilities, after considering all available evidence, whether or not harassment or bullying has occurred.

Charlton Musgrove Parish Council will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so they are able to respond to the allegations. Some details may also have to be given to potential witnesses, but the importance of confidentiality will be emphasised to them. If the complaint is upheld, and a person who has been found to have harassed you is kept in Charlton Musgrove Parish Council's employment, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.

Wherever possible, Charlton Musgrove Parish Council will try to ensure that you and the alleged harasser are not required to work together while the complaint is under investigation. This could involve giving you the option of remaining at home on special leave, if you wish. In a serious case, the alleged harasser may be suspended while

investigation and any disciplinary proceedings are underway.

When the investigation has been concluded a draft report of the findings and of the investigator's proposed decision will be sent, in writing, to you and to the alleged harasser, abuser, and bully. If you or the alleged harasser, abuser or bully are dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within 5 working days of receiving the draft. Any points of concern will be considered before the final report is sent, in writing, to you and the alleged harasser.

If your complaint is upheld, and the person found to have bullied or harassed you remains in Charlton Musgrove Parish Council's employment, every effort will be made to ensure that, if possible, you do not have to continue to work alongside the harasser, if you do not wish to do so. We will discuss the options with you. These may include the transfer of the harasser or, if you wish, you may be able to transfer to another post.

If your complaint is not upheld, management will support you, the alleged harasser and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. Charlton Musgrove Parish Council will consider making arrangements to avoid you and the alleged harasser having to continue to work alongside each other, if either of you do not wish to do this.

You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that you know to be untrue may lead to disciplinary action being taken against you.

Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings. Claims to an employment tribunal about unlawful discrimination must be presented to the tribunal within three months beginning with the act complained of.

Given the size of the organisation and the work location of individuals, it is recognised that this limits options available.

What can I do to help stop bullying and harassment?

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help to do this by:

- being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking";
- treating your colleagues with dignity and respect;
- taking a stand if you think inappropriate jokes or comments are being made;
- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop harassment or bullying and giving support to recipients;
- making it clear that you find harassment and bullying unacceptable;
- reporting harassment or bullying to your manager and supporting Charlton Musgrove Parish Council in the investigation of complaints; and
- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

Managers have a particular responsibility to:

- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- make sure that staff know what standards of behaviour are expected of them;
- intervene to stop bullying or harassment; and
- report promptly to your line manager / Staffing Committee any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

What happens if I am accused of bullying or harassment?

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because

you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to him or her and to have their feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence, that may well be the end of the matter. If a formal complaint is made about your behaviour, this will be fully investigated and Charlton Musgrove Parish Council may bring disciplinary proceedings, if appropriate. Charlton Musgrove Parish Council will follow its disciplinary procedure and you will have the rights set out in that procedure. You will have the right to be informed of the allegations against you and to put your side of the story and to be accompanied to meetings by a trade union representative or work colleague of your choice. The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment will often be allegations of gross misconduct that, if proved, could lead to dismissal without notice.

Charlton Musgrove Parish Council will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld, will normally require limited disclosure on a "need to know" basis. For example, some details may have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.

Wherever possible, Charlton Musgrove Parish Council will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded.

If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, Charlton Musgrove Parish Council could decide to transfer you to another post.

If a complaint is made against you that is not upheld and Charlton Musgrove Parish Council has good grounds for believing that the complaint was not made in good faith, Charlton Musgrove Parish Council will take disciplinary action against the person making the false complaint.

You must not victimise a person who has made a complaint in good faith against you or anyone who has supported him or her in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if Charlton Musgrove Parish Council has good reason to think that you may have victimised the complainant or someone else.

If the complaint against you is not upheld, your manager will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. Charlton Musgrove Parish Council will consider making arrangements to avoid you and the complainant having to continue to work alongside each other, if either of you do not wish to do this.

Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of Charlton Musgrove Parish Council's disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts was brought against you. Criminal proceedings could lead to conviction and criminal penalties.

Appendix 11 Performance Appraisal Policy

Twice yearly, each member of staff will meet formally with their line manager / Staffing Committee to discuss their work performance. The objective of these meetings will be to review the previous year's achievements and to discuss any future training, development and career planning relevant to the individual and to Charlton Musgrove Parish Council.

Continuous dialogue throughout the year between the manager and the appraisee should inform the agenda of the meetings. The outcome of the discussion should be a clear and documented plan for both participants to ensure that the appraisee can achieve their full potential in the work that they carry out for Charlton Musgrove Parish Council.

The objectives of the performance appraisal scheme are as follows:

- To provide clear direction towards personal and organisational objectives, so that each individual is able to achieve their potential, gain maximum job satisfaction and contribute towards Charlton Musgrove Parish Council's success; and
- To identify individual training, development and career needs. Discussions on such needs should focus upon assisting the appraisee in acquiring the relevant skills, knowledge and competencies for them to perform well in their current role. Opportunities for advancement or alternative work may also be on the agenda.

Timing of Reviews and Appraisals

New employees will take part in an end of probationary period review with their line manager/Staffing Committee.

All employees will take part in both an interim review and end of year appraisal with their line manager/Staffing Committee.

Appraisal Preparation, Appraisal Meeting and Action Plans

Employees will be provided with the form at least 5 days in advance of their review / appraisal meeting. The preparation form is designed to prompt thoughts to the areas that the appraisal meeting will address. The appraisal meeting forms must be completed as a record of the discussion that took place. The action plan should also be completed at the meeting and used as a guide so that any agreed outcomes are followed up conscientiously. Any paperwork should be completed within two weeks of the appraisal meeting and must be kept absolutely confidential. A copy must be lodged on the individual's own personnel file, but they must have a copy of the appraisal for their own safekeeping. The completed appraisal form and action plan must be viewed as working documents and as such be continually referred to and reviewed throughout the year.

Your training log and training evaluation logs, along with your timesheet, are likely to be requisite components of your reviews and appraisals. These must always be up to date.

Request for Review

Any appraisee who feels that their appraisal was unsatisfactory or unfair may ask that the Chairman review the appraisal with them and the appraiser.

Appendix 12 Capability – Improved Performance Policy

This procedure runs parallel with, but is not part of, the disciplinary procedure. This policy does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of management. Charlton Musgrove Parish Council recognises that poor job performance and incapability should not be treated as "disciplinary offences".

The first stage in dealing with poor job performance is to determine whether the matter is one of capability or misconduct. This can normally be ascertained by counselling/investigation. Incapability is where the employee has received all necessary training but still cannot achieve a satisfactory level of performance through no fault of their own, for example as a result of poor health. If, on the other hand, the employee fails to reach the required standard of performance as a result of carelessness, negligence or lack of effort, this will be treated under the disciplinary procedure as misconduct.

1. Purpose and Scope

This procedure is designed to help and encourage all employees to achieve and maintain satisfactory standards of work performance and to encourage improvement where necessary. The aim is to ensure consistent and fair treatment.

2. Principles

It is the Council's policy to ensure that concerns over performance are dealt with fairly and that steps are taken to establish the facts. If the formal capability procedure is deemed necessary the Council will ensure that:

- The employee is given a written statement of the reasons for concern;
- A discussion about the employee's poor performance is held; and
- The employee is given the right to appeal

In serious cases of gross negligence the disciplinary procedure will be used and dismissal without previous warnings may be the appropriate sanction. The procedure (including any time limits) may be varied as appropriate to a particular case.

3. The Procedure

3.1 Informal Discussions

In the first instance, performance issues should be dealt with informally between the employee and employee's manager. Informal discussions may be held with a view to:

- Clarify the required standards;
- Identify areas of concern;
- Establish the likely causes of poor performance for example lack of skills, inadequate training, lack of support staff, tools or other resources, lack of communication or problematic working relationships;
- Identify any training needs;
- Setting targets for improvement; and/or
- Agree a time scales for review.

The informal discussion(s) will give the employee factual examples of their unsatisfactory performance and the employee will be asked for their explanation, which will subsequently be followed up and checked where appropriate. Where the reason for unsatisfactory performance is lack of the required skills, the employee will wherever practicable, be assisted through training and be given reasonable time to reach the required standards of performance. If it is a question of lack of support staff, tools or other resources or facilities, attention should be paid to this and assistance provided if appropriate.

The informal discussion will be documented and, where applicable, a Personal Improvement Plan (PIP) will be agreed and documented. This will specify the performance area(s) of concern, specific detail about the unsatisfactory performance, details of all / any support identified and agreed, details of specific actions to be taken together with the owner and any relevant timescales. The PIP will state the next review date.

Where informal discussions have not resulted in a satisfactory improvement or in more serious cases the formal procedure will be followed.

3.2 Formal Procedure

Formal Warnings

Where, despite support, the employee is unable to reach the required standard of performance, the consequences of any failure to meet this standard should be explained to the employee in writing. This will take the form of the following:

Stage one – first formal warning

The employee will be fully informed of the precise nature of the poor performance, the level of improvement required and the time limit for achieving that improvement, review periods during the currency of the warning, the consequences of failure to achieve or maintain the improvement and the length of time the warning will remain "live" on the employee's file. The first formal warning will set out in writing the details of the improvement required and the next review date.

Stage two – second formal warning

If there is no improvement or insufficient improvement after a stage one warning, or if improvement is not maintained for the period stated in the stage one warning, the employee will be given a second formal warning setting out the details in writing as outlined above in the first formal warning.

Stage three - final formal warning

If there is no improvement or insufficient improvement after a stage two warning, or if improvement is not maintained for the period stated in the stage two warning, the employee will be given a final formal warning setting out the details as outlined above in the second formal warning. The stage three warning will set out in writing the areas of under performance, the required improvement, the timescale for improvement, the review periods and will include a statement that a failure to improve to the required standard is likely to result in dismissal.

Length of time the warning will remain "live"

A first formal warning will normally have a time limit of six months; a second formal warning nine months and a final formal warning will normally be twelve months. After the relevant period of time, Charlton Musgrove Parish Council will disregard the warning but retain it on the employee's record. In each case, Charlton Musgrove Parish Council will specify the length of time that the warning will remain "live", but reserves the right to extend the time period in appropriate circumstances.

Review Meetings

Unless otherwise agreed, a review discussion will be held on or close to the date set out in the action plan, whereupon the Council will:

- discuss with the employee any continued evidence of poor performance, or alternatively evidence of significant improvements in performance;
- allow the employee to give their side of the story; and
- let Charlton Musgrove Parish Council representative ask questions

The review meeting will then be closed. The manager may not inform the employee of any decision during the discussion, as they may need time to assess the employee's input before arriving at a decision. The employee will be informed either; a) significant improvement has occurred and there is no further need to pursue the capability procedure or that b) a further discussion will be held.

Stage four - dismissal

If there is still no improvement or insufficient improvement after a stage three warning, or if improvement has not been maintained for the period stated above, the employee will normally be dismissed with notice or pay in lieu. Alternatively, at Charlton Musgrove Parish Council's entire discretion, alternative work elsewhere in Charlton Musgrove Parish Council may be offered to the employee if any suitable posts are available. A decision to dismiss will only be taken by the Staffing Committee.

Stage five - appeals

The employee may appeal against any formal disciplinary action taken by the Council under the Capability Policy. The appeal must be in writing, stating the full grounds of appeal, addressed to your line manager / Staffing Committee, within one week (7 calendar days) of the date on which the employee was informed of the decision.

The Appeal will be heard by a panel of three members of the Staffing Committee or councillors who have not previously been involved in the case. Wherever possible your line manager / Staffing Committee will give at least 5 working days' (7 calendar days') notice of the appeal hearing. In any event the appeal hearing will be held as soon as possible. The employee has a right to be accompanied by a colleague or Trade Union representative.

Following the hearing the Council may:

- confirm the original decision;
- revoke the original decision; or
- substitute a different outcome (at an equal or lesser, but not higher level than the original penalty).

The final decision will be confirmed to the employee in writing, if possible, within one week of the appeal hearing. There will be no further right of appeal. In the event of a dismissal the date of dismissal will not be delayed pending the outcome of an appeal.

Right to Be Accompanied at Formal Meetings

Employees may be accompanied by a fellow worker or trade union official at any formal meetings that are held to discuss a failure to meet the required standard of performance.

Internal Promotions

Where the employee is promoted, the consequences of failing to meet the necessary standards of performance for the new post should be clearly and fully explained to the employee at the time the promotion is offered. In some cases, the employee will be promoted on the basis of a probationary period in the new job, with the condition that Charlton Musgrove Parish Council has the right to transfer or downgrade the employee should they fail to satisfy their immediate manager that they are competent in the promoted post. In other cases, the "promoted" member of staff will remain on the same grade and salary for the duration of the probationary period and will receive an "acting up" allowance during such time. If the probationary period is not confirmed, the employee will not transfer to the higher grade.

Appendix 13 Capability – Incapability Policy

Incapability in this context is regarded as any period or periods of ill-health absence which has a substantial impact on the employee's ability to perform normal duties. This policy does not form part of an employee's terms and conditions of employment and may be subject to change at the discretion of the Council.

It is Charlton Musgrove Parish Council's policy to support employees who are genuinely sick and unable to come to work and, where an employee's absence is prolonged, actively to manage their absence and subsequent return to work.

Charlton Musgrove Parish Council will adopt a "case management" approach when dealing with employees who are incapable of working due to ill health. This means regularly reviewing an employee's absence and state of health or fitness to see whether or not there is any improvement and if Charlton Musgrove Parish Council can do anything to facilitate the employee's recovery and return to work. Case reviews will normally be held, and these will involve the employee's line manager / Staffing Committee and occupational health.

Part of the case management will be for Charlton Musgrove Parish Council to keep in touch with the employee. The employee will be consulted about how contact will be maintained, for example by telephone, email and/or visits to the employee's home at agreed times. The employee's views on how contact should be made will be sought and respected.

When an absent employee is well enough to return to work, Charlton Musgrove Parish Council will meet with the employee to discuss the terms of their return. The discussions will include:

- the employee's opinion about their capabilities, for example whether the employee is confident that they are capable of full job performance or only partial performance, and whether it may be reasonable to reduce the employee's working hours (which would normally entail a commensurate reduction in pay);
- whether the employee's return should be to full-time duties or whether a phased return would be beneficial;
- whether the employee will be taking any medication after their return to work that might have side effects, for example tiredness;
- any special arrangements, additional support or adjustments to the employee's duties, working conditions or environment that would help the employee to reintegrate into the workplace or facilitate work; and
- whether or not an induction programme is desirable or necessary, for example if the employee's absence has been lengthy and if a number of organisational or procedural changes have taken place.

Charlton Musgrove Parish Council may retain the services of an occupational doctor. Employees may be requested by Charlton Musgrove Parish Council to consent to be examined by an occupational health doctor (at Charlton Musgrove Parish Council's expense) and to agree to allow the doctor to provide a medical report to Charlton Musgrove Parish Council. The terms of all employees' contracts are that they must give such consent when reasonably asked to do so by Charlton Musgrove Parish Council. Charlton Musgrove Parish Council will routinely ask an employee who has been absent from work to be medically examined by the occupational doctor to confirm that they are genuinely capable of returning to work and/or to assist in managing a return to work.

After the employee's return, Charlton Musgrove Parish Council will:

- monitor the employee's progress over the first few weeks to ensure that they are coping with the work and the day-to-day pressures of working life;
- make sure that the employee is not "thrown in the deep end", for example is not required to deal with a huge backlog of work caused by the period of absence; and
- take all reasonable steps to facilitate the employee's reintegration into the workplace.

Charlton Musgrove Parish Council may consider terminating the employment of an employee who is absent from work due to genuine sickness or injury where the absence has a significant impact on Charlton Musgrove Parish Council's operations. The position will be reviewed regularly and ultimately it may become necessary from a business perspective to consider termination of employment. In these circumstances, Charlton Musgrove Parish

Council will:

- review the employee's absence record to assess whether or not it is sufficient to justify dismissal;
- consult the employee;
- obtain up-to-date medical advice;
- advise the employee in writing as soon as it is established that termination of employment has become a possibility;
- meet with the employee to discuss the options and consider the employee's views on continuing employment;
- review if there are any other jobs that the employee could do prior to taking any decision on whether or not to dismiss;
- allow a right of appeal against any decision to dismiss the employee on grounds of long-term ill health;
- arrange a further meeting with the employee to determine any appeal;
- following this meeting, inform the employee of its final decision; and
- act reasonably towards the employee at all times.

Appendix 14 Lone Worker Policy

Charlton Musgrove Parish Council will avoid the need for employees to work alone where reasonably practicable. Where lone working is necessary, the organisation will take all reasonable steps to ensure the health and safety of employees working alone.

Charlton Musgrove Parish Council will ensure that a risk assessment is conducted and that arrangements are in place prior to employees working alone.

Your line manager / Staffing Committee will ensure that:

- lone working is avoided as far as is reasonably practicable;
- emergency procedures are in place so that members of staff working alone can obtain assistance if required, e.g. by providing a mobile phone;
- a risk assessment is completed by a person competent to do so prior to employees working alone;
- any employee working alone is capable of undertaking the work alone;
- arrangements are in place so that someone else is aware of a lone worker's whereabouts at all times;
- persons working alone are provided with adequate information, instruction and training to understand the hazards and risks and the safe working procedures associated with working alone; and
- training records are kept.

The person conducting the lone working assessment will:

- give consideration to the greater risks to expectant mothers and young persons;
- involve the employee who is working alone in the assessment process and the development of safe working methods;
- advise the employee undertaking the lone working of the findings of the assessment; and
- maintain a file of all lone working assessments.

Employees working alone will:

- follow the safe working arrangements developed by the organisation for lone working;
- take reasonable steps to ensure their own safety; and
- inform their line manager / Staffing Committee / assessor of any incidents or safety concerns.

Property

All rooms to be kept locked when not in use. Staff should have access to a phone at all times. An emergency route out of the office and the building to be kept clear at all times. Office doors are to be kept secured at all times and staff are always to be aware of their own safety. No access to the office is to be given if a member of staff is in any doubt as to the character of the visitor. If a Council employee is working outside of normal office hours and there are no hirers in the building, then in these circumstances the front main doors must be closed and locked. Staff must always put their safety first and in a crisis situation should sound the fire alarms.

Outside Workers

Staff should ensure that someone is always aware of their location. If this is not another outside worker then they must inform the office:

a) when they start work at the location ; and

b) when they return to your normal place of work

Staff should be aware of their surroundings and look out for unstable or slippery surfaces. Do not under any circumstances enter confined spaces or dangerous structures. Staff must report all incidents or hazardous conditions to the office as soon as possible.

Above all, staff should not put themselves at risk. If there is any danger, stop work or leave the location.

Appendix 15 Alcohol and Drugs Policy

Charlton Musgrove Parish Council is committed to ensuring the health, safety and welfare of its employees and those affected by its activities. It will take all reasonable steps to reduce, if not eliminate, the risk of injuries or incidents occurring due to individuals suffering from the effects of alcohol or substance abuse. Charlton Musgrove Parish Council recognises that for a range of reasons individuals can and do misuse drugs and alcohol and that this represents a problem for the individual and for the business. The effects of drug and alcohol misuse range from absenteeism, low productivity and increased disciplinary action to injury in the workplace. This policy applies to all employees and all persons coming onto Charlton Musgrove Parish Council premises. It does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of the Council.

Charlton Musgrove Parish Council prohibits the drinking of alcohol by employees and contractors at any time during working hours in the workplace or on Council business, including Council social outings. Charlton Musgrove Parish Council will take all reasonable steps to prevent employees and contractors carrying out work-related activities if they are considered to be unfit/unsafe to undertake the work as a result of alcohol consumption or substance abuse.

Charlton Musgrove Parish Council expressly prohibits the use of any illegal drugs or any prescription drugs that have not been prescribed for the user. It is a criminal offence to be in possession of, use or distribute an illicit substance. If any such incidents take place on Charlton Musgrove Parish Council premises, in Charlton Musgrove Parish Council vehicles or at a Charlton Musgrove Parish Council function, they will be regarded as serious, will be investigated by Charlton Musgrove Parish Council, and may lead to disciplinary action and possible reporting to the Police.

No employee or other person under Charlton Musgrove Parish Council's control shall, in connection with any work-related activity:

- report, or endeavour to report, for duty having consumed drugs or alcohol likely to render them unfit and/or unsafe for work;
- consume or be under the influence of drugs or alcohol whilst on duty;
- store drugs or alcohol in personal areas such as lockers and desk drawers; and
- attempt to sell or give drugs to any other employee or other person on Charlton Musgrove Parish Council premises.

Employees must inform their line manager / Staffing Committee regarding any prescribed medication that may have an effect on their ability to carry out their work safely, and must follow any instructions subsequently given e.g. drugs that cause drowsiness must not be used whilst at work. Any employee suffering from drug or alcohol dependency should declare such dependency, and Charlton Musgrove Parish Council will subsequently provide reasonable assistance, treating absences for treatment and/or rehabilitation as any other sickness absence. (Failure to accept help or continue with treatment will render the employee (liable to normal disciplinary procedures.)

Disciplinary Sanctions

Drug and alcohol misuse may become a matter for disciplinary action in accordance with the disciplinary or capability procedure, subject to the letter and spirit of this policy, particularly where help is refused and/or impaired performance continue.

POSSESSION OF AND DEALING IN ILLEGAL SUBSTANCES WILL BE IMMEDIATELY REPORTED TO THE POLICE IN ALL CASES.

Appendix 16 No Smoking Policy

Charlton Musgrove Parish Council recognises that the health, safety and welfare of employees, sub-contractors and anyone else directly affected by the organisation's operations are of prime importance. The organisation has therefore developed and enforces a dedicated smoking policy, conforming to the requirements of the smoke-free legislation.

Application

This policy is applicable to all employees at whatever level of the organisation's hierarchy, as well as sub-contractors who undertake activities on behalf of the organisation and any visitors to/customers on the organisation's premises. This policy and its mandatory application will be communicated to all employees, sub-contractors, visitors, clients and interested parties.

As part of the organisation's induction process, new starters should be told about this policy and shown where it is located in the organisation's staff handbook. Your line manager is responsible for informing job applicants of this policy. Employees are responsible for informing their visitors to the premises and clients of this policy.

Prohibition on smoking

Smoking is strictly prohibited on all parts of the organisation's premises, including at entrances or anywhere on its grounds. This includes areas that are outside but that form part of the organisation's premises.

Employees who go outside to smoke are restricted to taking one short smoking break in the morning and one in the afternoon, with a maximum of ten minutes per break. Employees should inform their manager if they wish to take a smoking break and ensure that there is sufficient cover before taking a break.

Electronic cigarettes

The organisation acknowledges that some employees may wish to make use of electronic cigarettes ("e-cigarettes") in the workplace, particularly as an aid to giving up smoking.

Although they fall outside the scope of smoke-free legislation, the organisation prohibits the use of e-cigarettes in the workplace. The organisation's rationale for a ban on e-cigarettes is that:

- although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees; and
- some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for visitors/customers/other employees that it is acceptable to smoke.

Signage

The organisation displays signs that make it clear that smoking is prohibited on its premises. These signs are located at all entrances to its buildings.

Appendix 17 - Personal Relationships at Work Policy

The organisation recognises that employees who work together may form personal friendships and, in some cases, close personal relationships. While it does not wish to interfere with these personal relationships, it is necessary for the organisation to ensure that all employees behave in an appropriate and professional manner at work. The following principles have therefore been devised and apply to all regardless of their job or level of seniority.

- Any employee who is involved in a close personal relationship with a colleague, contractor, client, customer or supplier must not allow that relationship to influence their conduct while at work. Intimate behaviour during work time, for example kissing, touching or holding hands, is expressly prohibited. This rule applies during all working time, whether at the normal workplace, on clients' premises or elsewhere. Any breach of this rule will be regarded as a serious disciplinary offence leading to disciplinary action up to and including dismissal.
- Any employee who embarks on a close personal relationship with a colleague working in the same department/section must declare the relationship to their manager. If the relationship is between a manager/supervisor and an employee whom they supervise, the relationship should be declared to a senior manager. The information declared will be recorded on the personal files of both employees and treated in strict confidence.
- In order to avoid a situation in which an employee has managerial authority over another with whom they is having a close personal relationship, the organisation reserves the right to elect to transfer one or both of the employees involved in the relationship to a job in another department/section. In these circumstances, the organisation will consult both of the employees and seek to reach a satisfactory agreement regarding the transfer of one or both of them.
- Similar principles apply to an employee who begins a close personal relationship with a client, customer, contractor or supplier. If the employee's job allows them authority over the client, customer, contractor or supplier (for example if the employee has the authority to decide to whom to award contracts), the relationship must be declared to the employee's manager. In these circumstances, the organisation reserves the right to transfer, or as a last resort to dismiss, the employee following consultation with him/her.

Appendix 18 Stress Policy

Life and work have become much busier in recent times. There seems to be too much to do and too little time to do it in. As a consequence, more employees are experiencing stress at work.

Stress at work can come about for a variety of reasons. It may be excessive workload, unreasonable expectations, or overly-demanding work colleagues. As a reasonable Council, we try to ensure that you are in a pleasant working environment and that you are as free from stress as possible.

If you experience unreasonable stress which you think may be caused by work, you should raise your concerns through the Council's grievance procedure.

Managers, when performing risk assessments on the activities of their department, will pay special attention to potential risks from stress and signs of stress at work will be noted.

The Council (if deemed appropriate) will offer an employee assistance scheme which will offer confidential and individual counselling to employees who may need it.

Any employee with clear stress-related problems shall receive (if requested) appropriate counselling and help from the Council (employee) assistance scheme but it is understood that this is not an alternative to looking at the cause of the stress and, if work-related, seeking to alter the structure and working arrangements of the job.

Following action to reduce the risks, they shall be reassessed. If the risks remain unsustainable by the employee concerned, efforts shall be made to reassign that person to other work for which the risks are assessed as tolerable.

Appendix 19 – Communication Policy

Parish Council Correspondence

The point of contact for the Parish Council is the Clerk; it is to the Clerk that all correspondence to the Parish Council should be addressed.

The Clerk should deal with the correspondence and will ensure that information or direct enquiry is passed to Councillors as appropriate.

No individual Councillor should be the sole custodian of any correspondence or information in the name of the Parish Council, any of its Committees, Sub-Committees or Working Groups. In particular, Councillors do not have the right to obtain confidential information / documentation unless they can demonstrate a “need to know”.

All official correspondence should be sent by the Clerk in the name of the Council using letter headed paper.

Where correspondence to a Councillor is copied to another person, the addressee should be made aware that a copy is being forwarded to that other person.

Agenda items for Full Council, Committees, Sub-Committees and Working Groups

Agendas should be clear and concise. They should contain sufficient information to enable Councillors to make an informed decision and for Councillors and the public to understand what matters are to be considered and what decisions are to be taken at a meeting.

Items for information should be kept to a minimum on an agenda.

Where the Clerk or a Councillor wishes fellow Councillors to receive matters for “information only”, this information should be circulated via the Clerk.

Communications with the Press and Public

The Clerk will discuss press reports or comments to the media with appropriate Councillors or the Chairman. If the Chairman is absent the report or comments will be discussed with the Vice Chairman.

Press reports from the Council, its Committees, Sub-Committees or Working Groups should be from the Clerk or via the reporter’s own attendance at a meeting.

Unless a Councillor has been authorised by the Council to speak to the media on a particular issue, Councillors who are asked for comment by the press should make it clear that it is a personal view and ask that it be recorded as their personal view.

When responding to social media comments / statements the same should apply by advising that this is a personal view and not necessarily the view of the Council. When responding a Councillor should report that they are responding on a non- Councillor basis. Unless a Councillor is absolutely certain that they are reporting the view of the Council, even if they did not agree with the decision when it was made, the Councillor must make it clear to members of the public they are expressing a personal view.

Councillor Correspondence to external parties

As the Clerk should be sending all correspondence from the Council to other bodies, in the event a Councillor is required to write instead, it needs to be made clear that it is written in their official capacity and has been authorised by the Parish Council unless it is an operational or other matter requiring the Clerk to respond by delegated authority as the Proper Officer.

Where, after discussion with the Clerk, members of the Council wish to pursue an initiative on an unofficial / personal basis they are welcome to do so but should be mindful of;

1. The need to take care not to give the impression that the initiative has the support of or represents official Council policy;
2. The dangers of public or other partners' or external bodies' expectations;
3. Publicity or media coverage which may reflect on the Parish Council.

Accordingly, members should make it clear that they are acting in an unofficial / personal capacity. As a general rule, individual members should not approach another body, statutory, voluntary or commercial organisation other than in a personal capacity, seeking information which might be related to any Parish Council function.

If, after consultation with the Clerk as above, a member is dissatisfied with the actions / advice received, they may ask for an item to be included on the agenda for a Council meeting or appropriate Committee.

A copy of all outgoing correspondence relating to the Council or Councillors role within it, should be sent to the Clerk, and be noted on the correspondence "copy to the Clerk" so that the recipient is aware the Clerk has been advised.

Communications with Parish Council Staff

Whilst all members and staff are encouraged to develop contact with each other, both Councillors and staff need to be conscious of the "employer" and "employee" relationship and professional standards should be maintained at all times. Both should be aware that requests directly from members to employees to action given matters whether established Council policy or not, can disrupt established routines and work programmes. Members wishing to have urgent action taken should contact the Parish Clerk who can then re-schedule staff priorities if necessary.

Councillors must not give instructions to any member of staff, unless specifically authorised to do so (for example, 3 or more Councillors sitting as a Committee or Working Group with appropriate delegated authority from the Council). In such circumstances members who wish to investigate or promote any issue for possible adoption or action should, in any event discuss the matter with the Clerk so that preliminary consideration can be given to the legal, financial, technical and staffing implications and to the possible impact and relationship to existing projects or policies in which the Council is currently involved.

Telephone calls should be appropriate to the work of the Parish Council.

Emails

Instant replies should not be expected; reasons for urgency should be stated; Information to Councillors should normally be directed via the Clerk.

E-mails from Councillors to external parties regarding Council should be copied to the Clerk. Councillors should acknowledge their e-mails when requested to do so.

Meetings with the Clerk or other Officers

Wherever possible an appointment should be made.

Meetings should be relevant to the work of that particular officer.

Councillors should remember that the meeting is for legitimate council business and not related to matters driven by personal or political agendas.

Appendix 20 – Homeworking Policy

Charlton Musgrove Parish Council does not have a designated office building therefore it will be necessary for the Clerk to work from home. This will be the Clerk's main place of work. The Clerk's home is not a public office and visits by members of the public should be discouraged. Members of the public can raise issues at any Parish Council meeting or by phone or email.

Is the Home Suitable?

- The Clerk will be responsible for health and safety of their work space;
- The Clerk will assess the work space for security and privacy; and
- The Parish Council will provide any necessary equipment to allow the Clerk to carry out their duties

Health and Safety

The Parish Council will ensure PAT testing of any electrical office equipment owned by the Council.

Insurance

- Any equipment owned by the Parish Council will be covered by the Parish Council's insurance policy
- The Parish Council's insurance includes employer liability, public liability and loss of money cover

Homeworker Allowance

- The Parish Council will provide the HMRC homeworker benchmark allowance to cover any additional costs to the Clerk for space, lighting, heating, electricity and telephone calls
- The allowance will be paid monthly through the Clerk's petty expenditure scheme

Office Equipment and Consumables

- The Clerk will purchase any small items of equipment and consumables, such as stationery and stamps with the cost being claimed back monthly through the Clerk's petty expenditure scheme
- Any large items of equipment will be agreed by Full Council prior to purchase

Hours of work

Core hours will be agreed on appointment, but flexible hours of work are necessary to meet the needs of the Parish Council.

Attendance at other workplace venues

The Clerk will attend monthly Parish Council meetings and additional meetings where appropriate at the Charlton Musgrove Memorial Hall or other parish sites / venues, as appropriate to the business of the Council.

Mileage Allowance

- The Parish Council will reimburse mileage incurred in the performance of Council business, for example training, collection of printing and supplies
- Mileage incurred for attendance of Parish Council meetings will not be reimbursed
- Mileage will be claimed back monthly through the Clerk's petty expenditure scheme
- HMRC guidance on rates and reporting should be adhered to