

# Killamarsh Parish Council

## KPC 37 – Staff Handbook

DETAILS OF POLICY	
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Policy Title	Staff Handbook
Committee/Working Party Responsible	Health, Safety & Wellbeing Committee / Full Council
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### The Policy

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## **1. INTRODUCTION**

This Handbook covers important aspects of employment, and we ask that all staff read it carefully in conjunction with the Contract of Employment given to you when you commence employment. This Handbook sets out the Council's approved Health, Safety & Wellbeing Policies and Rules of Employment.

This document is written to inform employees of their rights and conditions of employment. It complements the Council's Health, Safety & Wellbeing Procedures which are written from a management perspective.

Killamarsh Parish Council has adopted the collective agreement known as the "Green Book" issued by the NJC for Local Government Services (comprising representatives of employers and employees). The Green Book contains four parts. Part 1 is Principles and Part 4 Joint Advice. It divides Terms and Conditions into Key National Conditions (Part 2) and National Provisions which may be modified locally (Part 3).

The Council's Employee Conditions of Service as set out in this Handbook, build on the Green Book.

The Council sets out to reward the commitment of its staff, consistent with its financial resources and to provide a satisfying and flexible working environment in which staff can develop.

People are our most important asset, and the quality and attitude of individuals is therefore the key to our continued success. Because of this, we will always treat each employee as an individual, and respect their rights and sensitivities.

This Handbook will be subject to continual development in its provision of robust Health, Safety & Wellbeing policies, and procedures in the interests of good Health, Safety & Wellbeing management for both employer and employee.

It is the intention in producing the Handbook that as various Policies and Procedures are further developed and approved, they will become stand - alone documents formatted as an Appendix to the Handbook for ease of reference.

NB References to notifications to be made to the Clerk in the first instance should be read as Chair of the Council when the employee concerned is the Clerk.

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## **2. ABSENCES**

Absence causes reduced levels of customer service and additional pressure on remaining employees to cover, often at short notice. The Council's Absence Management Policy provides a framework which helps us all to manage absenteeism and provides support to everyone involved. It recognises the need for a mutually responsible and caring approach to managing absence consistently.

We do accept and understand that from time to time, our staff will be ill, may need to take time away from work to look after their family, or may need to take time off to deal with some other urgent matter. However, for the above reasons, we do view persistent absence from work as a serious matter. Dealing with long term sickness will require a different approach to that needed for repeated short-term absences.

Absence rates will be monitored within the Council. Along with an employee's absence rate, we will always review and consider the reason for their absence and will discuss this with the employee. By taking the time to understand why our staff are absent from work, we will be able to explore options with them and hopefully find solutions that will help them to attend work regularly.

The Absence Management Policy requires that every employee's absence record be assessed and reviewed with them after every period of absence. The purpose of the review will be:

- To welcome the employee back to work and provide an update about any developments which have occurred during their absence.
- To check that an employee is fit for work and show concern for their wellbeing.
- To see whether the Council can provide any additional support to help rehabilitation.
- To review the employee's absence record & discuss any patterns of absence which are apparent and which cause concern.
- To discuss with the employee the impact of their absence on the Council.

The tone and form of the review will of course vary according to everyone's absence record.

#### APPOINTMENTS

Employees are normally expected to ensure that any appointments made to visit the doctors, dentists, hospital, etc. are made in their own time, and outside normal working hours. If this is not reasonably practicable, time off work will be allowed to attend such appointments providing that:

- the appointment is substantiated with an appointment card,
- the timing of the appointment causes as little disruption as possible i.e. at the beginning or end of the working day,
- prior permission is obtained from the appropriate Manager or Clerk to the Council,
- time taken for the appointment is worked back at a time to suit the individual and the needs of the service.

#### ABSENCE NOTIFICATION

Employees must follow the procedure below for all periods of absence including.

- Holidays
- Sickness
- dental/hospital appointments

Prior permission must be obtained from your Line Manager for all absences other than sickness. An Absence Record Form must be completed before the absence commences, for all absences other than sickness, holidays, or time off in lieu.

Absence for reasons of sickness must be notified as soon as possible, by telephoning your Line Manager within 2 hours of the shift start time on the first day of absence. In the case of the Parish Clerk a message should be passed to the Chair of Council.

It is the employee's responsibility to keep the Council advised of circumstances which are preventing the employee from attending work and their return date in line with the Attendance Management Policy.

If you are taken ill whilst at work and need to go home, the absence must be counted as sick leave and a Self-Certificate Form (AM2) completed. If you go home before half of your scheduled shift is completed, a full day's absence must be shown on the Self Certificate for that day. If you leave after half of your shift is completed, a half day's absence must be shown on the Self Certificate for that day.

Unauthorised absence will lead to disciplinary action being taken which may include dismissal.

Long term sick leave will be reviewed at regular intervals under the Absence Management Policy. If after a reasonable period you remain unable to work, the Competence Procedure may be invoked.

#### PAY DURING ABSENCE

You are not entitled to be paid your wage/salary when absent from work unless authorised. However, if your absence is due to illness or injury you will qualify for Council sick pay. See the appropriate section of this Handbook.

If you are absent from work due to incapacity caused through an accident and the Council has continued to pay you, the Council reserves the right to recover such sums as appropriate as part of any case for compensation pursued against a third party.

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### **3. ACCEPTANCE OF GIFTS, REWARDS AND HOSPITALITY**

The acceptance of gifts and hospitality are particularly sensitive areas.

The way in which you receive a gift/hospitality depends on the type of relationship involved and the context in which the gifts/hospitality are offered. Staff should always bear in mind the following points:

There must be nothing in your behaviour, which might give rise to a suspicion that you are acting in your own private interest, which might lead to a conflict of interest.

Your actions should never give the impression:

- to the public
- to any organisation with which you deal
- to your colleagues

That a gift or reward could influence the way in which you deal with any person or organisation.

Staff should always inform the Clerk to the Council of gifts/hospitality invitations/rewards made to them and the Clerk should advise the Chair. Failure to do so will lead to disciplinary action.

You must always comply with the Officer Code of Conduct.

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#### **4. ACCOMPANIMENT**

“Workers” have a statutory right to be accompanied by a fellow worker or by a Trade Union Official, where they are required or invited by their employer to attend certain Disciplinary or Grievance Hearings and they make a request to be so accompanied.

This right applies not only to employees working under a contract of employment, but also to workers who are not genuinely self-employed, agency workers, home workers and casuals.

The ‘companion’ can be either:

- a friend of the employee
- a fellow worker (another worker of the same employer).
- a full time official employed by a Trade Union; or
- a lay Trade Union official or workplace representative who has been specifically certified in writing by their Union to function as a companion at Disciplinary or Grievance Hearings.

The statutory right applies to:

Disciplinary Meetings which could result in:

- the administration of a formal warning.
- the taking of some other action, which will include dismissal.
- the confirmation of a warning issued, or some other action taken.

Grievance Meetings:

There may be no automatic legal right for a worker to be accompanied at a fact-finding interview (an investigatory meeting) prior to a formal disciplinary meeting, although if that investigatory interview, for instance, centres on a specific individual and disciplinary proceedings are likely to follow then the right to be accompanied is likely to apply.

Accompanying person

A worker who has been requested to accompany a colleague employed by the same employer is entitled to take a reasonable amount of paid time off to fulfil this responsibility. A lay Trade Union official or a workplace representative is also entitled to reasonable paid time off by the employer provided that the worker who has requested to be accompanied is employed by the same employer.

The right to be accompanied by a Trade Union official is not limited to where the Trade Union is recognised by the employer.

The companion must be allowed to participate in the Hearing and should be allowed to ask questions. The companion has the legal right to address the Hearing but does not have the legal right to answer questions on behalf of the worker. Facilities should be made available to allow a reasonable amount of time for preparation and to confer privately during the Hearing.

If the designated companion cannot attend a Hearing at the time proposed, the worker can suggest a reasonable alternative which must be within 5 working days of the first date suggested.

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## **5. ADOPTION LEAVE**

Any employee who is adopting a child and meets certain qualifying conditions has the right to take 26 weeks ordinary unpaid adoption leave and the right to an additional 26 weeks of unpaid absence.

To qualify, you will need to have been continuously employed for at least 26 weeks. Statutory Adoption pay may be able to be claimed by some employees.

If this may apply to you, you are advised to discuss the matter with the Clerk to the Council in the first instance.

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## **6. ADVERSE WEATHER**

Staff are expected to make every effort to get in to work. However, if they cannot, they should notify their line manager in line with the absence reporting procedure.

If the weather is so bad that a decision is made not to open the office, staff will be informed as soon as possible and instructed not to attend. Where possible staff will be required to work from home. All staff will receive payment, as normal for any days that the office remains closed due to adverse weather.

Where a decision is made to close the office part way through the day, staff will be paid in full for the remainder of the time of their shift.

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## **7. ALCOHOL/SUBSTANCE ABUSE**

Illegal drugs or substances must not be brought on to the Council's premises in any circumstances, nor alcohol, without the consent of the Clerk to the Council.

You are expected to attend work in a condition where you are fit to undertake your duties safely. Consumption of alcohol before starting work or during working hours, including lunch and other breaks, is inappropriate and may be a Health and Safety risk. Consumption of alcohol in these circumstances may be regarded as an act of misconduct.

Any individual thought to be under the influence of alcohol and/or drugs/substances will be escorted from the premises and escorted home and may be subject to action under the disciplinary procedures.

If you are taking drugs/substances prescribed by your doctor, which may give rise to side effects which could affect your performance at work, it would be advisable to inform the Clerk to the Council.

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## **8. APPEAL PROCEDURE**

Please refer to the Grievance Procedure

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## **9. BEREAVEMENT**

If you suffer a bereavement in your immediate family - that is, the death of a parent, spouse, brother, sister, child, in-laws, legal guardian, grandparent or partner, paid leave will be allowed for the funeral. Additional leave up to 6

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days may be allowed for immediate family bereavement at the discretion of the Clerk to the Council. Time off for funerals will also be allowed for more distant relatives and close friends, at the discretion of the Clerk.

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## **10. CAR PARKING**

Some parking facilities are provided for employees' cars. However, the Council disclaims all liability, whether in negligence or otherwise, for loss of or damage to any vehicle and/or its contents, howsoever caused, whilst left on the premises. Unless registered disabled it is not permitted for any member of staff to park in allocated disabled parking spaces.

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## **11. COLLECTIONS FOR CHARITIES AND FUND RAISING**

We are keen to assist legitimate charitable and community activities, provided they do not interfere with the business of the Council. To ensure this does not happen and that the cause or activity concerned is genuine, all such collections and fund-raising must receive prior authorisation from the Clerk. Organisers should ensure that no pressure is placed on staff to contribute.

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## **12. COUNCIL CAR POLICY**

The Council currently does not have a policy which entitles employees to the provision of a car as part of their contract of employment or the equivalent of an annual cash payment.

### Use of own car

Where the Council authorises an employee to use a private car on official business, the employee will receive a Casual User allowance in accordance with the approved Green Book rate. Business mileage is usually the distance travelled between your normal office and the place you are visiting. Where you are commencing travel from home for business purposes i.e. not to your normal office, then the business mileage to be claimed is from your home to the place you are visiting or your normal office to the place you are visiting, whichever is the lesser.

The Council reserves the right to request copies of the individual's Insurance Certificate, to ensure adequate cover is in place for the business use of the vehicle.

Where staff are travelling to the same function/meeting every effort should be made to travel together.

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## **13. COUNCIL SICK PAY**

The Scheme is intended to supplement Statutory Sick Pay to maintain normal pay during defined periods of absence.

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

During 1st year of service	1 months full pay and (after completing 4 months service) 2 months half pay
During 2nd year of service	2 months full pay and 2 months half pay
During 3rd year of service	4 months full pay and 4 months half pay
During 4 <sup>th</sup> & 5th year of service	5 months full pay 5 months half pay
After 5 years of service	6 months full pay and 6 months half pay

The amounts are calculated in accordance with the Green Book. The Council has discretion to extend the period of sick pay in exceptional cases.

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## **14. COMPETENCE PROCEDURE**

This procedure is separate from the Disciplinary Procedure and is not intended to deal with misconduct, but cases where an employee is unable for any reason to satisfactorily conduct the work required by the Job Description.

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The Council will make every effort to discuss with the employee, the reasons for the inability to satisfactorily conduct work. It will jointly, with the employee, seek solutions such as offering training or development opportunities, additional equipment or if possible, changing the duties of the post. It will also look at the time or location if these are relevant.

It may be necessary, dependent upon the circumstances of the competence issue, to suspend the employee on full pay, or to limit the scope of the work, whilst the necessary alternatives are investigated.

The capability issue may be associated with health or disability, the Council will seek as much information as possible and may require medical reports (see relevant sections).

If these options do not provide a solution, the Council will seek to offer suitable alternative employment where possible. Termination of the Contract of Employment will only be pursued as a last resort.

A decision to dismiss will only be taken after the employee has been issued with a written statement setting out the circumstances of their inability to satisfactorily conduct the work. A formal meeting will then be held with the employee, who will always be given the opportunity to be accompanied by a fellow employee, friend, or accredited Trade Union Representative.

Employees are entitled to appeal against any dismissal decision, in accordance with the Grievance and Appeal Procedure.

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## **15. COMPUTER NETWORK**

This policy applies to the activities which constitute unacceptable use of the network operated by the Council for use by its employees and Members. The policy applies equally to contractors, visitors and others who may be allowed to use the facilities on a temporary basis, details of prohibited actions and best practice are detailed further in the Electronic Communications Policy.

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## **16. CONFIDENTIAL INFORMATION**

The Council encourages openness and the passing of information both internally and between itself and its partners.

Nevertheless, during your employment you are likely to have access to confidential information relating to the Council's business or about clients or members of the public. This may include details of processes, materials, services and plans, costs, and client lists. You must not disclose to, or discuss with a third party at any time, any information which you know or suspect to be confidential without seeking the authority of the Clerk to the Council.

To do so would be classed as gross misconduct.

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## **17. CONTRACTS OF EMPLOYMENT**

A Contract of Employment will be given to each employee at the earliest opportunity following their employment commencing. It will contain the statutory written Statement of Employment Particulars and other main terms of Employment. In parts it will refer to this Employee Handbook.

Two copies will be issued, one to be signed and returned by the employee, the other for his/her retention.

Minor amendments to the Contract, e.g. a change in salary, will be amended by letter. More substantial changes, e.g. a promotion, may require the issue of a replacement Contract.

Please keep your Contract, any amendments, your Job Description and Person Specification safe for future reference.

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## **18. DECLARATION OF INTEREST**

Staff are required to declare any interest they or a member of their family may have in accordance with the Officers' Code of Conduct.

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## **19. DEPENDANTS**

Employees have the right to reasonable time off without pay during working hours to deal with incidents involving a dependant. The right is limited to urgent cases of real need and is subject to advising the Clerk to the Council of the need to deal with the incident.

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## **20. DISABLED PERSONS**

If you are disabled, please ensure that the Council has a record of this and, if you are registered disabled, of your disablement number. The Council's Equalities Policy seeks to eliminate discrimination on the grounds of disability.

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## **21. DISCIPLINARY PROCEDURE**

### 1. Introduction

The Disciplinary Procedure is designed to help and encourage all employees of the Council to always achieve and maintain acceptable standards of conduct and job performance, including the need to: -

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

1.1 This policy indicates the disciplinary procedure that will normally be followed in the event of misconduct. The following list provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings. The list is not exhaustive. These are examples only:

- a) Unsatisfactory time keeping.
- b) Absenteeism, including any absence from work during a working day without prior authorisation or instruction.
- c) Failure to comply with rules and regulations applicable to job requirements.
- d) Failure by an employee to perform the duties and responsibilities of his or her post to the standard expected by the Council.
- e) Insubordination.
- f) Any other conduct that from time to time is defined by the Council as amounting to misconduct or breach of Council General Rules.

### 1.2 General Rules

- Employees are expected to achieve and maintain a good standard of workmanship and cleanliness and to show a conscientious approach to the job or to the detail of that job to a standard that may reasonably be expected.
- To ensure maximum efficiency, employees are engaged on the basis that they must be prepared to undertake reasonable duties other than those for which they have been specifically engaged.
- The telephone or postal service must not be used for private purposes without prior permission.
- Visitors are not allowed on to the premises at any time without prior authority.
- An orderly and courteous manner must be maintained in front of customers at all times.
- It is not permitted to remove material or equipment of any kind from the Council or any other place of work without prior written permission.
- The Council's or customers' time, material or equipment must not be used for any unauthorised use.
- All authorised notices displayed are expected to be read and observed.

- Employees are expected to act wholeheartedly in the interests of the Council at all times. Any conduct detrimental to its interests or its relations with its customers, suppliers, the general public or damaging to its public image shall be in breach of the Council's rules.
- Employees must not perform, arrange, or conduct any work or activity which could be in competition with, or which adversely affect in any way the Council's interests.
- Employees must act in accordance with the Council's operating procedures.
- To dress in accordance with the Dress Code.

1.3 For first instances of minor misconduct the employee's manager or Clerk to the Council may speak to the employee informally before implementing a formal disciplinary procedure. However, there is no obligation for the employee's manager or Clerk to do this.

## 2. Verbal Warnings

Verbal Warnings are issued by the Clerk to the Council for most first instances of general misconduct, depending on the seriousness of the offence. If the employee is given a Verbal warning, he or she will be warned of the consequences of any further disciplinary offences or a failure to improve his or her conduct to the satisfaction of the Council. A note confirming the Verbal Warning will be placed on the employee's Health, Safety & Wellbeing file. A Verbal Warning will normally remain in force for 6 months.

### The Verbal Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature<sup>3</sup>. First Written Warning

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

- the nature of the offence and the improvement required (if appropriate) and over what period.
- the consequences of any further offence or failure by the employee to improve his/her conduct to an acceptable standard.
- that further offences will result in more serious disciplinary action; and
- Employees have an obligation to ensure that they conform to the requirements of the Equalities Policy and must not act in a manner which could be of an unlawful discriminatory nature against fellow employees, customers, or other people with whom they come into contact on the Council's business.
- the employee's right of appeal.

A first Written Warning will normally remain in force for 12 months. The First Written Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

## 4. Final Written Warning

If further misconduct occurs within the period specified in a First Written Warning, or if the misconduct is sufficiently serious the employee will be given a Final Written Warning. A Final Written Warning will be issued by the Health, Safety and Wellbeing Committee and will set out:

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

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

A Final Written Warning will normally remain in force for 24 months.

## 5. Standard Council Disciplinary Procedure

In the case of further misconduct within the time period specified in any Final Written Warning or if the misconduct

is sufficiently serious and the Council deems it to be appropriate to contemplate the dismissal, demotion, or suspension (without pay) of the employee the following formal disciplinary procedure will be followed.

- a) The Council will investigate the alleged misconduct and will establish the facts surrounding the complaint as necessary, considering the statements of any available witnesses.
- b) The Council will set out in writing the alleged conduct or other circumstances which lead the council to contemplate dismissing the employee or taking disciplinary action against the employee and the basis for the allegation and will send the employee a copy of the statement inviting the employee to attend a disciplinary meeting to discuss the matter. The employee will be provided with a reasonable opportunity to consider his or her response to the information provided in the statement before attending the meeting. The employee must take all reasonable steps to attend the meeting.
- c) Disciplinary meetings will normally be convened within 10 working days of the Council sending the employee the written statement referred to in 6.3 above. The employee may be accompanied to any disciplinary meeting by a fellow employee or by a representative of a Trade Union. The Council will be represented by the employee's line Manager or Clerk to the Council.
- d) If the time or date proposed for the meeting is inconvenient (either for the employee or for the employees' companion, should he or she wish to be accompanied to the meeting pursuant to 5c above) the employee may ask to postpone the meeting by up to 5 working days.
- e) The meeting may be adjourned to allow matters raised during the meeting to be investigated, or to afford the [employee's Manager/Clerk] time to consider their decision.
- f) After the meeting, the Council will inform the employee of their decision and any applicable sanction within 5 working days. The meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing.
- g) If the employee wishes to appeal against the decision, he or she must notify the Council in writing within 5 days of receiving written notice of the decision.
- h) If the employee notifies the Council that he or she wishes to Appeal, the employee will be invited to attend a disciplinary appeal meeting before the Council's Health, Safety and Wellbeing Committee. The employee must take all reasonable steps to attend that disciplinary appeal meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a fellow employee or by a representative of a Trade Union.

A disciplinary appeal meeting will normally be convened within 10 working days of the Council receiving notification that the employee wishes to appeal pursuant to 5h above. If the meeting date is inconvenient for the employee or the employee's companion, he or she may ask to postpone the meeting by up to 5 working days.

- i. Any new evidence that the employee wishes to put forward will be considered, as will any new evidence from the Council. The original disciplinary penalty will be reviewed.
- ii. The disciplinary appeal sanction originally imposed cannot be increased upon appeal.
- iii. The disciplinary appeal meeting will not necessarily take place before any disciplinary sanction imposed by the Council takes effect. If the employee's appeal is against dismissal and the appeal is successful, the employee will be reinstated, and continuity of employment will be preserved.
- iv. The meeting may be adjourned to allow matters raised during the meeting to be investigated, or to afford the Council's Health, Safety & Wellbeing Committee time to consider its decision.

After the disciplinary appeal meeting the Council will inform the employee of its final decision within 5 working days. The meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing.

## 6. Council Dismissal Procedure for use in Gross Misconduct

6.1. The following list provides examples of conduct that will normally be regarded by the Council as Gross Misconduct. This list is not exhaustive. These are examples only:

- i. Refusal or repeated failure by an employee to perform his or her duties.
- ii. Falsification of documents or information (including Expense Claims).
- iii. Unauthorised disclosure of confidential information.
- iv. Assaulting a fellow employee or any other person whilst acting or purporting to act on behalf of the Council.

- v. Insulting, indecent, or offensive behaviour towards a fellow employee or any other person whilst acting or purporting to act on behalf of the Council.
- vi. Serious or repeated harassment (including sexual and racial harassment).
- vii. Incapacity at work due to the influence of alcohol, unprescribed drugs or any other substance.
- viii. Wilful damage to Council property.
- ix. Theft, unauthorised use or possession of Council property or theft of the property of a fellow employee.
- x. Conduct bringing the Council into disrepute.
- xi. Any other conduct that from time to time is defined by the Council as amounting to Gross Misconduct.

6.2. If an employee is accused of any gross misconduct, he or she may be suspended from work on full pay pending the outcome of an investigation into the alleged offence(s). Such a period of suspension will not normally exceed 20 working days unless there are exceptional circumstances.

6.3. The Council will investigate the matter and will establish the facts surrounding the complaint as necessary, considering the statements of any available witnesses. As part of that investigation the employee will be interviewed.

6.4. If the Council believes the employee is guilty of Gross Misconduct his or her employment will be terminated summarily without notice or pay in lieu of notice.

6.5. The Council will send the employee a statement, setting out the allegations of misconduct that led to the employee's dismissal and the Council's basis for thinking that the employee is guilty of that misconduct. The date on which the employment terminated will be confirmed to the employee and the employee may be reminded of any continuing obligations he or she may have following the termination of employment. This statement will also explain the employee's right to appeal against the Council's decision.

6.6. If the employee wishes to appeal against the Council's decision, he or she must notify the Council in writing within 5 working days of receiving notice of the Council's decision pursuant to 7.5 above.

6.7. If the employee appeals the Council will invite the employee to attend a disciplinary appeal meeting before the Council's Health, Safety & Wellbeing Committee. The employee must take all reasonable steps to attend the meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a fellow employee or by a representative of a Trade Union.

6.8. Any disciplinary appeal meeting will normally be convened within 10 working days of the Council receiving notice from the employee that he or she wishes to appeal pursuant to 7.6 above. If the date of the meeting is inconvenient for the employee or his or her companion the employee may ask to postpone the meeting by up to 5 working days.

- i. Any new evidence that the employee wishes to put forward will be considered as will any new evidence from the Council. The original disciplinary penalty will be reviewed.
- ii. The disciplinary sanction originally imposed cannot be increased upon appeal.
- iii. The disciplinary appeal meeting will not necessarily take place before any disciplinary sanction imposed by the Council takes effect. If the employees appeal is against dismissal and the appeal is successful, he or she will be reinstated, and continuity of employment will be preserved.
- iv. The meeting may be adjourned to allow matters raised during the meeting to be investigated, or to afford the Council's Health, Safety & Wellbeing Committee time to consider its decision.

6.9. After the disciplinary appeal meeting the employee will be informed of the Council's final decision within 5 working days, the meeting may be reconvened for this purpose. The Council's decision will be confirmed to the employee in writing.

## 7. General Procedural Information

7.1. Verbal Warnings will be issued by the Clerk to the Council. First Written, Written and Final Warnings will be

conducted by the Health, Safety & Wellbeing Committee. Dismissals will be undertaken by Health, Safety & Wellbeing Committee. All Appeals to Council. Disciplinary proceedings raised under the standard Council Disciplinary Procedure will also normally be investigated and any meetings to discuss the Disciplinary proceedings conducted by the employee's line Manager or Clerk to the Council.

7.2. Where disciplinary proceedings are instigated against the Clerk, Verbal Warnings and Written Warnings will be given by the Health, Safety & Wellbeing Committee. Any investigations and any meetings will be conducted by the Council's Health, Safety & Wellbeing Committee. Dismissal of the Clerk will be ratified by Council. Any disciplinary appeal meeting will be conducted by (3) Members of the Council who do not sit on the Health, Safety & Wellbeing Committee.

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## **22. DRESS CODE**

The Council does not wish to dictate how its employees should dress for work, but does insist on reasonable standards, particularly where an employee is in contact with the public.

- Employees are expected to be always clean and tidy, when at work.
  - Overalls and safety clothing must be worn for tasks for which it is provided.
  - Employees in offices or in contact with the public are expected to wear at least "smart casual" clothing or uniforms/ name badges where provided.
  - For formal Council meetings or other business meetings staff are expected to wear appropriate, more formal dress.
  - Where a uniform is provided it should be worn.
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## **23. EMPLOYEE PERFORMANCE MANAGEMENT REVIEW**

As part of the Council's drive to improve quality and efficiency, employees will undergo an Annual Employee Performance Management Review and may be given individual targets which reflect contributions to the Council's Business Plan objectives. The results may be used as part of the criteria for determining any incremental progression.

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## **24. EMPLOYEE'S PROPERTY**

The Council accepts no responsibility whatsoever for damage or loss to employees' property left on the Council's premises. We will, of course, take every reasonable step to recover lost property, but you are advised not to leave articles of value on the premises.

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## **25. EMPLOYERS' LIABILITY/PROFESSIONAL INDEMNITY**

Under the Employers' Liability (Compulsory Insurance) Act 1969, the Council is insured against liability for personal injury and/or disease sustained by its employees arising out of or in the course of their employment. A copy of the Certificate of insurance is displayed on the premises.

Professional indemnity cover provides protection against breach of professional duty. The policy is designed to protect you against claims made by third parties.

A comprehensive list of all insurances is held by the Council and can be inspected by any member of staff on request.

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## **26. ENVIRONMENT**

The Council is very aware of their legal and moral responsibilities to look after the local and global environment. As a result, they will adopt an Environment Policy and operating procedures which jointly govern how this is done. All employees are expected to contribute to implementing these policies and procedures.

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## 27. EQUAL OPPORTUNITIES

Killamarsh Parish Council is committed to encouraging equality and diversity among our workforce and eliminating unlawful discrimination.

The aim is for our workforce to be truly representative of all sections of society and our customers, and for each employee to feel respected and able to give their best.

The organisation - in providing goods and/or services and/or facilities - is also committed against unlawful discrimination of customers or the public.

The policy's purpose is to:

- provide equality, fairness, and respect for all in our employment, whether temporary, part-time or full-time.
- not unlawfully discriminate because of the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex (gender) and sexual orientation.
- oppose and avoid all forms of unlawful discrimination. This includes in pay and benefits, terms, and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training, or other developmental opportunities.

The organisation commits to:

- encourage equality and diversity in the workplace as they are good practice and make business sense.
- create a working environment free of bullying, harassment, victimisation, and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued.

This commitment includes training managers and all other employees about their rights and responsibilities under the equality policy. Responsibilities include staff conducting themselves to help the organisation provide equal opportunities in employment, and prevent bullying, harassment, victimisation, and unlawful discrimination.

All staff should understand they, as well as their employer, can be held liable for acts of bullying, harassment, victimisation, and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and the public.

- take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, customers, suppliers, visitors, the public and any others during the organisation's work activities.

Such acts will be dealt with as misconduct under the organisation's grievance and/or disciplinary procedures, and any appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice.

Further, sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence

- make opportunities for training, development, and progress available to all staff, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation.
- decisions concerning staff being based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act)

- review employment practices and procedures when necessary to ensure fairness and update them and the policy to take account of changes in the law.
- monitor the make-up of the workforce regarding information such as age, gender, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality and diversity, and in meeting the aims and commitments set out in the equality policy.

Monitoring will also include assessing how the equality policy, and any sporting action plan, are working in practice, reviewing them annually, and considering and taking action to address any issues.

Details of the organisation's grievance and disciplinary policies and procedures can be obtained from the Parish Clerk. This includes with whom an employee should raise a grievance – usually their line manager.

Use of the organisation's grievance and/or disciplinary procedures does not affect an employee's right to make a claim to an employment tribunal within three months of the alleged discrimination.

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## **28. FLEXIBLE WORKING**

All employees have the legal right to request flexible working. Employees can request a change to:

- the number of hours they work.
- when they start or finish work.
- the days they work.
- where they work.

This is known as 'making a statutory application.'

Employees can make a request for flexible working from their first day in a job.

The Parish Council must deal with requests in a 'reasonable manner.'

All requests should be made in writing to the Parish Council Health, Safety and Wellbeing Committee and a response provided in writing. The Parish Council can refuse an application if they have a good business reason for doing so.

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## **29. GOOD HOUSEKEEPING**

You have a responsibility to contribute to 'good housekeeping' and to help to maintain the tidiness and cleanliness of the workplace. You are responsible for tidying up after completing work and leaving your workstation in a clean condition and for the safe collection and storage of materials delivered to your order. Staff should always seek to optimise the use of resources and minimise waste e.g. paper, heat, light, power etc.

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## **30. GRIEVANCE & APPEALS PROCEDURE**

Killamarsh Parish Council aims to ensure that any grievance received from an employee, which relates to their employment is dealt with efficiently through effective communication and consultation.

It is the intention of the Council that employees should be encouraged to have direct contact with their line manager or the Parish Clerk to resolve their problems. If an employee has an individual problem or complaint relating to their work or concerning an employee or employees, the following procedure shall be applied.

The Council would expect an employee who has concerns regarding their employment to use this grievance procedure. Failure to do so will result in penalties against the employee should this matter proceed to an Employment Tribunal.

1. The employee should refer their grievance, in the first instance to their Line Manager. If the grievance is in relation to the Line Manager, then the grievance should be referred to the Clerk. Where the grievance is in relation to the Clerk, the grievance should be referred to the Chair of the Parish Council. Everything possible will be done to resolve problem.
2. If an acceptable solution cannot be found through informal discussions, then the employee should refer the matter, in writing, to their Line Manager. Where the grievance relates to their Line Manager, then notification in writing should be addressed to the Clerk. If the grievance is in relation to the Clerk, then written notification should be addressed to the Chair of the Council.

The employee must detail the nature of their complaint and submit their grievance within 10 working days of any such grievance arising.

3. The grievance will be acknowledged, in writing, within 5 working days of receipt and will confirm the date, time and location of a meeting which will be held to discuss the grievance. The employee will be given the opportunity to be accompanied by a fellow employee, friend, or Trade Union representative. The employee should confirm their attendance by telephone or email.
4. The meeting will give the Line Manager / Clerk/ Chair of the Council an opportunity to identify whether an investigation is necessary for example, discussion with other employees. If it is felt that an investigation is appropriate, the employee will be informed at this meeting.
5. Within 10 working days of the grievance meeting taking place, or as soon as practicably possible, depending on any investigation, the employee will receive a written decision from the Line Manager/Clerk/Chair of the Council who held the meeting plus an explanation of the right appeal. Minutes of the meeting will be provided to the employee.
6. If the employee wishes to appeal the decision, any such appeal should be made in writing to another Line Manager/Clerk/Chair of the Health, Safety and Wellbeing Committee, whichever is appropriate based on the level previously reached. The appeal must be received within 10 working days of the employee having receipt of the written decision.
7. The appeal will be acknowledged in writing and an appeal hearing will be scheduled. Depending on the availability of the parties all efforts will be made to hold the appeal hearing within 5 working days of receiving the appeal request. At this hearing, the employee will be given the opportunity to be accompanied by a fellow employee, friend, or their Trade Union Representative. The employee should confirm their attendance by telephone or email.
8. Within 10 working days of the appeal hearing, or as soon as practicably possible, the employee will receive a written decision from the person presiding over the hearing. This written decision will reflect the Council's final decision on the matter. Minutes of the hearing will be provided to the employee.
9. The Council reserves the right to deal with any grievance which is brought to its attention following termination of employment in written form only.

#### Grievances or complaints relating to a Councillor.

Any formal grievance complaint which concerns the conduct of a Councillor will be viewed by the Council as a Code of Conduct complaint and will be referred to the District Councils Monitoring Officer.

The Parish Council will not address the employee's formal grievance against an elected member, though it will consider any recommendations made by the Monitoring Officer.



### **31. HARASSMENT POLICY AND PROCEDURE**

The Council recognises the right of every employee to work in an atmosphere free of harassment and to complain about it should it occur. The Council agrees to take appropriate steps to promote such a workplace.

It is against the policies of this Council for any employee to harass another employee in any way. Such conduct will not be tolerated. All employees will be expected to comply with this policy, and appropriate disciplinary action, including dismissal for serious offences, will be taken against any employee who violates this policy.

#### What is Harassment?

There is not a single simple definition of harassment. This is because harassment can take many forms, occur on a variety of grounds, and may be directed at an individual or group of individuals. Harassment may occur between people of the same sex or a different sex. It is not the intention of the perpetrator but the deed itself and the impact on the recipient which determines what constitutes harassment. Ultimately, the question which must be asked is has an individual or group of individuals been treated in a detrimental way on improper grounds?

#### Grounds of Harassment

Individuals may claim that they are subject to harassment on a wide variety of grounds including:

- their race, ethnic origin, nationality, or skin colour
- their gender or sexual orientation
- their religious or political connections
- their willingness to challenge harassment, leading to victimisation.
- their membership or non-membership, of a Trade Union
- their disabilities, sensory impairment or learning disabilities.
- their status as ex-offenders
- their age
- their real or suspected infection with Aids/HIV

The above are examples and should not be regarded as an exhaustive list.

#### Forms of Harassment

Harassment may take many forms. It can range from extreme forms such as violence and bullying, to less obvious actions like ignoring an individual. Whatever the form of harassment it will be unwanted behaviour which is unwelcome and unpleasant. Forms of harassment may include.

- Physical contact ranging from touching to serious assault
- Sexual Harassment, for example: Physical Conduct of a Sexual Nature: Unwanted and repeated physical contact including unnecessary touching, patting, or pinching or brushing against another employee's body, assault, coercing sexual intercourse.
- Verbal Conduct of a Sexual Nature: Unwanted sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, offensive flirtations, suggestive remarks, innuendoes, or lewd comments.
- Non-Verbal Conduct of a Sexual Nature: The display of pornographic or sexually suggestive pictures, objects or written materials, leering, whistling, or making sexually suggestive gestures.
- Sex-based Conduct: Conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her sex, such as derogatory or degrading abuse or insults which are gender-related.
- Verbal and written harassment through jokes, offensive language, gossip and slander, sectarian songs, letters
- Visual display of posters, graffiti, obscene gestures, flags, emblems
- Isolation or non-cooperation at work, exclusion from social activities
- Coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups...
- Intrusion by pestering, spying, following etc.

### The Effects of Harassment

Harassment carries with it a high price for both the Council and its employees. The Council recognises that harassment can cause employees to be subject to fear, stress and anxiety which can put great strains on personal and family life. It can lead to illness, increased absenteeism, and an apparent lack of commitment, inferior performance and even resignation. All these have a direct impact on organisational effectiveness.

The damage, tension, and conflict within the workplace which harassment creates not only results in poor morale but higher labour turnover, reduced productivity, lower efficiency, and divided teams. Although the effects may be difficult to quantify, they will eventually show through in the performance of the Council.

Certain types of harassment may constitute unlawful discrimination under the Sex Discrimination Act 1975, Race Relations Act 1976, and the Disability Discrimination Act 1995.

### Duty of Supervisors and Managers

All supervisory personnel are responsible for eliminating any harassment or intimidation of which they are aware. Failure to do so will be considered a failure to fulfil all the responsibilities of the position.

In particular they should:

- a) Take prompt action to stop harassment as soon as it is identified; in some cases, by pointing out that the behaviour is unacceptable. Line Managers will be able effectively to put a stop to the problem without the need for further action.
- b) Ensure that offensive or potentially offensive material is not displayed in the work place.
- c) Make clear to staff that this kind of behaviour is not acceptable and where appropriate will be treated as a disciplinary matter.
- d) Investigate all complaints made by any member of staff against another or others.

No Supervisor or Manager shall threaten or insinuate, either explicitly or implicitly, that an employee's rejection of sexual advances will be used as a basis for an employment decision affecting that employee. Such conduct by the Supervisor or Manager will be treated as a serious offence.

### Harassment Complaint Procedure

1. Wherever possible, an employee who believes that he or she has been the subject of harassment should, in the first instance, ask the person responsible to stop the harassing behaviour as it is unacceptable to them. Person to person discussion at an early stage will often be sufficient to stop the behaviour which is causing the offence without involving third parties.
2. If the recipient needs help or advice, they should seek the involvement of trusted friends. This would still be short of making the matter official by involving management.
3. If the harassment continues the employee should take their complaint through the Grievance procedure.
4. All complaints will be handled in a timely and confidential manner. Employees shall be guaranteed a fair and impartial hearing, and the matter will be investigated thoroughly.
5. If the investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to stop the harassment immediately and prevent its recurrence will be taken. In such circumstances, if relocation proves necessary, every effort will be made to relocate the harasser and not the victim.
6. Employees shall be protected from intimidation, victimisation, or discrimination for filing a complaint or assisting in an investigation. Retaliating against an employee for complaining about harassment is a disciplinary offence.

NB. Whilst the objects of this policy are clearly stated, and are to be followed, for reasons of equity and justice, it must also be advised that any employee who raises a complaint which, upon investigation, is proven to be deliberately vexatious, then that employee will themselves become the subject of disciplinary proceedings.

## **32. HEALTH AND SAFETY**

Killamarsh Parish Council believes that Health & Safety performance is an integral part of the efficient and cost-effective discharge of its duties and is aware of its responsibilities under the Health & Safety at Work Act 1974. The Parish Council therefore intends to meet those responsibilities as far as is reasonably practicable by incorporating good health and safety management within all its operations.

The objective of the Parish Council policy is to minimise risks to health, safety and welfare of its employees, voluntary workers, general public and others affected by its activities and to minimise risks to the environment. All reasonable measures will be taken to ensure that a safe working and community environment is created.

Members of the Parish Council have overall responsibility for ensuring that robust health and safety policies and procedures are in place and should ensure health and safety considerations are given priority when delivering services and planning events. The Council would normally delegate day-to-day supervision of safe work practices and procedures to the Clerk.

All employees and voluntary workers are expected to co-operate in conducting the Health & Safety Policy throughout the Parish Council's activities and must ensure that their own work, as far as is reasonably practicable, is conducted without risk to themselves or others.

All employees, voluntary workers and contractors associated with any works conducted by the Parish Council will be made aware of this Policy and the importance of commitment to its objectives.

The organisation and arrangements for implementing the Policy are set out in the Policy document. The Policy will be kept up to date in response to changes in legislation or best practice. To ensure this, the Policy, and the way in which it has operated, will be reviewed annually or as the need arises.

### **2. Organisation (Roles and Responsibilities)**

#### **2.1 Duties and Responsibilities of Parish Councillors**

Parish Councillors have a joint responsibility for ensuring that regularly reviewed and robust health and safety policies and procedures are in place and that all required insurance policies are in date. The Health, Safety and Wellbeing Committee would normally take the lead on this in the first instance. The Parish Council may delegate the day-to-day monitoring and administration of the Policy to the Clerk.

Parish Councillors or the Clerk by delegation, will ensure that:

A copy of this policy is circulated to all employees and voluntary workers on appointment. Opportunity will be given to discuss this policy on an individual basis to ensure that it is fully understood and implemented.

The Council's activities are regularly monitored to ensure that the objectives of the Health & Safety Policy are being complied with.

Contracts of employment include compliance with statutory and company health, safety & environmental requirements.

All staff have adequate competence and training for conducting their specific jobs and for ensuring the health, safety, and welfare of themselves and those around them.

Employees and voluntary workers are aware of the hazards which may exist within the operation of their tasks, and that they fully understand and observe all aspects of the Parish Council's Health & Safety Policy.

No employee or voluntary worker shall be engaged in any work activity where technical knowledge or experience is necessary to prevent danger or injury unless he or she possesses such knowledge or experience or is under supervision of a competent person having regard to the nature of the work.

Safe methods of work are adopted:

- All suppliers comply with Section 6 of the Health & Safety at Work Act (HASAWA) in supplying articles and substances that are safe and without risk to health when effectively use and to provide information to enable them to be safely used.
- Any accidents arising out of the Council's activities are recorded, reported, and investigated as detailed in the accident reporting procedure.
- Regular inspections of equipment are conducted, and necessary records kept.

## **2.2 Duties and Responsibilities of all Employees and Voluntary Workers**

- Employees and voluntary workers have a responsibility to conform to the Parish Council Policy and with the Health & Safety at Work Act 1974 and associated legislation.
- Employees and voluntary workers have a statutory duty to take reasonable care of the safety and health of themselves and others who may be affected by their acts or omissions and to cooperate with the Council to enable it to fulfil statutory obligations. They should also ensure that they are physically fit and technically responsible for the work requested of them.
- Employees and voluntary workers have responsibility for effectively use any safety devices involved in their work. They will not recklessly interfere with or misuse anything provided in the interests of health, safety, and welfare.
- All accidents and near miss incidents shall be reported to the Parish Clerk and recorded in the Parish Council accident book as soon after the event as possible. Employees and voluntary workers will also co-operate with the management in investigating all accidents and near misses.
- Employees and voluntary workers must request assistance or advice about any area of work with which they are not familiar.

## **2.3 Duties and Responsibilities of all Contractors**

Contractors must comply with the following:

- Any contractors employed by Killamarsh Parish Council shall be responsible for conducting themselves safely and complying with the Parish Council's Health & Safety Policy.
- Any work conducted must be fully in compliance with statutory legislation and Codes of Practice to ensure the health and safety of their own employees and others on and off site.
- All tools and equipment that they bring onto site must be safe and in sound working order. All necessary guards and safety devices must be in place and necessary certificates must be available for checking.
- Any injury sustained whilst on site must be reported to the Parish Clerk immediately.
- All electrical equipment must have a valid Portable Appliance Test certificate.
- Contractors must provide written risk assessments, insurance documents and method statements where necessary, before commencing work for or on behalf of the Parish Council.

## **2.4 Duties and Responsibilities of all Visitors**

Killamarsh Parish Council owes a duty of care to visitors to the Parish Council controlled areas of the village. Parish Councillors will ensure as far as is reasonably practicable that safe access and egress is available and that that areas are maintained in a safe condition. Visitors are expected to take note of any health and safety notices to ensure their safety whilst in Council controlled areas.

### **3. Arrangements**

3.1 The enforcement agency for Local Authorities is the Health & Safety Executive. Any site visit conducted by Statutory Inspectors shall be co-ordinated with the full cooperation of Parish Councillors and any recommendations conducted as soon as reasonably practicable.

#### **3.2 Risk Assessments:**

Generic risk assessments will be co-ordinated by the Parish Clerk for all public areas and assets controlled by the Parish Council. These assessments will be recorded, monitored, and reviewed annually.

3.3 Parish Councillors are responsible for ensuring that appropriate health & safety training is provided for employees and voluntary workers. This responsibility may be delegated to the appropriate committee. The Parish Clerk is responsible for maintaining records of such training.

#### **3.4 Accident reporting:**

The Parish Clerk must be notified immediately if an accident occurs to anyone whilst on Parish Council business. This includes Parish Councillors, employees, voluntary workers, visitors, contractors etc. A form in the accident book must be completed and returned to the Clerk. The Parish Clerk will ensure that the requirements of RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) are complied with. Where required, accidents and near misses shall be investigated by the Parish Clerk and remedial actions recommended to the Parish Council where necessary. Where the activity which gave rise to the accident is under the control of a nominated Parish Councillor then that person shall assume the responsibilities of the Parish Clerk in the preceding paragraph.

#### **3.5 Provision and Use of Work Equipment:**

If equipment provided by the employer is damaged or faulty the employee is responsible for the immediate return or report of such equipment to the employer for repair or replacement. (Provision and use of Work Equipment Regulations 1998) If the equipment is lost or damaged through negligence, there is an onus on the employee to report such loss or damage immediately.

#### **3.6 Procurement of Materials, Equipment & Contractors:**

Anyone who purchases or hires materials, equipment, or contractors on behalf of the Parish Council must ensure that they have read and fully understand this health and safety policy. All suppliers are asked to provide full information on any hazards associated with the equipment or materials supplied and any precautions required. This information must then be passed on to the Parish Clerk to be recorded.

#### **3.7 Violence/Personal Safety:**

To avoid violence and aggression from members of the public or contractors, all staff should avoid getting into a confrontational situation. Always remain polite, but back off from situations that are potentially dangerous. Any incidents should be reported to the Clerk who may call the police if it is considered necessary.

#### **3.8 Inspections & Documentation Review:**

An annual inspection of village assets will be conducted, and the findings recorded. Any serious defects/items for attention must be actioned immediately. Activity risk assessments, the health and safety policy document and all other health and safety documentation will also be reviewed annually considering any changes in personnel, procedural or physical changes.

### **33. HOLIDAY ENTITLEMENT**

#### Annual Holiday Entitlement

The Council's holiday year runs from 1st April to the following 31st March.

Annual holidays are required to be taken by arrangement in advance and with agreement from your Line Manager or the Clerk within the leave year. Leave cannot be carried forward into the next leave year without the written consent of your line manager or the Clerk and then only in exceptional circumstances up to a maximum of five days (pro rata) that must be taken within three months.

You are entitled to 23 days holiday per year. Your entitlement for the holiday year in which you join the Council is calculated on a pro rata basis i.e. 1/12th of entitlement for each complete month of service, rounded up to the nearest entire day.

After 5 years continuous service with the Council, your holiday entitlement will then be increased by one day for each complete year of service to 25 days.

Paid holiday entitlement will be reduced, pro rata, in any year when your total absence due to sickness or injury exceeds an aggregate of twelve weeks.

Holidays are paid at your current wage/salary for the appropriate days.

You must agree the dates of your holidays in line with the annual leave/TOIL policy agreed.

On leaving the Council, you will receive payment for any part of the accrued annual holiday entitlement not taken, and for which you would normally have been paid. If you have taken more than your accrued entitlement at the date of leaving, the excess will be deducted from salary or other monies due to you. In calculating accrued entitlement for this purpose, your employment ends on the day you cease to work.

#### Public and Bank Holidays

You are entitled to the following Public and Bank Holidays with pay.

New Year's Day  
Good Friday  
Easter Monday  
Spring Bank  
Late Summer Bank Holiday  
May Day  
Christmas Day  
Boxing Day

An alternative day will be designated where any of these days fall on a Saturday or Sunday, where Saturday or Sunday do not form part of the normal working week.

Precise holiday dates will be published as soon as possible each year.

#### Sickness During Holidays

Additional holiday entitlement will be awarded to you in respect of booked holidays on which you are sick or injured provided you fulfil the normal requirements regarding certification.

No additional holiday entitlement will be awarded to you if you suffer sickness or injury during a statutory holiday.

### 34. HOURS OF WORK

Your normal hours of work are stated in your Contract of Employment but are based on a standard week of 37 hours. You are expected to work flexibly in accordance with the demands of the job and your specific hours will be agreed by you with your Line Manager or the Clerk. The Council reserves the right to change working hours after the usual consultation process with staff.

The Clerk to the Council will be responsible for ensuring adequate cover is maintained for the Council's services during working hours.

The Clerk and/or the Parish Council will determine the need for overtime, when it is to be worked and the employees required, considering the circumstances appertaining at the time. Except in the case of an emergency, you will be consulted on any overtime requirements by your Line Manager or the Clerk and as much notice as is possible will be given within the demands of business.

Overtime must be authorised in advance by the Clerk or relevant Line Manager. Eligible staff will normally be given time off in lieu, for overtime, but may, at the discretion of the Clerk, be paid at overtime rates if there are sufficient funds in the budget.

No payment is made for travelling time where overtime is worked.

Employees who earn more than Scale Point 19 are eligible for overtime payments with the prior approval of the Council.

On the following days overtime payments are made to full time staff where overtime has been agreed.

Weekdays	- Time and a Half.
Saturdays and Sundays	- Time and a Half.
Public Holidays	- Double Time.

Depending on your Contract of Employment Saturday, Sunday and Public Holidays are standard working days.

Part-time employees are entitled to these enhancements for weekdays only after working 37 hours.

The Working Time Regulations determine entitlements for working hours, breaks, rest, and holidays. The following is a guide only to the provisions relevant to the Council.

- Weekly working time will be limited to an average of forty-eight hours calculated over a reference period of thirteen weeks.
- The reference period may be amended by a relevant agreement (for the definition, see below).
- Absences through sickness, holiday or maternity leave are excluded from the calculation, but absences for other reasons will serve to reduce the average working time.
- Workers may opt out of the weekly working time limit by individual written agreement, but they retain the right to opt back in by giving seven days' notice or up to three months' notice if so, specified in the opt out agreement. In the event of any individual opting-out, the employer will have to maintain a list of those who have opted-out.
- Adult workers will be entitled to a rest period of not less than eleven consecutive hours and workers under the age of eighteen to a rest period of not less than twelve consecutive hours in each period of twenty-four hours during which they work.
- Adult workers will be entitled to a rest period of not less than twenty-four hours in each seven-day period or a rest period of not less than forty-eight hours in each fourteen-day period.
- Workers under the age of eighteen will be entitled to a rest period of two days (i.e. each day starting at midnight) in each seven-day period.
- Adult workers will be entitled to a rest break when daily working time is more than six hours. The rest break may be fixed by a relevant agreement, but, if not, it shall be an uninterrupted break of at least twenty minutes.

- Workers under the age of eighteen will be entitled to a rest break of thirty minutes when daily working time is more than four and a half hours.
  - There are no relevant agreements currently in force at the Council.
  - A significant exclusion from application of the Regulations is for those who regulate their own working time, particularly Managers. If a person's working time is genuinely determined by him/ herself, then there is only a statutory entitlement to paid holidays and health assessment.
  - Holidays, daily rest, weekly rest, and daily breaks are only entitlements and not obligations. If a worker chooses not to accept any entitlement, there is no obligation on the employer to provide it.
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### **35. INDUCTION**

For new employees, Induction training is conducted as soon as possible after a new employee commences employment, to accelerate their ability to do the job. The objectives of this training are to ensure that the new employee is: -

- able to understand the Council's philosophy, hierarchy, organisation, and geography.
  - introduced to immediate colleagues and other relevant employees.
  - familiar with all the conditions and policies which relate to his/her employment.
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### **36. INFORMATION AND CONSULTATION**

The Council is exempt from the provisions of the Information and Consultation of Employees Regulations 2004, but nevertheless will provide employees with a level of information and consultation. This will include all statutory notifications and the right to comment on changes to Working Conditions.

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### **37. INVESTORS IN PEOPLE**

The Council has a strong commitment to the principles of 'Investors in People' national standard and all its human resource development policies and procedures reflect this.

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### **38. JOB DESCRIPTION**

A Job Description has been prepared for each post, to give an accurate description of the main duties, responsibilities and relationship involved. It does not include every activity that might have to be undertaken, but whatever is necessary to show the nature and purpose of the job. A copy will be issued with the Contract of Employment.

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### **39. JURY SERVICE**

Employees are entitled to time off work to fulfil their obligations regarding Jury Service. In the event of an employee being summoned to attend for Jury Service, they must notify the Clerk to the Council immediately on receipt of the Jury Summons, giving details of dates they are required to attend the Court.

If an employee is retained on Jury Service for a prolonged period, the employee has an obligation to notify the Clerk and should keep in regular contact throughout the period.

Employees are expected to return to normal working immediately following their release from their duties. Employees are entitled to payment for this time off but should claim expenses from the Court to cover their costs, and compensation for loss of earnings. These will be payable to the Council.

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### **40. LITERATURE**

You may display, with the permission of the Clerk, relevant literature on the premises.

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#### **41. MAKING A PROTECTED DISCLOSURE (Whistle - blowing)**

Employees are entitled to specific rights relating to the disclosure of certain types of information (or whistle - blowing). This protection applies in the following circumstances where the employee has reasonable belief that: -

- a criminal offence has been committed, is being committed or is likely to be committed.
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject.
- an injustice has occurred, is occurring or is likely to occur.
- the health or safety of any individual has been, is being or is likely to be endangered.
- the environment has been, is being or is likely to be damaged; or
- information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

However, there will not be protection for the disclosure if the employee commits an offence by making the disclosure, or it is a disclosure in respect of which legal professional privilege would apply.

#### Qualifying Procedures

For the disclosure to be protected, the employee must make it by one of the following methods or procedures:

- to the employer, or legally responsible person or appropriate person authorised by the employee to receive disclosures.
- to a legal advisor.
- to a prescribed person (i.e. to a listed regulatory body, such as the Health and Safety Executive, the Audit Commission, or the Environmental Agency).

In addition, disclosure is protected if it is to an individual unconnected with the organisation, such as the Police or the media. In this case an employee will only be protected if.

- the matter has previously been raised with the employer or prescribed person, or it has not been so raised because the employee believes that he or she will be victimised:
- if there is no prescribed person, the employee has a reasonable belief that a complaint to the employer would result in evidence being concealed or destroyed.
- the information has already been disclosed to the employer or prescribed person.
- the information is serious enough to justify bypassing one of the other specified procedures.
- the disclosure is made in good faith, in the reasonable belief that the claims are true, not for the employee's personal gain; and
- it is "reasonable in all the circumstances" to make the disclosure.

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#### **42. MATERNITY and PREGNANCY**

Pregnant employees have certain statutory rights. The following information is given for guidance purposes only and confers no rights beyond those provided by statute and the Green Book.

##### ANTE - NATAL CARE

Pregnant employees are entitled to reasonable time off work with pay to attend for ante-natal care. This applies to any appointments made on the advice of a registered Medical Practitioner, Midwife or Health Visitor. If requested, the employee must provide a certificate of pregnancy and an appointment card.

##### STATUTORY MATERNITY PAY (SMP)

Employees who stop work and who meet the following conditions are entitled to receive SMP. An employee must.

- have been continuously employed in Local Government for at least 26 weeks by the beginning of the 15th

week before the Expected Week of Childbirth (EWC):

- have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance Contributions.
- still be pregnant at the 11<sup>th</sup> week before the EWC or have given birth by that time.
- give at least 28 days' notice that she intends to stop work; and
- provide medical evidence of the EWC.

For the first six weeks SMP is payable at the earnings-related rate (equivalent to 90% of average weekly earnings) and for the remaining 20 weeks at the standard rate or 90% of average weekly earnings if this is less than the standard rate.

#### ORDINARY MATERNITY LEAVE

Employees who stop work no earlier than the 11<sup>th</sup> week before the EWC and who meet the following conditions are entitled to 26 weeks' ordinary maternity leave. An employee must notify the employer (in writing if requested) by the 15<sup>th</sup> week before the EWC unless that is not reasonably practicable, of the following.

- that she is pregnant.
- the EWC.
- the date on which she intends her ordinary maternity leave to start; and
- if requested, provide medical evidence of the EWC.

Employees are legally prohibited from working during the two weeks immediately after the birth, four weeks if the woman is a factory worker, this is known as the "compulsory maternity leave period" and is considered part of the ordinary maternity leave period.

Employees who wish to return to work prior to the end of the ordinary maternity leave, must give at least 28 days' notice of their intended date of return.

During the leave, all contractual benefits except for remuneration are maintained as if they were not absent. Employees are entitled to return to their original job at the end of their maternity leave.

#### ADDITIONAL MATERNITY LEAVE

In addition to the right to ordinary maternity leave, employees have the right to a further 26 weeks off and to return to their original job providing the following conditions are met and it is reasonably practicable. The additional maternity leave period commences on the day after the last day of the ordinary maternity leave period.

An employee must:

- have been continuously employed for at least 26 weeks by the beginning of the 14<sup>th</sup> week before the EWC.
- be entitled to ordinary maternity leave; and
- return to work within a period of 26 weeks calculated from the day after the last day of ordinary maternity leave.

Employees who wish to return to work prior to the end of the additional maternity leave period must give at least 28 days' notice of their intended date of return.

This period of absence will count towards continuity of employment.

PATERNITY LEAVE – see below.

### **43. MEDICAL EXAMINATIONS**

If you are or have been unable to perform your duties because of illness or injury, you may be required to have an examination by a Medical Practitioner nominated by the Council. Any expense incurred will be met by the Council and you will be required to provide a copy of the resulting medical report.

Should this requirement be implemented, you will be consulted in advance and given full reasons as to why it is required.

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### **44. (ACCESS TO) MEDICAL REPORTS**

In certain circumstances it may be necessary for the Council to obtain a Medical Report from an employee's Doctor/Specialist to establish: -

- Reason for absence.
- Duration of absence.
- When the employee will be able to return to work.
- What, if any, treatment is being prescribed.
- Whether the problem will recur.
- Whether the employee can do all the duties of the job.

The above will enable the Council to plan workloads. It is in the interests of both the employee and the Council to establish the employee's ability to work with the benefit of expert medical opinion.

Employees have certain rights under the Access to Medical Reports Act 1988 which are as follows:

- Employees may withhold consent to the report being sought.
- Employees can request to see the report prior to it being forwarded to the Parish Council
- If employees indicate that they wish to see the report in advance the Council will inform the employee when the Doctor/Specialist is written to and he/she will be informed that her employee wishes to see the report. Employees then have 21 days to contact the Doctor/Specialist regarding arrangements to see the report.
- Should the employee indicate that he/she does not wish to see the report prior to the Council the employee has the right to write to the Doctor within 21 days of the report having been received. It is our policy to send employees a copy of the report in any event prior to a meeting being arranged to discuss the content.
- Employees have the right to ask the Doctor/Specialist for a copy of the report for up to 6 months after it has been supplied. There may be a charge for this. The Doctor/Specialist cannot submit the report to the Council without the employee's consent.
- Employees may ask the Doctor/Specialist to amend any part of the report which is considered by the employee to be incorrect or misleading. If the Doctor/Specialist is not in agreement the employee may attach a statement of his/her views with the report.
- If the Doctor/Specialist thinks the employee or others would be harmed by the report or any part of the report it can be withheld from the employee.

The Council would stress that no decision will be made that could affect an individual's employment without full consultation with that individual and careful consideration of all the circumstances.

Where the Council wishes to obtain a medical report, employees will be asked for their written consent.

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### **45. MEDICAL SCREENING**

Necessary paid time off will be granted for the purpose of cancer screening.

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#### **46. OTHER EMPLOYMENT**

You must not become engaged or concerned in any other business in which your duties may conflict with the interests of the Council, without prior permission from the Clerk to the Council. You must not become engaged in any secondary occupation that may interfere with your work. Officers earning more than Scale Point 28 must not be otherwise employed without the authority of the Clerk. The Clerk must obtain authority from Council before undertaking other employment.

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#### **47. PARENTAL LEAVE**

Parental leave is unpaid. Employees are entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday.

The limit on how much parental leave each parent can take in a year is 4 weeks for each child (unless the employer agrees otherwise).

You must take parental leave as whole weeks (e.g. 1 week or 2 weeks) rather than individual days, unless your employer agrees otherwise or if your child is disabled. You don't have to take all the leave at once.

Employees qualify if all of these apply:

- they've been in the company for more than a year.
- they're named on the child's birth or adoption certificate, or they have or expect to have parental responsibility.
- they're not self-employed or a 'worker', e.g. an agency worker or contractor.
- they're not a foster parent (unless they've secured parental responsibility through the courts).
- the child is under 18.

Employers can ask for proof (like a birth certificate) if it's reasonable to do so, e.g. they can't ask for proof each time an employee requests leave.

Employers can extend parental leave to those groups who aren't eligible.

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#### **48. PART TIME WORKERS**

The Council will treat part time workers no less favourably than a full-time worker on the grounds that a worker is part-time.

A part-time worker is paid according to the time worked and is not identifiable as a full-time worker having regard to the Council's custom and practice or to the Contract of Employment. Any comparison is with someone who is a 'comparable full-time worker', working at the same establishment and doing work which is the same or at least similar, and who has broadly similar levels of qualifications, skills, and experience; comparison is also with a person working under the same type of contract (i.e. a part-time casual worker may have a different type of contract to a full-time permanent worker).

In general, part-time workers are entitled to pay and benefits on a pro-rata basis which gives part-time workers the right to pay and benefits proportionate to those of full-time workers. This will normally mean the same (hourly) rate of pay as a comparable full-time worker, however, rates of pay for overtime will be payable at the same rate as comparable full-time workers only after the part-time worker has worked more than the normal contracted hours.

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#### **49. PATERNITY LEAVE**

Employees are entitled to time off to accompany your partner to 2 antenatal appointments, this is unpaid leave. This applies to any appointments made on the advice of a registered Medical Practitioner, Midwife or Health Visitor. If requested, the employee must provide a certificate of pregnancy and an appointment card.

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Employees are entitled to either 1 or 2 weeks' leave. If you choose to take 2 weeks, you can take them together or separately. You get the same amount of leave even if you have more than one child (for example, twins).

A week of leave is the same number of days that you normally work in a week. For example, if you only work on Mondays and Tuesdays, then a week of leave is 2 days.

Statutory Paternity Pay will be at the same rate as Standard Maternity Pay (or 90% of average earnings if this is less). To qualify employees must have been employed for at least 26 weeks in Local Government.

Your leave cannot start before the birth. It must end within 52 weeks of the birth (or due date if the baby is early).

Employees wishing to take paternity leave must inform the Council in writing 28 days before the expected time off is required.

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## **50. PAY POLICY**

By adopting the Green Book, the Council will determine pay according to current pay scales. Actual Spinal Column Points are based on job content, responsibility, qualifications, and experience.

Pay Scales are reviewed annually in April through national negotiation.

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## **51. PAYMENT OF WAGES/SALARIES**

All new entrants will be salaried. Salaries are paid by credit transfer to the Bank or Building Society of your choice normally on the twenty fifth day of each calendar month.

You will be given an itemised statement recording your gross salary, deductions, and the net amount.

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## **52. PENSION**

Under the auto enrolment regulations, the Council will offer the Derbyshire Pension Scheme to any employee who wishes to join. The Council will follow the government guidelines in place at the time pertaining to percentage payments.

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## **53. PERFORMANCE MANAGEMENT SYSTEM**

The Council will develop a performance culture with targets set for the Organisation as a whole or teams in the Business Plan. Employees will undergo an annual Employee Development Review and will be given individual targets which reflects contributions to the Business Plan objectives. Annual performance monitoring will be undertaken.

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## **54. PERSONAL DETAILS**

We need to keep up-to-date information on your home address and telephone number, together with the name, address, and telephone number of your next of kin (or other such person) for emergency contact purposes. Please inform the Council in writing of any changes of the above to personal details.

The Council will respect the confidentiality of any personal information that it keeps.

### **PROCESSING OF PERSONAL DATA**

Details of how the Council processes your data can be found in the GDPR policy as agreed by the Council.

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## **55. PERSON SPECIFICATION**

A Person Specification has been prepared for each post, to set out the personal characteristics and experience likely to be required for a person to undertake the role. A copy will be issued with the Contract of Employment and Job Description.

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## **56. PRIVATE TRADING**

Private trading on the Council's or customers premises is not allowed.

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## **57. PROBATIONARY PERIOD**

Every new employee is subject to a probationary period of up to six months (1 month for those staff contracted to work for a period of 6 months or less) during which time your performance and ability will be assessed. At the end of the period, and subject to a satisfactory report by your Line Manager, your probation period will have been fulfilled and your employment confirmed.

If your performance has not met expectations during the probationary period, the Council may extend the probationary period with an action plan being agreed. If performance remains unsatisfactory at the end of such extension your employment will not be confirmed and your employment terminated.

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## **58. PUBLIC DUTIES**

Employees who hold certain public positions have the right to reasonable time off with pay during working hours to perform duties associated with these positions.

Where an allowance is claimable for loss of earnings, the employee must claim and pay the allowance to the Council.

Employees holding such positions are encouraged to discuss their position with the Clerk to the Council so that suitable arrangements can be made.

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## **59. REDUNDANCY/REDEPLOYMENT POLICY**

### Introduction

This procedure will apply to all employees of the Council. It sets out the overall approach to be adopted should the need arise for redundancies within the Council.

### General Principles

It is the Council's policy to provide to the best of its ability security of employment for all its employees. However, it is recognised that over time, changes in the political environment, funding regimes and other operational requirements may impact on the staff resource required to deliver organisational objectives. It is the agreed aim of the Council to maintain operational efficiency and effectiveness to help safeguard the future employment of all its employees. Where a redundancy situation is anticipated all alternatives will be explored for any potential surplus staff.

If, after exhausting all alternatives, redundancy is unavoidable the Council will endeavour to manage such redundancy in a consistent, objective, and sympathetic manner to minimise hardship for the employees concerned.

### Consultation

Where the Council is considering redundancies or a reorganisation which is likely to impact on its workforce it will consult at the earliest opportunity. Such consultation will be undertaken with a view to reaching agreement and will be aimed at avoiding redundancies. All relevant information will be made available to the staff to support this process, with a reasonable timescale agreed to enable proper consideration to take place.

### Selection Criteria

The Council will consult with the staff and seek to agree the criteria to be used for staff selection.

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When all avenues, including voluntary redundancy and early retirement have been exhausted and it is clear that compulsory redundancy is inevitable, the Council will agree the criteria to be used for staff selection.

- Specialism
- Functional area of work i.e. business unit
- Other relevant factors

The above selection definition would then be extended, and the criteria may include:

- Experience, skills or qualifications (or a combination of these) to ensure the retention of a balanced staff profile to meet the future objectives of the business.
- Individual ability linked to a specialist business objective.
- Standard work performance supported by objective evidence which would include the performance management system.
- Attendance history or disciplinary records

In respect of each criterion for each business unit there will be a definition of what is being measured. Each criterion will have a range of points addressing an individual's competence and the criteria will be weighted in line with their importance against each other and against the relevant job. The weighting will be applied consistently for each business unit but may vary for different units in the same round of redundancy.

Whatever selection criteria are chosen, they will be objective and consistently applied. The actual selection will be in line with the criteria and cover all individuals within the relevant unit affected by the redundancy.

#### Action to Avoid/Minimise Compulsory Redundancy

All measures would be considered to minimise the need for compulsory redundancy. This would include:

- Planning and managing change as far into the future as possible.
- Minimising external recruitment where staff can be retained or redeployed to fill existing vacancies or vacancies that are expected to arise in the short term.
- Reducing or eliminating overtime
- The termination of temporary employees or contract staff where this would not impact on the achievement of business objectives.
- Seeking application for early retirement or voluntary redundancy before declaring compulsory redundancy.

#### Redeployment

For those members of staff affected by restructuring or redundancy, the Council is committed where possible, to redeploying them into other business areas.

A surplus employee, who is considered suitable, may be offered a higher or lower paid position. Full details of such opportunities will be given to the employee to enable them to decide whether the alternative position is acceptable.

Where a higher paid position is accepted the salary for that post will apply.

Where an employee accepts an alternative position that is lower paid the following protection of salary arrangements will apply:

The salary for the lower paid position will be established and the difference between that and the old salary calculated.

- Fifty percent of this difference is the protected amount.

- On taking up a new position the salary will be enhanced by the protected amount for one year.
- On the first anniversary of taking up the new job the protected amount will be reduced to 40% of the difference.
- On the second anniversary of taking up the new job the protected amount will be reduced to 20% of the difference.
- On the third anniversary of taking up the new job the protected amount will be extinguished.

During the above three-year period, the salary applicable to the new role will be reviewed in the normal way subject to satisfactory performance.

Where redeployment within the Council occurs a trial period of 4 weeks will apply. When retraining is to take place as part of the redeployment, the trial period may be for a longer period. In these circumstances there will be a written training plan setting out the arrangements and stating the length of the trial period; this will be issued before the start of the trial period. Such trial periods are to allow both the individual and the Council to decide whether the alternative employment is mutually satisfactory. If, during the trial period, the job is not satisfactory to the employee or the job performance is not to the Council's standard, the employee will be made redundant. If the trial period is completed successfully, a full performance review will be undertaken 6 months after taking up the new post.

The individuals' right to redundancy payment will not be affected by any trial period of redeployment unless dismissal occurred due to a reason unconnected with the redundancy in which case the entitlement would be lost.

#### Period of Notice

The period of notice for redundant staff will not be less than 30 days and where it is not possible to give such notice affected staff will be given pay in lieu of notice.

#### Appeals

Such appeals will be heard by Members who are not on Health, Safety & Wellbeing Committee. Appeals must be in writing setting out the detailed grounds of appeal.

Employees may appeal against their selection for redundancy.

#### Assistance to Staff

The Council will arrange support for redundant staff to assist them in finding alternative employment. This could include:

- Discussing future career plans
- Completion of CVs
- Interview skills.
- Other guidance/support

Staff under notice of redundancy will be allowed reasonable time off on full pay to attend interviews or arrange training to enhance their prospects.

#### Compensation

Redundancy compensation terms for those members of staff who are made redundant will be in accordance with the statutory redundancy calculator, increased to the actual weeks' pay rather than the statutory minimum. No further enhancements will be made.



## **60. REFERENCES**

When you have been made a formal offer of employment, the Council will accept references from your previous employers. Any offer of employment is conditional upon satisfactory references being obtained.

Should it subsequently come to our notice that you have given inaccurate information, we may reconsider your employment. We will not accept references given to us directly by an employee or potential employee.

You may request to see a copy of a reference from a previous employer, but the Council may refuse to let the employee see the reference if, in doing so, it would disclose information about another individual who can be identified from the information or can be identified as a source of the information. It will be acceptable to let the employee see the reference if the third party has consented to the disclosure, or it is otherwise reasonable in the circumstances to disclose the information.

When you leave the Council or apply for another job, your line manager will normally give you a reference on behalf of the Council. This will be accurate and truthful as required by law. You will not be given an “open” reference, it will always be addressed to a particular person. References that are given by an employer, are exempt from the subject access provisions of the Data Protection legislation and therefore it is at the line manager’s discretion whether you are shown a copy of the reference.

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## **61. RETIREMENT**

There is no default retirement age and employees can retire when they choose.

- Once an employee has decided that they wish to retire, they should inform the Clerk in writing of their intended retirement resignation date, in accordance with their contractual notice period.
  - The Clerk will write to the employee acknowledging receipt of the employee’s notice of retirement resignation letter.
  - The Clerk will meet with the employee to discuss arrangements for leaving the Council, including the intended leaving date, succession and handover plans, pension details and flexible retirement, if applicable.
  - Once a leaving date has been agreed, the Clerk will write to the employee confirming their last date of employment, and the normal arrangements for leaving will apply.
  - The Clerk should complete a leaver form and forward it to the payroll provider.
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## **62. STATUTORY SICK PAY**

Certain employees are entitled to receive pay when they are absent from work due to sickness. This is known as Statutory Sick Pay (SSP) and is paid out and administered by employers on behalf of the State.

There are many requirements and conditions attached to payment of SSP both for the employee and the employer. If employees are to receive their entitlement, the following rules, and procedures together with those set out in the procedure for Absence Notification, must be adhered to.

### NOTIFICATION

SSP cannot be paid to an employee unless and until the following written evidence is supplied:

First 7 days of absence - a Self-Certification Form, absence record form or Doctor’s Certificate  
Thereafter - Doctor’s Certificate.

It is important to remember that no payment can be made for any intervals of sickness absence not covered by a Certificate.

### WHEN SSP IS PAYABLE

SSP is normally only paid for a day, or days worked. For example, if an employee works Monday to Friday and not at weekends, SSP will only apply to those 5 days.

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In some cases, SSP can be paid when an employee is ill whilst on holiday - including Bank/Public holidays.

Employers cannot pay SSP for the first 3 days of an employee's sickness.

Therefore, payment starts on the 4th day, and continues for as long as the employee is absent up to a maximum of 28 weeks in any one period of sickness. However, if an employee is absent due to sickness within 8 weeks of a previous period of sickness, and providing both periods of absence are for 4 days or more (calendar days), SSP will be paid from the start of the second period of absence.

SSP is paid in the same way as normal earnings, although the employee's average earnings must be over the National Insurance Lower Earnings Limit to qualify for SSP.

#### WHEN SSP IS NOT PAYABLE

SSP is not payable in certain circumstances, the principal ones being:

- once employment has terminated
- where Statutory Maternity Pay is being paid
- where an employee is over 65 years of age or under the age of 16

#### IMPORTANT

Any employee who has been absent due to sickness and is found not to have been genuinely ill, will be subject to disciplinary action which could include dismissal.

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### **63. TIMEKEEPING**

Employees are responsible for attending punctually for work in accordance with the hours defined within the Contract of Employment.

Employees may not leave work prior to their normal finishing time without permission from their line manager or the Clerk. In the event of an employee requiring time away from work during the normal working period, he/she must report to his/her manager upon leaving and returning to work.

Persistent lateness will be a breach of procedures and may result in disciplinary action.

Lateness for work may result in pay being reduced accordingly.

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### **64. TELEPHONE CALLS**

You are requested to restrict personal telephone call to those which are essential and cannot be made outside working hours. The use of the Council's telephone is restricted to cases of emergency and local calls. International calls and premium rate calls should not be made without the specific consent of the Clerk to the Council.

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### **65. TERMINATION OF EMPLOYMENT**

Should you wish to terminate your employment, you must give the appropriate written Notice stating the date you wish to leave in line with the conditions of your Contract of Employment. You will normally be expected to work your period of notice, but this may be waived or reduced at the discretion of the Council.

You must ensure that any property issued to you by the Council is returned.

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## **66. TRADE UNION MEMBERSHIP**

The Council recognises UNISON and GMB for collective bargaining purposes and does subscribe to the National Joint Council for Local Government for national negotiations.

As an employee of the Council, you are free to join a Trade Union of your choice. The Council encourages its employees to join a union.

Employees have the right to belong to or take part in the activities of any independent Trade Union. They also have the right not to be a member of a Trade Union or a particular Trade Union.

The Council will not discriminate against any person because he/she chooses/chooses not to be a Trade Union member.

Employees only have the right to reasonable time off to take part in Trade Union activities or to perform Trade Union duties, if that Trade Union is recognised by their employer for collective bargaining purposes.

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## **67. TRAINING AND DEVELOPMENT POLICY**

Killamarsh Parish Council is committed to the ongoing training and development of all Councillors and employees to enable them to make the most effective contribution to the Council's aims and objectives in providing the highest quality representation and services for the people of the village.

The Council will, each year, decide its training budget for the coming year in line with the rules laid down in the financial regulations.

Killamarsh Parish Council recognises that its most important and valuable resource is its Members and Officers and is committed to encouraging both Members and Officers to enhance their knowledge and qualifications through further training. Some training is necessary to ensure compliance with all legal and statutory requirements and certain roles will require mandatory training and qualifications.

The Council expects senior and specialist officers to undertake a programme of continuing professional development (CPD) in line with the requirements of their requisite professional bodies.

Providing training yields a number of benefits:

- Improves the quality of the services and facilities that the Council provides.
- Enables the Council to achieve its aims and objectives.
- Improves the skills base of the employees and members.
- Produces confident, highly qualified staff working as part of an effective and efficient team; and
- Demonstrates that the employees are valued.

Training and development will be achieved by including a realistic financial allocation for training and development in the annual budget, as well as taking advantage of any relevant partnership or in-house provision available.

The process of development is as follows:

1. Training needs should be identified by considering the overall objectives of the organisation, as well as individual requirements.
2. Planning and organising training to meet those specific needs.
3. Evaluating the effectiveness of training.

### **THE IDENTIFICATION OF TRAINING NEEDS**

Employees will be asked to identify their development needs with advice from their line manager during their annual appraisal or regular meetings with their line manager. There are number of additional ways that the training needs of staff may be recognised:

- Questionnaires
- During formal interview/review
- Following confirmation of appointment.
- Formal and informal discussion

Members will be asked to identify their development needs with advice from the Clerk or appropriate body (i.e. DALC)

Other circumstances may present the need for training:

- Legislative requirements i.e. First Aid, Fire Safety, Manual Handling.
- Changes in legislation
- Changes in systems
- New or revised qualifications become available.
- Accidents
- Professional error
- Introduction of new equipment
- New working methods and practices
- Complaints to the Council
- A request from a member of staff
- Devolved services / delivery of new services

Employees who wish to be nominated for a training course should discuss this in the first instance during their appraisal; where it will be determined whether the training is relevant to the Council's needs and/or service delivery.

#### CORPORATE TRAINING

Corporate training is necessary to ensure that employees are aware of their legal responsibilities or corporate standards e.g. Health and Safety, Risk Management and Equal Opportunities. Employees will be required to attend training courses, workshops, or seminars where suitable training is identified.

#### FINANCIAL ASSISTANCE

It is important to note that all supported training must be appropriate to the needs of the Council, be relevant to the individual's role and is subject to the availability of financial resources.

Each request will be considered by the Clerk on an individual basis and the benefits to the individual and the Council will be identified.

For approved courses Members and employees can expect the following to be met by the Council:

- The course fees.
- Examination fees
- Associated membership fees
- One payment to re-take a failed examination.

Members and officers attending assisted courses are required to inform the Clerk immediately of any absences, giving reasons.

Failure to sit an examination may result in the Council withdrawing future course funding and/or requesting the refunding of financial assistance. Each case will be considered on an individual basis.

The Council operates a Return of Service agreement. Any employee undertaking post-entry qualifications funded by the Council must be aware that should they leave the Council's employment within 12 months of completion of the qualification they will be required to repay all costs associated with the undertaking of such training. The employee will be asked to sign an agreement to this effect before the commencement of the training.

## STUDY LEAVE

Employees who are given approval to undertake external qualifications are granted the following:

- Study time to attend day-release courses.
- Time to sit examinations.
- Study time to be discussed and agreed by line manager in advance.

## SHORT COURSES/WORKSHOPS/RESIDENTIAL WEEKENDS

Where attendance is required at a short course, paid leave will be granted to employees. Members and staff attending approved short courses/workshops/residential weekends can expect the following to be paid:

- The course fee (usually invoiced following the event)
- Travelling expenses in accordance with the Council's current policy in line with the Green Book
- Subsistence in accordance with the Council's current policy in line with the Staff Handbook

## EVALUATION OF TRAINING

Records of all training undertaken by employees will be kept in the personnel files of each member of staff. As part of the Council's continuing commitment to training and development, employees are asked to provide feedback on the value and effectiveness of the training they undertake.

## LINKING WITH OTHER COUNCIL POLICIES

Relationship with other Council policies:

- Equality of opportunity in all aspects of Member and officer development.
- A training policy and training record for both Members and staff is a requirement for the accreditation of the national Local Council Award Scheme.
- Risk Management Policy – a commitment to Training and Development greatly assists in achieving good governance and an effective system of Risk Management.
- Health and Safety Policy – ongoing training and development is key to ensuring a positive approach to Health and Safety is embedded throughout the authority.
- Undertaking training is a clear indication of Continuing Professional Development.

## REPORTING ON PROGRESS

The Clerk will report regularly to the Personnel Committee, detailing attendance at training over the year, as well as the inclusion of the Member and staff evaluation of courses attended.

## COMMITMENT TO OFFICERS AND MEMBERS

Killamarsh Parish Council has a fully integrated policy in the field of Training, Learning and Development based in this document and the commitment to funding in its regular budget. The Council supports the concept of investing in lifelong Learning and Development for members and Officers and will commit an appropriate amount of its budget on a regular sustainable basis.

The Council will work closely with the Derbyshire Association of Local Councils and avail itself of the resources of the SLCC and other bodies as appropriate to ensure high quality Learning and Development programmes.

The Council makes the following commitment to its members: that every new Member of the Council whether elected or co-opted will be trained to an adequate standard as set out by the Council and reflecting prevailing accepted standards within a year of taking office. In addition, skills audits will be acted upon, to ensure specialist members receive additional training along with the bulk of the Council to take account of legislative changes and new initiatives.

The Council makes the following commitment to its Officers and employees of the Council that they will be trained to an adequate standard as set out in prevailing legislation, Local Authority standards and reflecting the aspirations of the Council as soon as possible upon appointment and on an on-going and rolling programme reinforcing professional development.

## **68. TRAVEL AND SUBSISTENCE ON COUNCIL BUSINESS**

### Subsistence

No flat rate payment for subsistence will be made i.e. any payment where staff are out of the office for more than 5 to 10 hours and no overnight allowance. Reasonable meal/entertainment expenses incurred on Council business will be reimbursed on production of receipts.

### Hotels

Where staff are required to stay overnight on Council business the recommended benchmark for all staff is an AA 2- or 3-star hotels. Guidance can be obtained from the Clerk to the Council.

Where staff incur additional reasonable incidental costs whilst staying overnight on Council business these will be reimbursed. Receipts should where possible be obtained. All claims need to be authorised by the Clerk.

### Air travel

All reservations must be approved in advance by the Clerk.

### Rail Travel

All staff will travel 2nd class with the option to reserve a seat. Wherever possible the financial benefits of advanced booking rates should be taken up.

### Payment of Expenses

To ensure accuracy and timely reclaim of costs, all expenses need to be claimed within 3 months of being incurred. Where claims are made outside this period the Council reserves the right to refuse payment.

Payment of expenses under £20 will be reimbursed (subject to receipts) through petty cash. Expenses over £20 will be paid via the payroll provider in your normal monthly pay.

Staff are unable to reclaim expenses where the purchase has been made using their personal credit/debit card. Only cash receipts can be claimed.

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## **69. UNOFFICIAL CLUBS, FUNDS AND SCHEMES.**

The Council is not responsible for the way in which any unauthorised employee funds, holiday clubs and saving schemes are conducted, or for the safety of those funds.

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## **70. WORKSPACE AND EQUIPMENT**

Employees are responsible for their immediate working environment. A clean and orderly workspace provides an environment conducive to efficient working.