

Swanley Town Council

Civic Centre, St Marys Road, Swanley, Kent, BR8 7BU

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PERSONNEL

14th February 2019

Dear Member

A meeting of the above committee will be held at the Council Chamber, Civic Centre on **Wednesday 20th February 2019 from 7:30pm** or at the conclusion of the public participation session.



Mr S Nash
CEO / Town Clerk

Committee Members: (Chair) Cllr L Dyball, (Vice Chair) Cllr N Scott,
Cllr C Barnes, Cllr L Gaire, Cllr S Gaire, Cllr E Komolafe,
Cllr T Searles, Cllr H Willingale

PUBLIC PARTICIPATION

If required, the meeting will be preceded by a public participation period of up to 15 minutes in total at 7:30pm. Members of the public are also entitled to speak, during the meeting, on agenda items only and with express permission from the Chairman / Mayor. Those wishing to speak on an Agenda item must indicate this during Public Participation.

RECORDING (AUDIO AND / OR VIDEO OF COUNCIL MEETINGS AND USE OF SOCIAL MEDIA

During this meeting the public are allowed to record the Committee and Officers from the front of the public seating area only, providing it does not disrupt the meeting. Any items in the exempt Part of an agenda cannot be recorded as no recording device is to be left behind. If another member of the public objects to being recorded, the person(s) recording must stop doing so until that member of the public has finished speaking. The use of social media is permitted, but all members of the public are requested to switch their mobile phone devices to silent for the duration of the meeting.

MOBILE PHONES

Member of the public are reminded that the use of mobile phones (other than on silent) is prohibited at Town Council and Committee meetings.

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

3. MINUTES OF THE PREVIOUS MEETING

To approve as correct the Minutes of the Meeting held on Wednesday 19th September 2018

4. DISCIPLINARY PROCEDURE – REPORT A

To approve amended Disciplinary Procedure

5. CODE OF CONDUCT – REPORT B

To approve amended Code of Conduct

6. FLEXIBLE WORKING ARRANGEMENTS POLICY – REPORT C

To approve Flexible Working Arrangements Policy

7. EXCLUSION OF PRESS AND PUBLIC

It is recommended that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 of Part 1 of Schedule 12(A) of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

8. TO APPROVE THE CEO'S NEW CONTRACT & CLAIMS

To include Annual Targets

Date of next meeting – 19th June 2019

If you would like further information on any of the agenda items, please contact Mr Steve Nash, on 01322 611663 or snash@swanleytowncouncil.gov.uk



DISCIPLINARY PROCEDURE

1. General

This procedure provides a framework to correct behaviour at work and is not intended to 'punish' employees. In certain circumstances the disciplinary procedure may result in the dismissal of an employee but this is usually where working relationships are beyond reconciliation.

2. Purpose

The purpose of the procedure is to ensure that all employees receive fair treatment and that there is a systematic approach to dealing with disciplinary matters.

3. Scope

The procedure will apply to all employees of the Council, except the CEO and any employee who has not yet been confirmed as a permanent employee of the Council, ie, is still within his or her probationary period.

The Disciplinary procedure is for tackling problems of misconduct, and not in cases of lack of capability.

Where there is a link to capability issues or other matters during the investigatory and/or hearing stage, the officer conducting the hearing under this procedure shall have the sole discretion to treat the issues separately or as a combined issue. When this occurs the advice of the Assistant CEO (Corporate) will be taken before the final decision on the procedure is made.

4. Minor Failings of conduct

Minor failings of conduct may be drawn to the attention of an employee by an immediate supervisor and any reasons listened to.

A note of the date, time and nature of the misconduct and of any explanation and subsequent action will be kept in the Personal File records (as appropriate) and will normally be disregarded after 18 months.

The exception may be where further disciplinary action is being taken and an employee subsequently claims that his/her past record has been unblemished, or where the employee is subject to another warning for a matter related to his/her conduct. Frequent recourse to the need to make such notes will lead to the application of a formal written warning procedure warning, even though each offence may be of a minor nature.

Absence of an informal stage will not preclude direct application of the procedure for written warnings/termination of employment. There is no appeal against this stage, but if an employee feels he/she has been dealt with unfairly, the Grievance Procedure may be appropriate.

5. Formal Hearings

Formal Disciplinary Hearing will be held when:-

There have been a number of minor issues of misconduct raised with you previously and further issues have been arisen;

There has been a serious failing of conduct that needs to be addressed.

Managers and Supervisors will investigate fully any lack of performance, complaint or misconduct prior to a Disciplinary Hearing so that the full extent of the problem is established before discussions begin.

The investigation may take place without your knowledge while the appropriate course of action is being determined.

6. Hearings

When the possibility of a potential complaint/misconduct has been determined, a formal "disciplinary hearing" will be held and be conducted by the employee's immediate supervisor or other person nominated by the CEO for this purpose.

The employee will be advised in writing generally at least three working days before the hearing. The letter will include:-

the date and time of the hearing

the nature of the complaint

that he/she may be accompanied at the hearing by his/her representative or a friend, if desired

the degree of the seriousness that might be given to the complaint/misconduct and the possible outcome of the hearing.

The employee may be suspended or redeployed on other work with pay whilst the circumstances of any complaint are investigated.

Where an employee requires longer time to prepare a response or obtain the help of a representative, the manager will allow a reasonable longer period up to a maximum of two weeks.

At the hearing the employee will be re-informed of the nature of the complaint and such evidence as may exist, including any recorded action and explanation within the previous 18 months. Any previous relevant records may be included at this stage.

Witnesses may be called to provide evidence if appropriate, and employees will have the opportunity to question them. The employee may present his/her explanation of the matter. The hearing may be adjourned for further information to be obtained.

At the hearing the employee's past record regarding relevant warnings issued under the Capability Procedure or the Disciplinary Procedure will be taken into account when considering action.



CODE OF CONDUCT POLICY

1 Introduction

The National Conditions of Service for Local Government employees provides a general statement on the Code of Conduct required of Officers (employees).

The Code is designed to ensure that the integrity of the Council and its employees is maintained and that employees have clear guidance on the conduct required of them while employed by the Council.

The Code describes the conduct required in a range of circumstances or issues which an employee may come across as part of their duties. These are detailed below, but they are obviously neither exhaustive nor exclusive and other circumstances will arise where an employee will have to consider what conduct the Council would expect from its employees. In such circumstances, employees should realise that the Council's (and their) principal aim is to serve the public, who expect a high standard of integrity and service from the Council. Employees should, therefore, avoid doing anything which could reflect adversely on the Council. If any doubt exists as to the proper course of action, advice should be sought from the employee's Manager.

2 Status of the Code

The Code applies to all employees of the Council who should ensure that they observe the principles described. Failure to do so may make an employee liable to disciplinary action.

It includes the provisions contained in the National Code of Conduct approved by the three local Council associations and the Local Government Management Board.

It supplements any specific provisions regarding work conduct or rules in:

- (i) An employee's terms and conditions of employment
- (ii) Council's Standing Orders
- (iii) Any other specific Council policy e.g Equal Opportunities Policy
- (iv) National conditions of service applicable to the employee

3 Actions Required

Some of the provisions in this code require employees to disclose information to the appropriate Manager. Where this is required employees should inform their

Line Manager. The appropriate Manager for the Town Clerk is the Leader or Mayor of the Council.

4 Standards

Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.

Employees must report to the appropriate manager any impropriety or breach of procedure.

In particular employees are required to work within any framework of the national law, the Council's Standing Orders and the National Conditions of Service adopted by the Council.

Employees must also have regard to the Council's core values and any Council policies which may have a bearing on how Council employees should conduct themselves, eg Equal Opportunities Policy.

5 Disclosure of Information

It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Council itself may decide to be open about other types of information. Employees must be aware of which information their Council is and is not open about, and act accordingly.

Confidential Information

All information or knowledge obtained during the course of an employee's employment must be treated as confidential, unless and until it is formally made public. It should not be disclosed to any person except to another employee or otherwise in the course of that employee's employment for legitimate purposes. Above all, it must not be disclosed for the employee's own advantage or that of anyone known to or connected with him/her.

Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to the councillor and does not belong to the Council should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law

6 Personal Information

Most employees, especially those within the Finance and Central Administration, have access to and are able to process, amend or alter sensitive personal data.

Employees must not, in any circumstances, make any alteration, including insertion, deletion or amendment to any financial or non-financial record in which they have an interest, however tenuous.

No written rules can hope to cover all possibilities or situations and employees must, if any doubt exists, contact their immediate supervisor for advice on how to proceed. In his/her absence the query must be referred upwards.

7 Political Neutrality

Employees serve the Council as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.

Subject to the Council's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interface with their work.

Local Authority employees holding politically restricted posts are disqualified from membership of any local Council, other than a parish or community council, from being an MP or MEP and are subject to prescribed restrictions on their political activity.

8 Relationships

Councillors

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employee and individual Councillors can damage the relationship and prove embarrassing to other employees and councillors and should, therefore, be avoided.

The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate Manager. Orders and contracts must be awarded on merit, but fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a

relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager.

With Other Employees

Close personal relationships between Council employees will sometimes occur. It is very important that any relationship is not seen to bring advantage to an employee and close personal relationships between a Manager and one of his/her staff should be avoided.

9 Appointment and Other Employment Matters

Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative or has a close personal relationship with him/her.

Where an applicant for a post with the Council is related to or has a close personal relationship with a Council employee or Councillor that relationship must be clearly indicated on the application form. Where an employee of the Council is aware that a relation is applying for a post they must bring this to the attention of their Line Manager as soon as possible.

10 Outside Commitments

Employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Council's interests.

Private Work

Officers who are, or intend to carry out private work in their off duty hours should make application to the CEO. Permission will normally be given where the following requirements are satisfied, in addition to any other conditions, which the CEO may see fit to impose in individual circumstances to protect the Council's interests:-

- (a) The private work may not be such as may conflict, or be likely to conflict, in any way with the Council's interests
- (b) Council owned equipment and materials will not be used without authorisation and proper payment
- (c) In relation to private work involving the submission of any application to Swanley Town Council, or involving any matter with which the Council is, or may be concerned, a written declaration revealing the employee's name and extent of involvement shall be submitted beforehand by the Officer to the Town Clerk.

In practice the Council will not normally object, provided that there is not, or will not be in the foreseeable future, any possible conflict of interest between the two appointments and that the principles set out in this Code are adhered to.

Inventions and Patents

Inventions made before 01 June 1978 are the property of the employer if made in the course of that employer's employment. However the Patents Act 1977 states that after the 01 June 1978 inventions are only the property of the employer if:

- they have been made in the course of the employee's normal duties or
- they have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected or
- they were made in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

11 Personal Interests

Employees must declare to an appropriate Manager any non-financial interests that they consider could bring about conflict with the Council's interests.

Employees must declare to an appropriate manager any financial interests which could conflict with the Council's interests.

In particular;

At Work

Employees must refrain from becoming involved in a Council capacity with any matter in which they have a direct or indirect interest. This rule is an absolute one in cases of direct financial interest. It also applies in cases of indirect interest, for example, through membership of any organisation in negotiation with the Council, through family or friends or by any other relationship or association where an outsider might suspect that the relationship could influence the employee's or the Council's views.

The important thing is that it must be crystal clear to an outsider that everything is open and above board; there must be no room for suspicion, however ill-founded that suspicion might be.

In any case, where the employee does have an interest, either direct or indirect, he/she must:

- a. not take part in any Council capacity in connection with the matter in question without the prior knowledge and consent of the CEO, which will only be given in suitable and probably rare circumstances;
- b. notify, his/her Line Manager formally;
- c. not attempt to seek information or in any way discuss with his/her colleagues the matter in question.

Above all, employees of the Council must deal with colleagues, Council Members, other organisations and the public in a prompt and courteous manner.

Out of Work

The general rule is that employees' off duty hours are their personal concern and broadly speaking they are entitled to spend their free time as they wish.

Employees must never put themselves in positions where there may be, or is suspected to be, a conflict between their official position and their private interest, whether remunerated or not.

12 Equality Issues

All employees should ensure that policies relating to equality issues as agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

13 Separation of Roles during Tendering

Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.

Employees who are privy to confidential information on tenders or costs for either internal or external contracts should not disclose that information to any unauthorised party or organisation.

Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.

Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

14 Corruption

Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained. Any gift with value over £25 be declared to the CEO.

In particular:

Under the Prevention of Corruption Acts 1906 and 1916, it is an offence for employees corruptly to accept any gifts or consideration as an inducement or reward for:

- doing, or refraining from doing, anything in their official capacity or
- showing any favour or disfavour to any person in their official capacity

Under the Prevention of Corruption Act 1916, any money, gift or consideration received by an employee in public service from a person or organisation holding

or seeking to obtain a contract will be deemed by the courts to have been received corruptly unless the employee proves to the contrary.

15 Use of Resources

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

In particular:

Use of Council Facilities

All Council facilities, including telephones, stationery, stamps, photocopying and printing services, depot equipment, vehicles and transport are provided for official use only.

Postage and Stationery Facilities

Employees are not permitted to put private mail through the office mail system, which carries the official stamp of the Council, for either franking or use of stamps, nor to use for personal purposes any stationery or equipment which carries the official titles of the Council.

Telephones

The Council's telephone system is provided for the conduct of the Council's business, and except in exceptional circumstances, personal incoming calls are to be discouraged, since they occupy switchboard lines that members of the public may wish to use. When they do occur, employees are asked to keep them as brief as possible.

Mobile Telephones

If you are provided with a mobile telephone for work you will be required to sign a statement that you will not use the equipment for personal calls. This must be signed before you are given the equipment or it will become a taxable benefit and tax will be deducted from your salary.

Mobile telephones should generally be switched off in the Office. Any exception to this must be authorised by the Line Manager.

Claims for Expenses and Payments

Employees who are required to complete timesheets, bonus sheets, overtime claims and other similar documentation, which has been signed and thus represents a claim for payment, should check it thoroughly for accuracy.

Where inaccuracies in claims are found and appear to have been purposely falsified, these may be regarded as fraud for which an employee is liable to instant dismissal for gross misconduct.

16 Hospitality

Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented.

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

Employees should not accept significant personal gifts from contractors and outside suppliers, although the Council allows employees to keep items of up to £50 in value such as pens, diaries, bottle of wine etc.

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

17 Sponsorship – Giving and Receiving

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

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

18 Health and Safety

Employees must follow the Council's Health and Safety Rules and practices. These are designed to ensure safe working conditions and assume the cooperation of all employees.

Many of the Council's rules are designed to comply with legal requirements and, in certain circumstances, disregard of Health and Safety Regulations may constitute an offence under the criminal law as well as being an internal disciplinary matter.

If, during the course of the hearing, the evidence indicates that capability is a more appropriate explanation of the complaint, the Disciplinary Procedure should be abandoned and the capability hearing initiated.

If the employee has been told that the likely outcome of the hearing would be a written warning, but it becomes clear that the issue is more serious and dismissal may be the outcome, then the hearing will be adjourned for at least two days.

7. Potential Termination

If it is decided by the officer conducting the hearing that the circumstances warrant consideration of termination of employment action, the hearing will be adjourned, the employee advised accordingly and upon resumption the hearing will be dealt with in accordance with the procedure for a "termination without warning", but without prejudice to the eventual decision in the matter.

8. After Hearing

At the end of the hearing the following actions may be taken:

No further action

If it is decided that disciplinary action is not required, no further action will be required and all references to the capability action will be expunged.

Actions short of termination

A preliminary warning.

A final warning – either given after a preliminary warning, or where the misconduct is significant and justifies a final warning directly.

Demotion or transfer to a more suitable job, either permanently or temporarily. Such moves are only possible where a suitable vacancy exists and the employee specifically asks for such a move. The salary received would be appropriate for the particular post, ie there would be no salary protection.

Recovery of any losses sustained by the Council, recoverable through deductions from the employee's salary (if the employee agrees in writing) or other legal action.

Extending the time limits on existing warnings.

If it is decided that action short of termination should be taken, the employee will be told of the decision and later (generally within five working days) given a letter in confirmation. A copy of the letter will be given to the Civic Manager for retention on the employee's personal record

The written confirmation will include:

- the decision and the reason for the decision
- clear identification of the areas where performance is not satisfactory
- a clear statement of the required standard and associated time scales
- a statement of any shortfalls in skills and knowledge identified by management or the employee and any arrangements made to give the employee an opportunity to acquire the skills and knowledge

- a clear statement of the period in which the employee will be expected to show an improvement in performance and how much improvement is required in that time span.
- the duration of any warning given
- the implications of any further incidents that may result in disciplinary action
- any penalties imposed or other actions
- that the employee has the right to appeal and to be represented by a chosen adviser at any appeal

Termination without Warnings/further action after Final Warning

The employee's employment is liable to be terminated with notice or a payment in lieu if it is established, after investigation and hearing the employee's version of the matter, that there has been action which is regarded as gross misconduct and/or fundamentally destroys the confidence of the Council in the competence of the employee.

If it is concluded that the employee's action has destroyed the confidence of the Council in the competence of the employee, termination of employment may be with notice or pay in lieu of notice. A decision in this regard will be included, as appropriate, in the written confirmation letter referred to below.

Examples of behaviour that could be regarded as gross misconduct include:

Insubordination or disobedience in the face of reasonable requests from supervisors

Serious breach of safety rules

Unauthorised or unreasonable absence

Public criticism of the Council or colleagues with the intent of bringing the Council into disrepute

Misuse of the Council's property

Deliberate disclosure of confidential information

Drunkenness or being under the influence of illegal drugs during work hours

Actual or threatened assault (physical and verbal)

Conduct violating the common decency or morality of the community that could also be embarrassing to the Council

Stealing from or defrauding another employee, Councillor or the Council

Harassment of another employee, Councillor or member of the public

Unlawful discrimination on the grounds of sex, race or disability, or discrimination contrary to the Council's equal opportunity policies

Flagrant failure to follow the Council's established procedures and regulations

This list is not exhaustive.

9. Suspension and Hearings

The employee may be suspended with pay whilst the circumstances of any complaint are investigated. The presence of a representative at all meetings with the employee, unless the employee specifically requests otherwise, is strongly recommended.

Notification and conduct of a hearing will otherwise be in accordance with the principles established for written warning hearings. The employee will be advised that termination may be the outcome. Evidence of any extant previous warning or warnings under this procedure or under the Capability Procedure, and the reasons for such warning(s) will be considered at the hearing.

The decision to dismiss can only be taken by the CEO and Senior Managers or other person nominated by the CEO for this purpose after he/she has satisfied him/herself with regard to the facts of the case, the appropriateness of mitigating circumstances, and in the presence of the representative (if any), hearing from any members of staff who wish to give relevant information and from the employee concerned. If for an acceptable reason the employee is unable or unwilling to attend the hearing, he/she will normally be notified in writing of a later date for the hearing to take place and informed that, if then unable to attend, the hearing is likely to proceed in his/her absence, with his/her representative being invited to act for the employee at the hearing.

10. Termination of Employment

If it is decided by the officer conducting the hearing that it has been established after investigation and hearing the employee's version of the matter that there is a major lack of capability to the extent that it is unlikely that further training or support will overcome the lack of capability and/or fundamentally destroys the confidence of the Council in the competence of the employee, the employee's employment will be terminated.

If it is decided that termination action should be taken, the employee will be told of the decision and later (generally within five working days) be given a letter in confirmation. A copy of the letter will be given to the Civic Manager for retention on the employee's personal record.

The written confirmation will state:

- the decision
- the reasons for termination
- the termination date
- the right of appeal

11. Appeal Procedure see 12.8 for procedure to be followed.

The employee may appeal to the CEO against any action taken against him/her no later than 5 working days after having been informed in writing of the decision. A representative may be present at any subsequent meetings if the employee so requests.

The appeal shall be in writing and must state the grounds of the appeal.

The CEO will arrange for an appeal to be heard by the Appeals Committee.

The panel hearing the appeal shall have the power to:

- vary the proposed action where it finds that the action is inappropriate
- allow the appeal and direct any warnings to be reduced in severity
- allow the appeal and direct that all papers relating to the action be expunged
- dismiss the appeal in whole or in part
- take other reasonable action.

Appeals on the grounds that:

- the finding of disciplinary action is wrong, or
- further evidence has become available
- will cause the appeal to be treated as a re-hearing of the matter.

Appeals on the grounds that:

- the severity of the penalty is inappropriate, or
- that there may be mitigating circumstances
- will cause the penalty only to be the subject of appeal, which will be by way of submissions from the employee (or his/her representative) and from the officer taking the decision appealed against.

The appeal hearing will follow the procedure laid down at Appendix A.

The CEO or his/her representative will attend termination appeals as adviser to the panel.

The presence of an employee's representative at all meetings with the employee when termination is under consideration is strongly recommended.

12. Time Limits

Time limits referred to above in connection with notification of:

- suspensions
- hearings
- appeals by employees
- refer to normal working days of that section of the Council in which the individual is employed excluding public/bank holidays and may be varied by mutual consent.

Warnings will normally be disregarded after 13 months from the date of the written confirmation of a preliminary warning and 18 months in the case of a final warning, and provided that in the meantime no further disciplinary or capability action has been taken. The exceptions to this may include;

Where further action is being taken and an employee subsequently claims that his/her past record has been unblemished where there is a recurring pattern of warnings that indicate a larger underlying problem.

13. Variations to the Procedure

Any part/parts of the procedure may be varied by consent between the parties to a particular issue or issues.

14. Revision of the Procedure

The Council reserves the right to withdraw, amend or otherwise revise this procedure after consultation with the representative organisations by giving all members within its scope (see under heading "Scope") three months' notice of such changes.

Report C



FLEXIBLE WORKING ARRANGEMENTS POLICY

The Council has three main operational departments or sections, Venues, Parks and Council Office based employees. Due to the operational constraints of the Parks and Venues the hours of work are largely fixed there are specific contracts are issued to reflect this.

With regards to the Council Office based staff a flexible approach to working is offered as far as possible. This provides a measure of personal control over when people work their prescribed hours.

The working day will be divided as follows:-

1. Bandwidth:

The time during which the scheme will normally operate

09.00 to 17.30 hours Monday to Friday

There will normally be the opportunity on Wednesdays every fortnight to extend the evening hours to 19.30 as this coincides with the Council

Committee Meetings.

2. Core Times:

The time when all staff have to work

09.30 to 12.00 noon - Monday to Friday

14.00 to 17.00 – Monday to Friday

3. Cover Times:

The time when offices must be staffed 09.00 to 17.00 hours Monday to Friday

The success of the scheme depends on the close co-operation of colleagues and an attitude of responsibility being displayed by everyone.

4. Time In Lieu

There will be times when significant extra hours or evening/weekend work has to take place and time off in lieu will normally be granted with the prior agreement of the Line Manager. No more than seven hours of TOIL (pro rata for part time employees) may be carried forward from one leave year to the next.

Time off in lieu must be calculated, rounded down to the nearest 15 minutes and recorded on the appropriate form. The CEO may authorise payment of TOIL in exceptional circumstances.

5. Reduced Hours Working

There are instances with colleagues working part time that the flexible hours are not suitable to encourage reduced hours working, perhaps for returners from maternity leave. In this case the Council is willing to consider a different contract whereby the returner or other employee is contracted to work outside of the flexible working hours. In all cases, the Council will consider carefully the needs of the employee and of the service in order to assess what arrangements could be made.

6. THE RIGHT TO APPLY TO WORK FLEXIBLY

All staff have the right to apply for work flexibility but, it does not provide an automatic right to work flexibly but aims to facilitate discussion and encourage both employer and employee to consider flexible working.

Procedure

- a) A considered application in writing must be made to the CEO. The application must include details of the way the employee wishes to work in future, any effects this will have on the employer's business and how these might be accommodated.
- b) Within 28 days of receipt of the application the CEO will arrange to meet with the employee and line manager to explore the desired work pattern in depth. Other alternative work patterns may be considered should there be problems in accommodating the desired work pattern outlined in the application. The employee may bring a companion to the meeting and the CEO may wish to involve the Civic Manager in the meeting.
- c) Within 14 days of the date of the meeting the Civic Manager will write to the employee to both agree the new work pattern and start date or to provide clear business ground(s) as to why the application cannot be accepted.
- d) The employee has the right to appeal against a decision not to accept an application. Any appeal must be in writing and the procedures outlined by the CEO for a hearing by the Appeals Committee will apply.
- e) Any accepted application will result in a permanent change to the employee's terms and conditions of employment. There will be no automatic right to revert to previous working patterns at a future date and this same procedure will apply to any revisions.