



SWANLEY
TOWN COUNCIL

EMPLOYEE HANDBOOK

Swanley Town Council

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Employee Handbook Issues And Updates

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Introduction

WELCOME TO OUR TEAM

We would like to wish you every success during your employment whether you recently joined us or whether you are an existing employee. We hope that your experience of working here will be positive and rewarding.

This Employee Handbook is designed both to introduce you to our organisation and to be of continuing use during your employment.

We ask that you study carefully the contents of this Employee Handbook as, in addition to setting out our rules and regulations, it also contains information on some of the main employee benefits that may be available to you and the policies and procedures relating to your employment. If you require any clarification or additional information please refer to your Line Manager.

Please note that we provide equal opportunities and are committed to the principle of equality in accordance with legislative provisions. We expect your support in implementing these policies. We will not condone any unlawful discriminatory act or attitude in the course of your employment or in your dealings with our clients, suppliers, contract workers, members of the public or with fellow employees. Acts of unlawful discrimination, harassment or victimisation will result in disciplinary action.

General amendments to the Employee Handbook will be issued from time to time.

Joining Our Organisation

WORK PERMITS

All employees are required in law to provide evidence of their eligibility to work in the UK. As an employer we have the legal obligation to comply with the applicable immigration legislation which includes ensuring that employees provide the appropriate documentation prior to the commencement of employment.

In the event that an employee is unable to provide satisfactory evidence of their eligibility to work in the UK the Company reserve the right to terminate the employment without notice. Acceptable evidence is set out in our Work Permits and Eligibility to Work Policy.

All costs relating to any immigration application must be borne by the employee in question and will be deducted from your salary.

INDUCTION

At the start of your employment with our Council, you are required to complete an induction programme, during which all our policies and procedures (including Health and Safety) will be explained to you. Information relating to these will be given to you at the induction.

JOB DESCRIPTION

Amendments may be made to your job description from time to time in relation to our changing needs and your own ability.

JOB FLEXIBILITY

It is an express condition of employment that you are prepared, whenever necessary, to transfer to alternative departments or duties within our business. During holiday periods, etc. it may be necessary for you to take over some duties normally performed by colleagues. This flexibility is essential for operational efficiency as the type and volumes of work are always subject to change.

MOBILITY

Although you are usually employed at one particular site, it is a condition of your employment that you are prepared, whenever applicable, to transfer to any other of our sites. This mobility is essential to the smooth running of our business.

STAFF MEETINGS, TRAINING AND OTHER ACTIVITIES

We hold regular staff meetings and training sessions out of normal working hours. It is a condition of your employment that you attend these meetings and training sessions as it is mandatory for all staff to attend, you will be given adequate notice.

OTHER POLICIES AND PROCEDURES

The Council has a number of other policies and procedures that will have been explained to you during your induction. Copies of these will have been provided to you separately or are available on request from the office.

DISCLOSURE AND BARRING CERTIFICATE(S)

Your initial employment may be conditional upon the provision of a satisfactory Disclosure and Barring Certificate of a level appropriate to your post. You may be required to undertake subsequent criminal record checks from time to time during your employment as deemed appropriate by the Council. In the event that such certificates are not supplied, your employment with us will be terminated.

Data collected about criminal convictions will be processed in line with the Data Protection Act. You may read more about the data we hold on you, why we hold it and the lawful basis that applies in the employee privacy notice.

CONVICTIONS AND OFFENCES

During your employment, you are required to immediately report to the Council any convictions or offences with which you are charged, including traffic offences. Data collected about criminal convictions will be processed in line with the Data Protection Act. You may read more about the data we hold on you, why we hold it and the lawful basis that applies in the employee privacy notice.

Probationary Period Procedure

INTRODUCTION

All permanent and temporary employment with Swanley Town Council is subject to the satisfactory completion of a probationary period; the length of which is determined by the terms of the employment contract;

- 3 month period for temporary contracts (12 months or less)
- 6 month period for permanent contracts

REVIEWS

The purpose of probationary period reviews are to:

- Clarify the expectations of the job with reference to the job description and performance standards
- Provide feedback and recognition to the new employee
- Strengthen the employee/manager relationship
- Make a decision on the employee's suitability in the post

For **3 month probationary periods** reviews should be carried out:

- i) after 6 weeks
- ii) 2 weeks prior to completion (final review)

For **6 month probationary periods** reviews should be carried out:

- i) after 6 weeks (interim appraisal)
- ii) at the end of 3 months
- iii) 2 weeks prior to completion (final review)

Completion of the attached forms must be undertaken to formally record the outcome of the review meetings. The records can then be used as reference for both the employee and the Council.

New employees and their reviewers are encouraged to complete forms electronically providing as much information as possible. **All electronic copies must be saved to the employees/reviewers personal E:/drive to ensure the information remains confidential.**

As the Officer responsible for HR the Senior Executive Assistant (HR) must be consulted if any difficulties are anticipated and should, if appropriate, be given the opportunity to attend the final review meeting.

The result of the final review meeting must be reported back to HR at least one week before the final day of the probationary period. This is to enable written confirmation of the outcome to be issued before the end date; failure to meet this requirement will result in individuals automatically becoming employed.

RESPONSIBILITIES

- The **Senior Executive Assistant (HR)** will prompt line managers when reviews are due and issue appropriate assessments forms to both line manager and employee. They will also arrange the preparation and issuing of letters following review meetings.
- The **Employee** must take responsibility for completing the review pre-assessment form and returning it to their line manager prior to the review meeting.
- The **Line Manager** must arrange for the reviews to be undertaken within the given timescales and the completed and signed review forms to be returned to HR. They must also consult the Finance Officer before a review meeting if they are considering extending or failing a probationary period.

Appraisal Policy and Procedure

1. INTRODUCTION

Swanley Town Council (“the Council”) is committed to Appraisals taking place on an annual basis, with line managers and employees being encouraged to hold regular 1-2-1 meetings throughout the year to review progress.

The procedure gives guidance on the implementation and recording of appraisals and should be followed for the appraisal of all permanent full and part time employees. Temporary and casual employees and volunteers may undergo an appraisal, as considered appropriate (see section 2.3).

Appraisal forms are listed in the Appendices. Appraisers and appraisees are encouraged to complete forms electronically providing as much information as possible. All electronic copies must be saved to the appraisees/appraisers personal drive to ensure the information remains confidential.

2. ROLES AND RESPONSIBILITIES

The implementation and management of this procedure will be the responsibility of the CEO/Town Clerk and Senior Executive Assistant (HR), reporting to the Personnel Committee.

2.1 Personnel Committee

The Council’s Personnel committee represents the Council’s interest in staffing matters. If required a panel of committee members is formed to deal with personnel related issues.

2.2 The CEO/Town Clerk

The CEO/Town Clerk will:

- agree any variations to the normal annual timetable of appraisals and set a target date for their completion and return of necessary records;
- notify the timetable for forthcoming appraisals to senior managers;
- confirm the responsibilities for appraisals to line managers;
- ensure that each appraiser has received adequate training to enable them to undertake appraisals effectively;
- arrange for the Senior Executive Assistant (HR) to coordinate a training programme if required;
- arrange for the Senior Executive Assistant (HR) to maintain a central record to ensure that priorities, training plans and data protection legislation are addressed;
- act as a reviewer of the process to ensure consistency; and
- address any breaches of confidentiality, which could amount to gross misconduct, as high priority.

2.3 The Senior Executive Assistant (HR)

The Senior Executive Assistant (HR) will:

- arrange appraisal training as instructed by the CEO/Town Clerk
- when notified of appraisal timetables by line managers, issue:
 - appraisees with personalised review forms (Appendix 1), detailing objectives and training set at last appraisal
 - appraisers with completed Review of Objectives (Appendix 2) and Objectives & Personal Development (Appendix 3) for all their reporting staff

- On receipt of completed appraisal paperwork:
 - Record all identified training onto the annual training record
 - Update Employee Personal Reviews (Appendix 1) and Review of Objectives (Appendix 2) in preparation for next year's appraisals

2.4 Appraiser (line manager)

Once appointed as appraiser the line manager will notify the Senior Executive Assistant (HR) and their reporting staff of the appraisal timetable.

Managers can decide on a local basis whether they wish to extend the process to volunteers and/or casual/temporary employees, but for consistency this must be agreed with the CEO/Town Clerk and documented.

Appraisers should ensure that they:-

- Give appraisees at least 5 working days to prepare for their appraisal;
- give adequate time and thought to preparation and the appraisal meeting, including a review of the current job description of the appraisee;
- provide appraisees with any supporting documentation to help them contribute to an effective appraisal e.g. job description, copy of previous year's appraisal;
- ensure that appraisals are carried out before the target date and all paperwork is completed and signed off as appropriate;
- treat all appraisees equitably, keeping the meeting friendly but professional;
- maintain confidentiality throughout, limiting discussions regarding appraisals to their senior line managers and the CEO/Town Clerk and not communicating any issues in a public way without the consent of the appraisee;
- support the CEO/Town Clerk in resolving any matters needing referral; and
- manage aims and objectives affectively, by holding regular 1-2-1 meetings with the appraisee throughout the year.

2.5 Appraisee (employee)

As well as providing the opportunity for both Council and employee to comment on the employer/employee relationship, the appraisal gives employees the right to raise issues which relate specifically to their personal current/future development.

As an appraisee they should ensure that they:-

- give full support to the process, attending for the appraisal meeting as requested;
- prepare adequately by completing the employee personal review and returning it to their appraiser at least 2 working days before the appraisal;
- plan ahead, ensuring that they know what they wish to discuss;
- be open, honest and constructive; focussing on themselves not other people;
- make full use of the opportunity to discuss the job role and future development but not entering into discussions regarding remuneration (an area not covered by the appraisal process);
- ensure and respect the need for confidentiality in all matters relating to the appraisal; and
- take joint responsibility with their line manager to enable their agreed objectives to be met and training to be achieved.

3. SPECIFIC REQUIREMENTS

3.1 Training

- The Council will, through its training review, give sufficient and timely consideration to the training of those nominated to be appraisers.
- The CEO/Town Clerk will ensure that training on the appraisal process is offered to all appraisers on an annual basis and before the appraisal programme begins. Managers who have joined the Council since the last round of appraisals and are therefore likely to be an appraiser will be encouraged to attend training.
- The Civic Manager will coordinate the training sessions in consultation with the CEO/Town Clerk

3.2 Record keeping

- Appraisals are a key component of the employee's personnel record and completed and signed records will be filed on the appraisee's personal file.
- Line managers may keep copies of their reporting staff on record, but only in a secure and confidential location, and by agreement with the CEO/Town Clerk
- In line with the Data Protection Act, the Council will only hold records that are relevant, other records will be securely destroyed in line with the Council's document retention and archive framework.

3.3 Confidentiality

Appraisal records should be kept confidential and should not be accessible in any format to any member of staff other than:

- the appraiser
- the respective appraisee
- the appraiser's senior manager (if applicable)
- the CEO/Town Clerk
- the Senior Executive Assistant (HR)

Care should always be exercised to avoid breaching confidentiality.

4. APPRAISAL MEETINGS

Appraisal meetings should take place in a private room which is light, spacious and, barring emergencies, free from distractions/interruptions.

Appraisals should follow the format of:-

- 1) Review of previous years performance (with reference to Appendices 1 & 2) to establish areas for improvement by the employee, their manager and the Council in general
- 2) Setting of objectives for the year ahead (Appendix 3), remembering that they should be:

Specific - clear about what is actually required, trying to avoid too much detail and jargon

Measurable - tasks need to be linked to quantifiable measure

Achievable - consideration should be given to training/competencies

Realistic - neither too difficult nor too easy

Timed - anticipated timeframe and targets, phased through the year

- 3) Identifying training and personal development for the year ahead (Appendix 3). Personal development should;
- commit the employee to a series of career path training and development activities;
 - maximise an employee's ability to achieve service objectives in the medium and long term.
 - reflect the balance between the Council's view of the employee's development needs in their current and possible future role, and the employee's own view of their long term career goals
 - be realistic, with appropriate resources being available and within budget
 - be jointly agreed by the employee and their line manager

Note: objectives and training should, wherever possible, be measurable against the Council's overall strategy

4.1 Appraisal Paperwork

On completion of appraisal forms the appraisee should be given the opportunity to provide their own comments and to sign acceptance of the content. If they do not agree with the content they should indicate their concern/issue in the space provided.

In cases of dispute the appraiser should attempt to resolve any issues. If this is not possible they should refer the matter to their Senior Manager (if applicable) or the CEO/Town Clerk. Any referrals should be dealt with and a response given to the appraisee within 10 working days. Referrals for senior managers appraised by the Town Clerk should be made to the Chair of the Personnel Committee .

When appraiser and appraisee have signed the documentation papers should be forwarded to the departmental senior manager (if applicable) followed by the CEO/Town Clerk.

4.2 Infrequent appraisal meetings

The CEO/Town Clerk may instigate an appraisal which has not been programmed on the annual timetable. In such cases the decision of the CEO/Town Clerk is final and, as with timetabled appraisals, the role of the appraiser will be decided by the CEO/Town Clerk.

Infrequent appraisal meetings are regarded as exceptional occurrences, and are usually based on one of the following:

- an employee undertaking a significant change in responsibilities requesting an appraisal
- a new starter who may have just missed a planned appraisal but feels that one is necessary
- an appraisal being undertaken incorrectly as indicated from a consistency review
- where, due to unforeseen circumstances, e.g. sickness, the timetabled appraisal has not taken place at the correct time

5. CONSISTENCY

The appraiser will ensure that all appraisees are treated equitably at all times and will record all discussions with the appraisee on the appraisal forms. Any queries raised by appraisees will be recorded and a response given by the appraiser.

Queries that cannot be answered will be escalated to the line manager, in the first instance, then to the CEO/Town Clerk and, if necessary, a Personnel Panel (see section 2.1). The response will be given as soon as is practicable and should be recorded on the appraisee's personal file.

The manager will take a view on whether queries and their responses should be brought to the attention of other appraisees.

The CEO/Town Clerk will ensure that all appraisals passed for review have been completed correctly and fully.

6. FORMAL REVIEWS

Following each appraisal program a formal review will be undertaken and a summary from the CEO/Town Clerk given to Senior Managers.

Any changes identified will then be implemented for the appraisals the following year.

Areas for consideration are:

- appraisals being completed on time, fairly and consistently
- forms being completed correctly
- language being clear and not discriminatory
- performance issues being addressed promptly and with clear action plans
- will challenges to the process stand up to scrutiny
- structure / content of forms

Training Policy and Procedure

POLICY STATEMENT

Swanley Town Council ("the Council") recognises the important contribution that training makes both for the effective operation and improvement of its services and for the career development of its individual members and employees. The Council will encourage members and employees to undertake training appropriate to their circumstances and will encourage each member or employee to undertake training in order to develop their individual skills and abilities.

To this end, advice and assistance on training will be given relevant to members and employees, including volunteers.

POLICY OBJECTIVE

The training policy refers to all members and employees and seeks to:-

- provide induction training for new members and employees, including volunteers, and for those transferred to new roles;
- ensure that appropriate training is available to enable individuals to achieve effective performance in their roles;
- provide training and development for possible future individual roles and responsibilities and additional activities to be undertaken by the Council;
- provide information, instruction and training to ensure the health and safety of all members, employees and volunteers;
- provide instruction and training on the Council's operational policies, practices and procedures.

The Council recognises that because of its size, opportunities for promotion are limited. Ambitious staff are likely to obtain promotion elsewhere, but we recognise our responsibility for providing training for staff development.

RESPONSIBILITY FOR MANAGING THE POLICY MANAGEMENT:

The prime responsibility for training rests with management and all managers are responsible for ensuring their staff are trained to achieve effective performance in their current jobs, and to provide development training for any future roles, responsibilities and activities.

The CEO will provide advice and assistance on training activities. He will investigate and where necessary prompt the need for Council training initiatives. In consultation with line managers he will agree all training being undertaken and is responsible for preparing training programmes and seeking financial provision for them.

TRAINING PLAN

All training will be planned, programmed and recorded and the results reviewed to determine how training methods can be improved and maximum benefits can be obtained from resources devoted to training. An annual training plan will be drawn up detailing the training the Council intends to implement in the following year.

CONSULTATION

In recognising the legitimate interests of members and employees in training matters, the Council will consult with them on training requirements.

APPROVED / RECOGNISED QUALIFICATIONS TRAINING REQUESTS

All applications for post entry training leading to approved qualifications must be made in writing to the CEO;

Decisions will be made according to the provisions of the training budget, the relevance of the course to applicants' present and possible future posts, and to an individual's personal development.

New members and employees already undergoing training must apply, as indicated above, to continue with their course. Consideration will be given in each case although, dependent upon the state of the budget, full financial assistance may not be granted;

The Council will give the following financial assistance in respect of agreed courses leading to approved qualifications:-

- i) Course fees - 100%
- ii) Examination fees - 100%
- (iii) Subsistence and travelling will be agreed in advance with the CEO
- (iv) Necessary textbooks or equipment.

Any necessary textbooks or equipment for which the Council pay full cost, remain the property of the Council and are on loan to the relevant member or employee. They must be returned to the CEO on completion of the course. Members or staff wishing to retain books must reimburse the Council in full.

Books required for reference purposes or as optional background reading as recommended by the course organiser should be borrowed from public or college libraries.

RECOVERY OF TRAINING COSTS

The cost of training may be subject to a training agreement which requires repayment by you to the Council of the cost of the training on a sliding scale in the event of the termination of your employment within a specific time limit after commencing the training.

SHORT COURSES - SEMINARS AND CONFERENCES

Applications to attend external short courses should be made to an employee's line manager who will advise the CEO with regard to the state of the training budget, the demands of the Council, the benefit to the employee, the need for essential information about impending changes in legislation, or other relevant factors.

Where possible and beneficial, the CEO will arrange joint short courses with other local authorities or councils.

The Council will pay course fees and subsistence and travelling according to the scale of allowances.

Any person undertaking training at the Council's expense will be required to distribute any knowledge gained, by way of a report to a meeting of the Senior Management Team.

Attendance at normal meetings of professional institutions will not be financed from the training budget.

SCALE OF ALLOWANCES

Claims will only be accepted from officers who have received official approval for their training.

Claims must relate to actual expenditure incurred and be submitted in sufficient detail to establish the validity of the claim. Management have the right to demand receipts.

Claims which exceed the limits set by the Council from time to time will not be entertained.

Out-of-pocket expenses may be paid as agreed in advance

Salaries and Wages Policy

ADMINISTRATION

Payment

- a) For salaried staff the pay period is the calendar month. Basic salaries are paid on the 15th of the current month
- b) For hourly paid staff the pay period is the calendar month. Wages are paid on the 15th of following month in arrears.
- c) You will receive a payslip showing how the total amount of your pay has been calculated. It will also show the deductions that have been made and the reasons for them, e.g. Income Tax, National Insurance, etc.
- d) Any pay queries that you may have should be raised with your Line Manager.

Overpayments

If you are overpaid for any reason, the total amount of the overpayment will normally be deducted from your next payment but if this would cause hardship, arrangements may be made for the overpayment to be recovered over a longer period.

Income Tax and National Insurance

At the end of each tax year, you will be given a form P60 showing the total pay you have received from us during that year and the amount of deductions for Income Tax and National Insurance. You may also be given a form P11D showing non-salary benefits. You should keep these documents in a safe place as you may need to produce them for tax purposes.

Pay Reviews

Salaries are normally reviewed annually, and any increase is at our discretion. The review does not imply an automatic increase in salary.

LATENESS/ABSENTEEISM

You must attend for work punctually at the specified time(s) and you are required to comply strictly with any time recording procedures relating to your area of work.

All absences must be notified in accordance with the sickness reporting procedures laid down in this Employee Handbook.

If you arrive for work more than one hour late without having previously notified us, other arrangements may have been made to cover your duties and you may be sent off the premises for the remainder of the day without pay.

Lateness or absence may result in disciplinary action and/or loss of appropriate payment.

SIGNING IN & OUT

We operate a sign in/sign out policy with which all employees are expected to comply. Upon arrival to work, you must immediately sign in the time you entered the premises. Upon leaving the premises you must ensure that you sign out using the same system. It is not permissible under any circumstances for any employee to sign in or out on behalf of another. In the event that you forget or are unable to do this for any reason you must report this to your Line Manager immediately. The information collated using this system is used as a roll call in the event of an evacuation, to ensure employees are paid accurately and for monitoring purposes. It is therefore imperative that the information is accurate. You should be aware that falsifying records is considered a gross misconduct offence in accordance with our disciplinary procedures. Failure to adhere to this procedure may result in summary dismissal and/or incorrect or delayed payment of wages/salary.

SHORTAGE OF WORK

In the event that the Council is faced with a shortage of work, or is unable to provide you with work for any other reason, then you agree that the Council may temporarily:

- a) place you on short-time working, in which case you will be paid for those hours worked; or
- b) lay you off from work, in which case you will be paid in accordance with the statutory guarantee pay provisions in place at that time; or
- c) designate you as a furloughed (or similar) worker, in accordance with the terms of any Government furlough (or similar) scheme in place from time to time, in which case during such period, if required, you agree to a reduction in your hours or will cease to carry out any work for the Council. (For this purpose you agree that the Council may adjust your hours, salary and benefits by an appropriate amount to reflect the needs of the business at that time and ensure that it receives reimbursement of salary and benefits under the said scheme to the fullest extent possible).

The entirety of this section entitled “Shortage of work” forms part of your contractual terms and conditions.

PENSION SCHEME

We operate a contributory pension scheme to which you will be auto-enrolled into (subject to the conditions of the scheme). The scheme enables you to save for your retirement using your own money, together with tax relief and contributions from the Council.

Holiday Entitlement and Conditions Policy

ANNUAL HOLIDAYS

Your annual holiday entitlement is shown in your individual Statement of Main Terms of Employment (Form SMT).

It is our policy to encourage you to take all of your holiday entitlement in the current holiday year. We do not permit holidays to be carried forward and no payment in lieu will be made in respect of untaken holidays other than in the event of termination of your employment.

We operate an online system for booking holidays via Plan Day. You will be given the rights to request absence online and you will also be able to view your holiday entitlement online at any time. This is to give you the facility to easily plan your holidays throughout the year.

Once you have registered your holiday request online, you will receive an e-mail from your Line Manager authorising or declining your request. If you feel that your request has been unreasonably refused for any reason you should refer the matter to your Line Manager. They will endeavour to ensure that you have every opportunity to take your holidays at the time you request them, but they will need to balance your requests with the needs of the department.

You should give at least four weeks' notice of your intention to take holidays of a week or more and one week's notice is required for odd single days.

You may not normally take more than two working weeks consecutively.

You are required to reserve sufficient days from your annual entitlement to cover the Christmas/New Year shut-down period. If you have not accrued sufficient holiday entitlement to cover this period, you will be given unpaid leave of absence.

Your holiday pay will be at your normal basic pay unless shown otherwise on your Statement of Main Terms.

PUBLIC/BANK HOLIDAYS

Your entitlement to public/bank holidays is shown in your individual Statement of Main Terms of Employment.

HOLIDAY ENTITLEMENT BUYBACK POLICY

We are committed to ensuring that employees receive opportunities to take leave up to at least the legal minimum and comply with the Working Time Regulations 1998.

If you wish to buy back part of your annual leave entitlement, you are required to request the buyback of leave by speaking with the Chief Executive Officer.

Eligibility criteria will include that you do not take less than your statutory minimum holiday entitlement in any leave year as outlined below.

Once a request has been received the Senior Executive Assistant (HR) will check the eligibility criteria, and if the request is eligible, will decide whether it can be accommodated.

Annual leave buy back will be at the equivalent rate of pay had you been on annual leave for the relevant year.

If an employee, who has sold back annual leave, leaves employment before the end of the leave year, adjustments will be made to their final pay to ensure that payment has not been made for leave which they have not accrued.

All payments for annual leave will be subject to tax and national insurance contributions at the appropriate rate.

Payment will be made the payday following the approval of the request.

Pension contributions will remain unaffected.

Requests will only be considered after the annual leave year-end.

This not a contractual entitlement and this policy may be withdrawn if circumstances change.

Sickness Absence Policy and Procedure

1. INTRODUCTION

The aim of Swanley Town Council's ("the Council") Sickness Absence Policy & Procedure is to minimise absence levels across the organisation whilst offering support to ill employees and ensuring the smooth running of the Council's services.

Whilst the Council must be in a position to provide a high level of service on a day to day basis, it recognises that from time to time it is not in the interest of the organisation or other employees for an individual to come to work whilst ill.

2. OBJECTIVES

The objectives of this document are to:

- Provide employees and their managers with clear guidance on absence reporting and the processes to be followed;
- Minimise absence and help employees to return to work at the earliest opportunity;
- Highlight the consequences of failing to follow absence reporting procedures or taking unauthorised leave; and
- Ensure that the Council acts fairly and consistently when dealing with any absence issues, whether they are long or short term.

3. POLICY SCOPE

This document applies to all employees. The definition of "employee" in this instance is:-

'any PAYE individual who is paid by the Town Council including full time, part time, temporary or casual work'

4. SICKNESS ABSENCE

Absence levels for employees are recorded and monitored to assist in highlighting potential health problems.

Note: periods of absence due to injuries sustained whilst carrying out work duties, and through no fault of the employee, are not included in reported figures.

4.1 Sickness Reporting

An employee prevented from working due to illness or injury should notify their line manager or the Senior Executive Assistant (HR) as soon as possible or, at the very latest, within one hour of their normal start time.

Notification via text message or email is not acceptable.

The employee should advise the likely duration of the illness and, if the absence continues, provide daily progress reports.

If your incapacity extends to more than seven calendar days you are required to notify us of your continued incapacity once a week thereafter, unless otherwise agreed.

Line managers or the Senior Executive Assistant (HR) should be notified of a return to work day as soon as it is known (see Section 5).

4.1.1 Contact with Infectious Diseases

An employee who is prevented from working because of an infectious or contagious disease should notify the Council following the procedure above.

In cases of contact with infectious or contagious diseases employees should not stay away from work, unless advised to do so by their doctor, but should report the matter to their line manager or the Senior Executive Assistant (HR).

4.2 Absence Certification

4.2.1 Self Certification

Employees who are absent for up to 7 days (including weekends) must self-certificate on their return to work, (see Section 5).

Self-certification is made by the completion/submission of a Self-Certification of Sickness Absence Form. Failure to submit this form may result in a delayed sickness payment.

4.2.2 Medical Certification

Employees who are absent for more than 7 days (including weekends), must provide the Council with a medical certificate not later than the eighth day of absence.

If the absence continues beyond the dates covered by the first medical certificate a new one must be obtained and forwarded to the Council.

Employees must advise their line manager or the Senior Executive Assistant (HR) of their continued absence as soon as they become aware that they will be issued with a new medical certificate.

Employees should not return to work before their medical certificate expires unless a fit for work certificate is provided by their GP.

An employee entering a hospital or similar institution should, in substitution for periodical certificates, submit a medical certificate at the entry and discharge stage.

4.3 Sickness Payments

Employees must notify sickness absence as detailed in Sections 4.1 & 4.2. Failure to do so may result in sickness payments being delayed or in extreme circumstances refused.

You are entitled to statutory sick pay (SSP) if you are absent for four or more consecutive days because of sickness or injury provided you meet the statutory qualifying conditions. SSP is treated like wages and is subject to normal deductions.

Qualifying days are the only days for which you are entitled to SSP. These days are normally your working days unless otherwise notified to you. The first three qualifying days of absence are waiting days for which SSP is not payable. Where a second or subsequent period of incapacity (of four days or more) occurs within 56 days of a previous period of incapacity, waiting days are not served again.

Any contractual sickness/injury payments are shown in your individual Statement of Main Terms of Employment. Your COVID-19 vaccination status may affect your sickness payment as detailed in the Pandemic Policy section.

Any days of contractual sickness/injury payments that qualify for SSP will be offset against SSP on a day-to-day basis. A deduction will be made for any other state benefits received if you are excluded or transferred from SSP.

If you are entitled to any payments in excess of SSP and your entitlement expires, full or part payment may be allowed at our discretion where it is considered that there are special circumstances warranting it.

Where the circumstances of your incapacity are such that you receive or are awarded any sum by way of compensation or damages in respect of the incapacity from a third party, then any payments which we may have made to you because of the absence (including SSP) shall be repaid by you to us up to an amount not exceeding the amount of the compensation or damages paid by the third party and up to, but not exceeding, any amount paid by us.

Full details on conditions of sickness payments and calculation of allowances can be obtained from request from your Line Manager.

4.3.1 Sickness payments to victims of crimes or violence

Where an employee is absent from work because of an injury in respect of which a claim will be made to the Criminal Injuries Compensation Board, and the employee is otherwise entitled to sick pay, they will receive the sick pay without being required to refund any proportion of it from the sum which the Compensation Board may award.

Where an award has been made by the Compensation Board the Council should, as it sees fit and on consideration of all material circumstances, be free to discount wholly or partly the period of sick leave caused by the injury in calculating the employee's future entitlement to sick pay.

4.4 Sickness during Annual Leave

Annual leave may only be reclaimed if prior notification of sickness is reported in line with Section 4.1 and a doctor's certificate is produced on the employee's return to work.

4.5 Cosmetic Surgery

The Council realises that some employees may, for personal reasons, wish to undergo cosmetic surgery. Any absence arising from this type of surgery will not be covered by any form of sickness payment.

5. RETURNING TO WORK

In cases where a doctor's certificate covers a period exceeding fourteen days or where more than one certificate is necessary, the employee must, before returning to work, obtain a final certificate indicating their fitness to resume working.

For absences of less than 7 days (including weekends) employees should:

- record the period of absence on their annual leave/absence card
- complete a Self-Certification of Sickness Absence Form
- take part in a Return to Work interview with their line manager or Senior Executive Assistant (HR)

For absences of over 7 days (including weekends) employees should:

- record the period of absence on their annual leave/absence card
- take part in a Return to Work interview with their line manager or Senior Executive Assistant (HR) (Appendix2)

The content of the return to work interview and the self certification will remain confidential between the employee and the line manager/Senior Executive Assistant (HR) unless there is sufficient concern to take further action e.g. referral to Occupational Health.

6. FAILURE TO COMPLY

Employees will be subject to disciplinary procedures if the Council considers they have:

- no good grounds for absence
- failed to notify absences using the correct notification procedures;
- failed to complete self-certification documentation; and/or
- failed to provide medical certificates.

MEDICAL CAPABILITY PROCEDURES

7. FREQUENT AND PERSISTENT SHORT-TERM ABSENCES

Any employee having 7 or more days of absence (which has not been the subject of prior approval) in any period of 26 weeks will, along with an appropriate representative if required, be asked to attend a meeting with their line manager and Senior Executive Assistant (HR).

During the meeting the employee will be invited to explain their absences and give any mitigating circumstances. The employee should be fully prepared to deal with matters likely to be raised; it will not be sufficient merely to indicate that absences are genuinely due to sickness or injury.

The explanation given and the likelihood of an improvement in the employee's attendance will be considered. Advice or guidance will be given as seems appropriate and the employee may be warned that unless attendance improves their employment may be terminated with notice.

The Council will continue to monitor the employee's attendance over the next 26 weeks. If during this period, the attendance record continues to be unsatisfactory the Senior Executive Assistant (HR) will arrange a further meeting with the employee (and their appropriate representative)

On completion of the second meeting the Senior Executive Assistant (HR) may warn the employee that if there are further unauthorised absences during the following 26 weeks they are likely to be dismissed with notice.

If unauthorised absences continue the Senior Executive Assistant (HR) will give the employee, the opportunity to attend a hearing (with an appropriate representative) before making a final decision on their employment.

Employees have the right to appeal to the Council's Personnel Committee against any decision to dismiss.

8. LONG-TERM ABSENCE DUE TO ILLNESS OR INJURY

During periods of long term absence, the employee's line manager or Senior Executive Assistant (HR) will consult regularly with them to establish the length of time they expect to be absent from work.

The employee will be expected to co-operate with the Council, and we would request the provision of medical reports by either their own GP or consultant, or one nominated by the Council. In either event the Council will meet any expenses incurred.

Wherever possible the employee will be given reasonable time to recover. The length of time being dependant on the prognosis and the ability of the Council to minimise the effect of the absence through re-organisation or engagement of temporary staff. Any reorganisation would be subject to the financial constraints under which the Council operates.

When an employee is declared fit to return to work their line manager or Senior Executive Assistant (HR) will contact them to discuss arrangements for their return. This may include planning hours and workload for the return (consider whether a phased return is appropriate), making arrangements for any reasonable adjustments, training on new processes and updating the employee on news / changes within the department and the Council as a whole.

Where an employee is able to return to work but subject to constraints, or is able to do alternative work, the Council will seek to continue the employee's job in a varied form if it is reasonably possible to do so.

If an employee's employment is at risk, they will be fully informed. Before the employment is terminated (which will always be with notice) the employee will be notified of a time, date and place at which they may (with an appropriate representative) make submissions against that action being taken.

Other Benefits

EMPLOYEE ASSISTANCE PROGRAMME

We recognise that sometimes you may face certain challenges in your work and home life that are difficult to deal with. We subscribe to a confidential and professional life management service that provides you with a qualified counsellor who can offer personal support for any practical or emotional challenges you may be facing. The service is initially provided via telephone and online advice but face to face meetings will be arranged where this is felt clinically appropriate. This service is totally confidential. More details of this service are available from your Line Manager.

Employees should be reminded of their access to the Employee Assistance Programme, a confidential telephone counselling service offered by the Council where they can talk to a trained counsellor about their circumstances. Employees can access this by downloading the Wisdom: Learn, Grow, Thrive App from your app store and using the code – MHA016219 or by calling 08000 47 40 97.

As part of our Employee Assistance Programme, you also have access to an online wellbeing tool, Wisdom AI, which you can use to find fast answers to any wellbeing questions you have. You can access Wisdom AI at any time via the Health Assured portal. The link in the menu bar will take you directly to the Wisdom AI homepage, where you can ask your question. More details of this service are available from your Line Manager.

BRIGHT EXCHANGE

We currently subscribe to an online HR tool, Bright HR. Through Bright HR you have exclusive access to Bright Exchange. Bright Exchange is an online marketplace exclusive to Bright HR users giving you access to hundreds of products, services and special offers from a wide range of different companies. You can use your Bright HR credentials to log in to Bright Exchange and take advantage of these offers. More details are available from your Line Manager.

Staff Policy on Use of Town Council Property

INTRODUCTION

The Town Council owns a variety of resources that are not always in full time use and which could support the work of staff and / or volunteers who work on behalf of the town council or for the benefit of local residents. Amongst these resources are vehicles, buildings, venues and tools many of which lie idle for long periods of time when not needed and the lack of use of some tools can cause problems in servicing them self. The town council should always seek to support and reward its staff for their hard work, to improve personal welfare and to acknowledge loyalty within the work force when salary increases are not always possible and the loan or discounted use of equipment or facilities could go a long way toward this.

As an example the use of a Town Council vehicle costs nothing else in insurance to allow 'Authorised Use' for collecting large items or moving house, perhaps even transporting a motorcycle. The amount of wear and tear on a vehicle on 'ad hoc' journeys is difficult to quantify but it is very easy to get staff to replace the fuel used or to perhaps clean a vehicle after use or pay for a minor repair caused as a result of an accident (see terms and conditions).

With a detailed 'Terms and Conditions' for use of equipment or resources Swanley Town Council could offer a range of Staff Discounts and make a clear commitment to supporting its staff through such a process. While not a monetary reward, the discounts available would have a monetary value to each member of staff wanting to make use of this opportunity and at least save them money which they might not otherwise afford.

TYPICAL RESOURCES

Vehicles – Swanley Town Council currently owns a flatbed lorry and a small van, a tractor and a number of small trailers. These could be loaned out to staff when not in use for special activities such as moving house or collecting furniture. A suggested charge would to simply replace the diesel used which would be checked by a senior member of staff when leaving and then again on return and could be verified with a receipt.

Use of a vehicle would not be a regular activity i.e. every weekend to the same person and a Draft Terms and Conditions is attached to this document for comment.

So the vehicle would be checked for cleanliness before leaving and any damage and checked again on its return.

Tools – Some tools can be used in a similar way to the vehicles with fuel being replaced and receipts provided as confirmation but some tools can require accessory changes such as sanders and drills and there would be a charge for this or the user would purchase separately.

Venues – STC have two venues which cater for parties, weddings, funerals and such like and where possible Community Groups already receive a discount when operating during normal opening hours. The venues could be offered to staff 'At Cost' i.e. staff would pay for the total staff costs of a hire and running costs for the period of hire along with any extras that might be supplied. Extras would include: DJ, Door Staff, Food, Decorations and such like.

Such detail would have to be approved by the CEO and recorded correctly for audit purposes as there will be a clear difference in pricing from standard rates for business of private.

Other Items – These might include: lighting, marquees and pop ups, tables, chairs, tabards and similar. There is no cost to the council in loaning these items out if they are collected and returned by the members of staff using them. These include some low cost items which would need to be replaced if lost or damaged or if they require cleaning.

BOOKING SYSTEM

A booking system is simply put into place with a booking sheet (available from your Line Manager) and diarised activities can be included on the current diary system so that everyone can see when an item has been booked out. Bookings need to be agreed with the manager in control of the resource prior to use to ensure availability and Swanley Town Council will always take priority over any booking when the need arises. This would include cancellation of the loan or use if a more urgent need arises where the town council is obliged to respond as quickly as possible.

DAMAGE / LOSS OR REPAIR

While this policy is to support staff and in some ways reduce costs to them it cannot leave the council liable to costs as a result of use by a member of staff. Without wanting to penalise staff unnecessarily they will be expected to reimburse the town council for any damage/loss or repair to the resource.

If possible, this should be paid back immediately but where this is not financially viable then a payment scheme will be arranged through the member of staff, RFO and CEO until the town council has obtained full cost recovery. In the event of a vehicle accident then the 'Excess' would be payable by the member of staff with all such anomalies covered within the terms and conditions.

FAMILY USE

Any reduction in costs would only apply to immediate family members to include: Wife, Husband, Partner, Daughter, Son and not to family members outside of this description unless authorised by the CEO.

TERMS AND CONDITIONS

The list below has been made as extensive as possible but should not be considered a definitive list and where doubt arises then the member of staff or manager should seek advice from the CEO.

1. The Loan of any council resource is for personal/family use only and cannot be used for commercial or financial gain.
2. No council resource can be loaned to, rented or sold to a third party or borrowed for the use of anyone other than a member of staff.
3. All resources used must be booked in advance and agreed by the manager in charge of that resource. In their absence then authority must be sought from the CEO before proceeding.
4. No regular loan of resources is permitted without the express authority of the CEO. A regular hiring means daily, weekly or monthly for more than 3 consecutive events.
5. All resources used must be returned in the same condition as they were taken ensuring they are clean, re-fuelled where appropriate or restocked.
6. Any damage to the resources must be paid for in full and at the very least the council must obtain full cost recovery.
7. No resource can be used unless first authorised by the Manager of the Resource or the CEO. No authority No use.

8. Any resource carrying the Town Council logo must not be used in any activity that might bring the council into disrepute or open to criticism.
9. No resource may be used for political or religious purposes of any kind.
10. Staff should not infer or suggest that they have the authority of the council when using a council resource and unless necessary should not disclose that they are council employees.
11. The Town Council will always take precedence over personal use and the Town Council reserves the right at all times to cancel personal use of a resource without notice.
12. Any fines, charges or subscriptions applied during the personal use of the resource are entirely the responsibility of the member of staff.
13. Staff MUST advise the resource Manager of any such fine, charge or subscription immediately and at least before any type of bill or invoice arrives.
14. Resources may not be used outside the UK at any time or be transported outside mainland UK.
15. Town Council resource will remain the property of the Town Council at all times and must be returned to its original location when finished with by the member of staff.
16. If the resource is passed to another member of staff before being returned to the council then it will be the second user's responsibility to ensure the resource is clean, undamaged, refuelled, re-stocked and returned to its original location in good condition.
17. All losses, defects and damage must be reported to the resource manager on return and any failure to do so may result in a charge being levied by the Town Council against the user.

Safeguards Policy

RIGHTS OF SEARCH

Although we do not have the contractual right to carry out searches of employees and their property (including vehicles) whilst they are on our premises or business, we would ask all employees to assist us in this matter should we feel that such a search is necessary.

Where practicable, searches will be carried out in the presence of a colleague of your choice who is available on the premises at the time of the search. This will also apply at the time that any further questioning takes place.

We reserve the right to call in the police at any stage.

CONFIDENTIALITY

All information that:

- a) is or has been acquired by you during, or in the course of your employment, or has otherwise been acquired by you in confidence;
- b) relates particularly to our business, or that of other persons or bodies with whom we have dealings of any sort; and
- c) has not been made public by, or with our authority;

shall be confidential, and (save in the course of our business or as required by law) you shall not at any time, whether before or after the termination of your employment, disclose such information to any person without our prior written consent.

You are to exercise reasonable care to keep safe all documentary or other material containing confidential information, and shall at the time of termination of your employment with us, or at any other time upon demand, return to us any such material in your possession.

You must make yourself aware of our policies on data protection in relation to personal data and ensure compliance with them at all times.

DATA PROTECTION

The General Data Protection Regulation (GDPR) and the current Data Protection Act regulates our use of your personal data. As an employer, it is our responsibility to ensure that the personal data we process in relation to you is done so in accordance with the required principles. Any data held shall be processed fairly and lawfully and in accordance with the rights of data subjects.

We will process data in line with our privacy notices in relation to both job applicants and employees.

You have several rights in relation to your data. More information about these rights is available in our "Policy on your rights in relation to your data". We commit to ensuring that your rights are upheld in accordance with the law and have appropriate mechanisms for dealing with such.

We may ask for your consent for processing certain types of personal data. In these circumstances, you will be fully informed as to the personal data we wish to process and the reason for the processing. You may choose to provide or withhold your consent. Once consent is provided, you are able to withdraw consent at any time.

You are required to comply with all Council policies and procedures in relation to processing data. Failure to do so may result in disciplinary action up to and including dismissal.

COUNCIL PROPERTY AND COPYRIGHT

All written material, whether held on paper, electronically or magnetically which was made or acquired by you during the course of your employment with us, is our property and, where appropriate, our copyright. At the time of termination of your employment with us, or at any other time upon demand, you shall return to us any such material in your possession.

STATEMENTS TO THE MEDIA

Any statements to reporters from newspapers, radio, television, etc. in relation to our business will be given only by the CEO or the Senior Executive Assistant (HR) in their absence. Please refer to the Press Policy.

INVENTIONS/DISCOVERIES

An invention or discovery made by you will normally belong to you. However, an invention or discovery made by you will become our property if it was made:

- a) in the course of your normal duties under such circumstances that an invention might reasonably be expected to result from those duties;
- b) outside the course of your normal duties, but during duties specifically assigned to you, when an invention might reasonably be expected to result from these; and
- c) during the course of any of your duties, and at the time you had a special obligation to further our interests arising from the nature of those duties, and your particular responsibilities.

VIRUS PROTECTION PROCEDURES

In order to prevent the introduction of virus contamination into the software system, the following must be observed:

- a) unauthorised software including public domain software, USBs, external hard drives, CDs or internet downloads must not be used; and
- b) all software must be virus checked using standard testing procedures before being used.

USE OF COMPUTER EQUIPMENT

In order to control the use of the Council's computer equipment and reduce the risk of contamination the following will apply:

- a) the introduction of new software must first of all be checked and authorised by your Line Manager before general use will be permitted;
- b) only authorised staff should have access to the Council's computer equipment;
- c) only authorised software may be used on any of the Council's computer equipment;
- d) only software that is used for business applications may be used;
- e) no software may be brought onto or taken from the Council's premises without prior authorisation;
- f) unauthorised access to the computer facility will result in disciplinary action; and
- g) unauthorised copying and/or removal of computer equipment/software will result in disciplinary action, such actions could lead to dismissal.

E-MAIL AND INTERNET POLICY

Introduction

The purpose of the Internet and E-mail policy is to provide a framework to ensure that there is continuity of procedures in the usage of internet and e-mail within the Council. The internet and e-mail system have established themselves as an important communications facility within the Council and have provided us with contact with professional and academic sources throughout the world. Therefore, to ensure that we are able to utilise the system to its optimum we have devised a policy that provides maximum use of the facility whilst ensuring compliance with the legislation throughout.

Internet

Where appropriate, duly authorised staff are encouraged to make use of the Internet as part of their official and professional activities. Attention must be paid to ensuring that published information has relevance to normal professional activities before material is released in the Council name. Where personal views are expressed a disclaimer stating that this is the case should be clearly added to all correspondence. The intellectual property right and copyright must not be compromised when publishing on the Internet. The availability and variety of information on the Internet has meant that it can be used to obtain material reasonably considered to be offensive. The use of the Internet to access and/or distribute any kind of offensive material, or material that is not work-related, leaves an individual liable to disciplinary action which could lead to dismissal. Please also see the Social Media Policy.

Procedures – Acceptable/Unacceptable Use

Unauthorised or inappropriate use of the internet system may result in disciplinary action which could result in summary dismissal.

The internet system is available for legitimate business use and matters concerned directly with the job being done. Employees using the internet system should give particular attention to the following points:

- a) comply with all of our internet standards;
- b) access during working hours should be for business use only; and
- c) private use of the internet should be used outside of your normal working hours.

The Council will not tolerate the use of the Internet system for unofficial or inappropriate purposes, including:

- a) accessing websites which put our internet at risk of (including but not limited to) viruses, compromising our copyright or intellectual property rights;
- b) non-compliance of our social networking policy;
- c) connecting, posting or downloading any information unrelated to their employment and in particular pornographic or other offensive material; or
- d) engaging in computer hacking and other related activities, or attempting to disable or compromise security of information contained on the Council's computers.

You are reminded that such activities (c and d) may constitute a criminal offence.

E-mail

The use of the e-mail system is encouraged as its appropriate use facilitates efficiency. Used correctly it is a facility that is of assistance to employees. Inappropriate use however causes many problems including distractions, time wasting and legal claims. The procedure sets out the Council's position on the correct use of the e-mail system.

Procedures - Authorised Use

Unauthorised or inappropriate use of the e-mail system may result in disciplinary action which could include summary dismissal.

The e-mail system is available for communication and matters directly concerned with the legitimate business of the Council. Employees using the e-mail system should give particular attention to the following points:

- a) all comply with Council communication standards;
- b) e-mail messages and copies should only be sent to those for whom they are particularly relevant;
- c) e-mail should not be used as a substitute for face-to-face communication or telephone contact. Abusive e-mails must not be sent. Hasty messages sent without proper consideration can cause upset, concern or misunderstanding;
- d) if the e-mail is confidential the user must ensure that the necessary steps are taken to protect confidentiality. The Council will be liable for infringing copyright or any defamatory information that is circulated either within the Council or to external users of the system; and
- e) offers or contracts transmitted by e-mail are as legally binding on the Council as those sent on paper.

The Council will not tolerate the use of the e-mail system for unofficial or inappropriate purposes, including:

- a) any messages that could constitute bullying, harassment or other detriment;
- b) personal use (e.g. social invitations, personal messages, jokes, cartoons, chain letters or other private matters);
- c) on-line gambling;
- d) accessing or transmitting pornography;
- e) transmitting copyright information and/or any software available to the user; or
- f) posting confidential information about other employees, the Council or its clients or suppliers.

Monitoring

We reserve the right to monitor all e-mail/internet activity by you for the purposes of ensuring compliance with our policies and procedures and of ensuring compliance with the relevant regulatory requirements. This includes monitoring of any additional accounts you may be requested to set up for the purposes of performing your work tasks, which are subject to the same rules as your work email account. Information acquired through such monitoring may be used as evidence in disciplinary proceedings. Monitoring your usage will mean processing your personal data. You may read more about the data we hold on you, why we hold it and the lawful basis that applies in the employee privacy notice.

SOCIAL MEDIA POLICY

Introduction

The growth in social media, particularly social networking sites has created increased opportunity for media communications that have an impact upon the business.

The term “social media” is used to describe dynamic and socially interactive network information and communication technologies, for example Web 2.0 sites, SMS text message and social networking sites such as Facebook, Snapchat, You Tube, LinkedIn, Twitter, blogs, other online journals and diaries, bulletin boards, chatrooms, micro blogging and the posting of videos on You Tube and similar media. Social networking also includes permitting or not removing postings by others where a player or employee can control the content of postings such as on a personal profile or blog.

This policy applies to social networking whilst both on and off duty.

The purpose of these social media guidelines is as follows:

- To encourage good practice;
- To protect the business, its staff and clients;
- To clarify where and how existing policies and guidelines apply to social media; and
- To promote effective and innovative use of social media as part of the business’s activities.

General Guidelines

All current policies concerning staff apply to the use of social media these include, but are not limited to:

- Human resources: policies, procedures and codes of practice where applicable.
- Guidelines for the use of IT facilities.
- Data protection policies.
- Managing electronic mail and using e-mail wisely.
- Electronic information security policy and best practice in electronic information security.

Council Brand Guidelines

1. Staff should take effective precautions when utilising social networking sites to ensure their own personal safety and to protect against identity theft.
2. Staff who engage in social networking should be mindful that their postings, even if done off premises and while off duty, could have an adverse effect on the council's legitimate business interests; for example the information posted could be the council's confidential business information. In addition, some people who view this information may consider you as a spokesperson for the council. To reduce the likelihood that your networking will have an adverse effect on the council, staff should observe the following guidelines when social networking.
 - 2.1. Staff should not engage in social networking by using any of the council's electronic resources or when they are supposed to be working.
 - 2.2. Managers should not send "friend" requests to subordinates at any time while on or off duty.
 - 2.3. Any member of staff may reject a "friend" request from any other member of staff without repercussion.
 - 2.4. All requests for references or recommendations, even those that are received through social networking should be handled strictly in accordance with the council's standard policy for responding to such requests.
3. If the social networking of any member of staff includes any information relating to the council, the following must be adhered to:
 - 3.1 It should be made clear to contacts and those who view social media that the views expressed are those of the member of staff alone and do not reflect the views of the council, by stating for example "the views expressed in this post are my own. They have not been reviewed or approved by the council".
 - 3.2 The council's performance, products or services or the products or services of its sponsors, vendors or other businesses/councils must not be discredited or defamed in any way. Customers, clients, council partners and suppliers must not be mentioned without the prior approval of the council's management team.
 - 3.3 Inaccurate, distasteful or defamatory comments are prohibited. In addition, the use of, or the accessing of or the sending of offensive, obscene or indecent material is strictly prohibited.
 - 3.4 The council's logo, trademark or proprietary graphics or any photographs of the council's premises or products or those of any other team must not be used at any time.
 - 3.5 Personal or contact information or photographs of any other member of staff must not be posted or used at any time without permission.

- 3.6 The council has spent substantial time and resources building its reputation and goodwill. These are valuable and important corporate assets, which need to be enhanced and preserved. Before any member of staff engages in any social networking activity which identifies that member of staff as an employee of the council, or that identifies the council in any way, it should be considered whether the social networking activity is damaging the council's reputation or potentially could damage the council's reputation. If there is any doubt or any uncertainty, the member of staff should refrain from posting any information. Remember, a post lives forever! Staff must think before they type.
- 3.7 Any complaints about work should be resolved by speaking directly to your respective managers, rather than by posting complaints on the Internet through any method of social media. If any complaints or criticism of the council or other members of staff is posted on any method of social media, any comment that may be defamatory or damaging to the council or any other employees should be avoided. REMEMBER - Disciplinary action can be taken for this activity.
- 3.8 Social networking sites are prime targets for malware distribution, and third-party applications should never be downloaded.
- 3.9 Any incidences of inappropriate behaviour, information posting, phishing or suspected malware should be reported immediately to the council's Management team.
- 4. The council reserves the right at all times to continually review the use of social media and may modify its policies should the status of particular social media sites change, for example of charges are introduced or changes made to the way content is used or the terms of use of sites are changed or if a site closes down.
- 5. The council will in its sole discretion review the social networking activities of any member of its staff. This policy applies even if the social networking activity of any member of staff is anonymous or under a pseudonym. If such networking activity is engaged in, members of staff should be aware that in appropriate circumstances the business will take steps to determine the identity of the individual concerned.
- 6. The council may request in its sole and absolute discretion that any member of staff should temporarily confine their respective social networking activities to matters unrelated to the council if the council determines that it is necessary or advisable to ensure compliance with regulations or other laws.
- 7. If clarification is required on any aspect of this policy, members of staff should contact the council's management team. All members of staff should note that failure to comply with any aspect of this policy may lead to disciplinary up to and including termination, and if appropriate the council will pursue all available legal remedies to protect its reputation, produces, logo, trademark or proprietary graphics. The council reserves the right in addition to report any suspected unlawful conduct to the appropriate law enforcement authority.

KEYHOLDING/ALARM SETTING

If you are an allocated key holder, you must ensure that all procedures and guidelines are followed when securing the building prior to leaving. The keys and any security measure such as alarm codes must be kept safe at all times. You must not give the keys or alarm code to any third party unless authorisation is obtained from your Line Manager. Any loss or damage caused as a result of your failure to follow procedures or your negligence in ensuring the safekeeping of the keys and alarm code will result in disciplinary action which could lead to your summary dismissal. We also reserve the right to deduct the cost of any loss, repair or replacement from any monies owing to you.

Any breaches or security issues including the loss or theft of keys must be reported immediately to your Line Manager.

To satisfy the requirements of our insurers and to protect us from fire and theft, you must secure all properties and premises when unattended. The last person to leave the premises must ensure lights and appropriate electrical equipment are switched off, windows and doors are secure, and alarms are set accordingly.

CLOSED CIRCUIT TELEVISION

Closed-circuit television cameras are used on our premises for security purposes. We reserve the right to use any evidence obtained in this manner in any disciplinary issue. We will ensure all personal data obtained in this way is processed in line with the current Data Protection Act. You may refer to the employee privacy notice for more information on the data we hold, the reasons we hold it and the lawful basis which applies.

There is an additional policy available on CCTV which you will be given during your induction period. Please ask your Line Manager for a copy if you need one.

Press Policy

INTRODUCTION

The purpose of this policy is to guide both Councillors and Officers of the Council in their relations with the Press and Media (including Social Media), in such a way as to ensure the smooth running of the Council.

This policy does not seek to be either prescriptive, restrictive or comprehensive but sets out to provide guidance on how to deal with some of the practical issues that may arise when dealing with the Press and Media.

Above everything else, a Councillor must observe Swanley Town Council's Code of Conduct whenever they conduct the business of the authority, conducts the business of the office to which they have been elected/appointed or acts as a representative of the authority.

TOWN CLERK AND OFFICERS OF THE COUNCIL

The Town Clerk as the Proper Officer of the Council is authorised to receive all communications from the Press and Media and to issue Press Statements on behalf of the Council. In the absence of the Town Clerk, media communications will be handled by the Civic Manager. In the absence of both of these officers' enquirers will be referred to the Leader of the Council who will act as the spokesperson for the purposes of this element of the policy. All communications made by the Town Clerk will relate to the stated business and day to day management of the activities or adopted policy of the Council. The Town Clerk is not expected or authorised to speculate on matters that have not been considered by the Council. Where such questions are put to the Town Clerk they should refer the enquirer to the Leader of the Council, Mayor or a Committee Chairman as considered appropriate.

No other officer of the Council, unless authorised by the Town Clerk, is permitted to speak or communicate with the Press and Media on any matter affecting the Council or its business.

MEMBERS OF THE COUNCIL

A Councillor must not disclose information that is of a confidential nature at any time. This includes any discussion with the press on any matter which has been discussed under confidential items on Council or Committee agendas or at any other private briefing.

A Councillor should act with integrity at all times when representing or acting on behalf of Swanley Town Council

When speaking or providing written material to the Press and Media, Members should make clear the capacity, in which they are providing the information. For example: -

- as Mayor
- as Chairman of a Committee
- as a Political Group Leader
- as an individual (i.e. letter to press for publication)
- as spokesperson or as Press Officer for a political party

Never use the prefix "Councillor" when writing to the press as an individual. This implies you are stating Council policy. A copy of any written material sent to the Press and Media by a Member, as representing the Council, must be forwarded to the Town Clerk.

Take particular care if the press or media approach you for comment on a controversial subject, and do not be led into stating something you did not really mean to say. If unsure about any particular policy, simply state “no comment” and ask the press to contact the Council Offices.

Councillors should be aware that case law states that the role of Councillor overrides the rights to act as an individual.

This means that Councillors should be careful about expressing individual views to the press or media, whether or not they relate to matters of Council business. Councillors also have an obligation to respect Council policy once made and whilst it may be legitimate for a Councillor to make clear that they disagreed with a policy and voted against it (if this took place in an open session), they should not seek to undermine a decision through the press.

A Councillor should not raise matters relating to the conduct or capability of an Officer at meetings held in public or before the press.

DEALING WITH THE PRESS

When dealing with the Press verbally, members and officers should be aware of the following:

- Be informed and certain of all your facts;
- Ensure that when making comments on behalf of the Town Council that you are aware what Council Policy is and that your comments reflect that policy;
- Be calm;
- Ensure that your comments and views will not bring the Council, its Councillors or its staff into disrepute and ensure that comments are neither libellous nor slanderous.

ISSUES TO BE AWARE OF

Councillors and officers not used to dealing with the press may be surprised when they see statements made in all innocence look very different in print than they did when they were spoken. It is advantageous to write out a statement or position beforehand.

MEETINGS OF COUNCIL AND COMMITTEES

Copies of Agendas, Minutes and Reports sent to Members for meetings of the Council or its Committees will be e-mailed to the Press and Media upon request.

Facilities will be provided at meetings for the Press to take notes of the proceedings.

As provided in the Council’s Standing Orders both the Press and Public may be excluded from a meeting whilst certain confidential matters (as provided for in the relevant legislation) are under discussion.

[Note: The Town Council as a Parish Council is governed by the Public Bodies (Admission to Meetings) Act, 1960.

PRESS RELEASES

All press releases made on behalf of the Town Council will be prepared or overseen by the Town Clerk following any meetings of Committees, Sub-Committees, Working and Steering Groups.

The Town Clerk, in consultation with the Leader of the Council or Town Mayor, is also authorised to publish press releases on any urgent matters where there is insufficient time for a council meeting or to provide information on activities the council may wish to highlight, such as events.

This document has been prepared as a guidance note for officers and elected members. It represents the policy of the Council in respect of its relationships with the Press and Media. The policy has been prepared to ensure consistency in the Council's dealing with the Press and Media and details who is authorised to speak on behalf of the Council. It has been drafted to ensure that the views and policy of the Council are presented accurately.

In providing information to the Press and Media, Members and Officers representing the Council will abide by the "Code of Recommended Practice on Local Authority Publicity" published by the Department for Communities & Local Government.

<http://www.communities.gov.uk/documents/localgovernment/pdf/1878324.pdf>

The overriding principle of this policy is that all elements of the Press and Media will be treated equally.

Social Media Policy

INTRODUCTION

The growth in social media, particularly social networking sites has created increased opportunity for media communications that have an impact upon the business.

The term “social media” is used to describe dynamic and socially interactive network information and communication technologies, for example Web 2.0 sites, SMS text message and social networking sites such as Facebook, Snapchat, You Tube, LinkedIn, Twitter, blogs, other online journals and diaries, bulletin boards, chatrooms, micro blogging and the posting of videos on You Tube and similar media. Social networking also includes permitting or not removing postings by others where a player or employee can control the content of postings such as on a personal profile or blog.

This policy applies to social networking whilst both on and off duty.

The purpose of these social media guidelines is as follows:

- ☐ To encourage good practice
- ☐ To protect the business, its staff and clients.
- ☐ To clarify where and how existing policies and guidelines apply to social media.
- ☐ To promote effective and innovative use of social media as part of the business’s activities.

General Guidelines

All current policies concerning staff apply to the use of social media these include, but are not limited to:

- ☐ Human resources: policies, procedures and codes of practice where applicable.
- ☐ Guidelines for the use of IT facilities.
- ☐ Data protection policies.
- ☐ Managing electronic mail and using e-mail wisely.
- ☐ Electronic information security policy and best practice in electronic information security.

Corporate Brand Guidelines

1. Staff should take effective precautions when utilising social networking sites to ensure their own personal safety and to protect against identity theft.

2. Staff who engage in social networking should be mindful that their postings, even if done off premises and while off duty, could have an adverse effect on the business’s legitimate business interests, for example the information posted could be the business’s confidential business information. In addition some people who view this information may consider you as a spokesperson for the business. To reduce the likelihood that your networking will have an adverse effect on the business, staff should observe the following guidelines when social networking.

2.1. Staff should not engage in social networking by using any of the business’s electronic resources or when they are supposed to be working.

2.2. Managers should not send “friend” requests to subordinates at any time while on or off duty.

2.3. Any member of staff may reject a “friend” request from any other member of staff without repercussion.

2.4. All requests for references or recommendations, even those that are received through social networking should be handled strictly in accordance with the business's standard policy for responding to such requests.

3. If the social networking of any member of staff includes any information relating to the business, the following must be adhered to:

3.1 It should be made clear to contacts and those who view social media that the views expressed are those of the member of staff alone and do not reflect the views of the business, by stating for example "the views expressed in this post are my own. They have not been reviewed or approved by the business".

3.2 The business's performance, products or services or the products or services of its sponsors, vendors or other businesses must not be discredited or defamed in any way. Customers, clients, business partners and suppliers must not be mentioned without the prior approval of the business's management team.

3.3 Inaccurate, distasteful or defamatory comments are prohibited. In addition, the use of, or the accessing of or the sending of offensive, obscene or indecent material is strictly prohibited.

3.4 The business's logo, trademark or proprietary graphics or any photographs of the business premises or products or those of any other team must not be used at any time.

3.5 Personal or contact information or photographs of any other member of staff or any manager must not be posted or used at any time without permission.

3.6 The business has spent substantial time and resources building its reputation and goodwill. These are valuable and important corporate assets, which need to be enhanced and preserved. Before any member of staff engages in any social networking activity which identifies that member of staff as an employee of the business, or that identifies the business in any way, it should be considered whether the social networking activity is damaging the business's reputation or potentially could damage the business's reputation. If there is any doubt or any uncertainty, the member of staff should refrain from posting any information. Remember, a post lives forever! Staff must think before they type.

3.7 Any complaints about work should be resolved by speaking directly to your respective managers, rather than by posting complaints on the Internet through any method of social media. If any complaints or criticism of the business or other members of staff is posted on any method of social media, any comment that may be defamatory or damaging to the business or any other employees should be avoided. REMEMBER - Disciplinary action can be taken for this activity.

3.8 Social networking sites are prime targets for malware distribution, and third-party applications should never be downloaded.

3.9 Any incidences of inappropriate behaviour, information posting, phishing or suspected malware should be reported immediately to the business' Management team.

4. The business reserves the right at all times to continually review the use of social media and may modify its policies should the status of particular social media sites change, for example of charges are introduced or changes made to the way content is used or the terms of use of sites are changed or if a site closes down.

5. The business will in its sole discretion review the social networking activities of any member of its staff. This policy applies even if the social networking activity of any member of staff is anonymous or under a pseudonym. If such networking activity is engaged in, members of staff should be aware that in appropriate circumstances the business will take steps to determine the identity of the individual concerned.

6. The business may request in its sole and absolute discretion that any member of staff should temporarily confine their respective social networking activities to matters unrelated to the business if the business determines that it is necessary or advisable to ensure compliance with regulations or other laws.
7. If clarification is required on any aspect of this policy, members of staff should contact the business's management team. All members of staff should note that failure to comply with any aspect of this policy may lead to disciplinary up to and including termination, and if appropriate the business will pursue all available legal remedies to protect its reputation, produces, logo, trademark or proprietary graphics. The business reserves the right in addition to report any suspected unlawful conduct to the appropriate law enforcement authority.

General Data Protection Regulations Policy

This policy applies to:

- SWANLEY TOWN COUNCIL;
- All regional staff or home workers operating on behalf of SWANLEY TOWN COUNCIL.

The purpose of this policy is to enable SWANLEY TOWN COUNCIL to:

- Comply with our legal, regulatory and corporate governance obligations and good practice
- Gather information as part of investigations by regulatory bodies or in connection with legal proceedings or requests
- Ensure business policies are adhered to (such as policies covering email and internet use)
- Fulfill operational reasons, such as recording transactions, training and quality control, ensuring the confidentiality of commercially sensitive information, security vetting, credit scoring and checking
- Investigate complaints
- Check references, ensuring safe working practices, monitoring and managing staff access to systems and facilities and staff absences, administration and assessments
- Monitor staff conduct, disciplinary matters
- Market our business
- Improve services

This policy applies to information relating to identifiable individuals e.g. staff, applicants, former staff, clients, suppliers and other third party contacts.

SWANLEY TOWN COUNCIL will:

- Comply with both the law and good practice
- Respect individuals' rights
- Be open and honest with individuals whose data is held
- Provide training and support for staff who handle personal data, so that they can act confidently and consistently

SWANLEY TOWN COUNCIL recognises that its first priority under the GDPR is to avoid causing harm to individuals. In the main this means:

- Complying with your rights,
- Keeping you informed about the data we hold, why we hold it and what we are doing with it,
- Keeping information securely in the right hands, and
- Holding good quality information.

Secondly, GDPR aims to ensure that the legitimate concerns of individuals about the ways in which their data may be used are taken into account. In addition to being open and transparent, SWANLEY TOWN COUNCIL will seek to give individuals as much choice as is possible and reasonable over what data is held and how it is used. This includes the right to erasure where data is no longer necessary and the right to rectification where the data is incorrect. Full details are available in the Privacy Notice issued at the point of gathering the data.

SWANLEY TOWN COUNCIL has identified the following potential key risks, which this policy is designed to address:

- Breach of confidentiality (information being given out inappropriately).
- Insufficient clarity about the range of uses to which data will be put — leading to Data Subjects being insufficiently informed
- Failure to offer choice about data use when appropriate
- Breach of security by allowing unauthorised access.
- Failure to establish efficient systems of managing changes, leading to personal data being not up to date.
- Harm to individuals if personal data is not up to date
- Insufficient clarity about the way personal data is being used e.g. given out to general public.
- Failure to offer choices about use of contact details for staff, clients workers or employees.

In order to address these concerns, to accompany this policy, we have an accompanying Information Security policy and we will issue Privacy Notices to explain what data we have, why we have it and what we will do with it. The Privacy Notice will also explain the data subjects rights. We will offer training to staff where this is necessary and appropriate in the circumstances to ensure compliance with GDPR. Such training will vary according to the role, responsibilities and seniority of those being trained.

We aim to keep data only for so long as is necessary which will vary from according to the circumstances.

We have no intention to transfer data internationally.

The person responsible for Data Protection is currently Ryan Hayman with the following responsibilities:

- Briefing the Council on Data Protection responsibilities
- Reviewing Data Protection and related policies
- Advising other staff on Data Protection issues
- Ensuring that Data Protection induction and training takes place
- Notification
- Handling subject access requests
- Approving unusual or controversial disclosures of personal data
- Approving contracts with Data Processors
- Ensuring Data is stored securely
- Maintain a Data Audit and keep this up to date
- Being the Information Commissioners Officer
- Reporting breaches to the Information Commissioners Office and the relevant Data Subject(s)

Significant breaches of this policy will be handled under SWANLEY TOWN COUNCIL's disciplinary procedures which may amount to gross misconduct.

SUBJECT ACCESS REQUEST

Any subject access requests will be handled by the CEO / SENIOR EXECUTIVE ASSISTANT (HR)

Subject access requests must be in writing. All staff are required to pass on anything, which might be a subject access request to [[name]] without delay. The applicant will be given their data within 1 month unless there are complexities in the case which justify extending this to 2 months. You will be notified of any extensions to the deadline for response and the reasons as soon as possible.

We have the right to refuse a subject access request where data is requested at unreasonable intervals, manifestly unfounded or excessive. You will be notified of the reasons as soon as possible.

Where the individual making a subject access request is not personally known to Swanley Town Council their identity will be verified before handing over any information.

The required information will be provided in a permanent and portable form unless the applicant makes a specific request to be given supervised access in person.

You have the right to request the information we hold is rectified if it is inaccurate or incomplete. You should contact Swanley Town Council and provide with the details of any inaccurate or incomplete data. We will then ensure that this is amended within one month. We may, in complex cases, extend this period to two months.

You have the right to erasure in the form of deletion or removal of personal data where there is no compelling reason for its continued processing. We have the right to refuse to erase data where this is necessary in the right of freedom of expression and information, to comply with a legal obligation for the performance of a public interest task, exercise of an official authority, for public health purposes in the public interest, for archiving purposes in the public interest, scientific research, historical research, statistical purposes or the exercise or defence of legal claims. You will be advised of the grounds of our refusal should any such request be refused.

Child and Vulnerable Adult Protection Policy

It is a legal requirement for any organisation working with young children or vulnerable adults (V.A's) to ensure that there are procedures in place which, as much as possible, provide for their safety. As the Town Council operate a number of activities for children and vulnerable adults it is important that we adopt a robust set of procedures to protect both individuals and the Council.

The policy statement below is supported by a more detailed working procedures document which all staff, volunteers and councillors should be aware of and for which the Council will provide basic training during the induction process.

The Town Council's policy, as approved by Full Council is:

RESPONSIBILITY

Every staff member, volunteer or councillor who supports activities involving young people or vulnerable adults has a duty of care to themselves and to others and should familiarise themselves with the procedures relating to this policy.

RESPONSIBLE OFFICER

The CEO will be the responsible officer for all Child and Vulnerable Adult Protection issues and any activities undertaken by the Town Council which are likely to involve these people should be reported to the CEO prior to their commencement.

REPORTING PROCEDURES

When there is a suspicion of child or adult abuse taking place it should be reported to the CEO who in turn should report all incidents to the Leader of the Council. If the CEO is unavailable then the incident should be reported to the HR Officer. Staff, volunteers and councillors should acquaint themselves with the types of abuse and how to recognise signs of abuse.

TYPES OF ABUSE

- Neglect
- Sexual
- Physical
- Emotional

CONFIDENTIALITY

It is important to ensure confidentiality about any suspicions, or allegations being made by a child or V.A. Whilst it is recommended that notes are made as soon as possible these should be treated in confidence until required by investigating authorities.

EMOTIONAL DISTRESS

It is possible that anyone having abuse reported to them or identifying the signs of abuse may be affected emotionally. In such cases staff, volunteers or councillors should contact the CEO or the Emergency Duty Team at Social Services for advice and support.

PROCEDURES

Guidelines on precautions and checks to be carried out should be followed at all times. Advice on whether an activity requires special measures in place is available from the CEO or the procedures relating to this policy. It is recommended to always err on the side of safety.

STAFF DBS CHECKS

Any staff member, volunteer or councillor who wishes to support activities involving children and/or vulnerable adults must be DBS checked first. Anyone not DBS checked must not support activities where there is a possibility of unsupervised contact with a child or V.A. occurring.

SELF CERTIFICATION

To avoid adverse effects on planned activities whilst staff, volunteers and councillors are awaiting their full DBS check a Self Certification form can be completed. Self Certification is a minimum requirement and does not negate the need for a full disclosure.

EXTERNAL STAFF / BOUGHT IN STAFF

If an activity requires the buying in of outside expertise e.g. children's entertainers or trainers, then DBS must have been carried out. Individuals should have their own DBS certification which should be checked:

- The original document or the DBS number can be accepted as proof of a DBS - photocopies should not be accepted and On Line Checks should be explored prior to arrival.
- Certificates more than 3 years old must not be accepted
- Where certificates are more than 6 months old individuals must complete a Self Certification form
- Bought in staff should not have unsupervised access to children or V.A's at any time during the course of activities.

ADDITIONAL INFORMATION / SUPPORT

If anyone has concerns about Child Protection or V.A. issues additional support is available from:

- | | |
|---|---------------|
| • Kent County Council Social Services | 0845 603 5630 |
| • Kent County Council Youth Development | 0845 603 5620 |

DISCLOSURE

Any information about allegations or suspicion of abuse incidents must be conveyed to Town Council responsible officers as soon as possible. This will enable procedures to be examined and statements prepared if the allegations require further investigation.

PROCEDURES DOCUMENT

Procedural information relating to this policy is available from the CEO or HR Officer

Standards Policy

WASTAGE

We maintain a policy of "minimum waste" which is essential to the cost-effective and efficient running of our organisation.

You are able to promote this policy by taking extra care during your normal duties by avoiding unnecessary or extravagant use of services, time, energy, etc. The following points are illustrations of this:

- a) handle machines, equipment and stock with care;
- b) turn off any unnecessary lighting and heating. Keep doors closed whenever possible;
- c) ask for other work if your job has come to a standstill; and
- d) start with the minimum of delay after arriving for work and after breaks.

The following provision is an express written term of your contract of employment:

- a) any damage to vehicles, stock or property that is the result of your carelessness, negligence or deliberate vandalism will render you liable to pay the full or part of the cost of repair or replacement;
- b) any loss to us that is the result of your failure to observe rules, procedures or instruction, or is as a result of your negligent behaviour or your unsatisfactory standards of work will render you liable to reimburse to us the full or part of the cost of the loss; and
- c) in the event of an at fault accident whilst driving one of our vehicles you may be required to pay the cost of the insurance excess up to a maximum of £250.00.

In the event of failure to pay, we have the contractual right to deduct such costs from your pay.

STANDARDS OF DRESS

As you are liable to come into contact with clients and members of the public, it is important that you present a professional image with regards to your appearance and standards of dress. If you are in any doubt whether any aspect of your appearance or attire is appropriate for your job role you should contact your Line Manager.

PERSONAL RELATIONSHIPS

We recognise that, from time to time, close personal relationships may develop between members of staff and between staff and customers. In order to ensure that potential conflicts of interest are avoided, employees are required to inform your Line Manager of any relationship which may affect their work or compromise the business in any way.

Any such information will be treated in the strictest confidence. We fully acknowledge the right of employees to privacy in their personal affairs. However, experience has shown that the effect of such relationships can cause a blurring of judgement whereby conflicts of interest arise.

CLEAR DESK POLICY

We operate a Clear Desk Policy outside of the business hours. During business hours we acknowledge the need for files and documents and wherever possible they should be maintained in a professional, efficient and orderly manner. At the end of the working day, employees are expected to tidy their desks and to lock away all office papers in the desk locker or filing cabinets provided.

The purpose of the policy is to:

- a) Demonstrate the right image when our clients visit the Council;
- b) Ensure confidential and sensitive information is kept secure and our data protection policies are adhered to at all times to ensure compliance with the General Data Protection Regulation and the current Data Protection Act; and
- c) Ensure efficiency and effectiveness.

Failure to comply with this policy may result in disciplinary action being taken.

HOUSEKEEPING

Both from the point of view of safety and of appearance, work areas must be kept clean and tidy at all times.

Employee Uniform Policy

Swanley Town Council recognises the importance of maintaining a professional and cohesive image while promoting a safe and healthy work environment. The following policy outlines the requirements for employee uniforms:

Uniform components

Venue Staff

- Black Venue t-shirt or polo shirt with logo (provided by the company)
- Black trousers/skirts (plain, no visible logos or patterns)
- Black shoes (black trainers are acceptable)

Park Staff

- Red or Black Swanley Park polo shirt with logo (provided by the company)
- Black shorts/leggings/tracksuit bottoms
- Black or white trainers (no open toed shoes or crocs)

Office Staff

- Smart casual, shorts are acceptable during heatwaves

Swanley Link Staff

- Blouse or shirt (provided by the company)
- Smart casual trousers/skirts

Modification guidelines

Employees may add personal touches to their uniforms within these guidelines:

- Small, non-obtrusive accessories such as watches, bracelets, or earrings.
- Hair styles that do not interfere with the proper wearing of safety equipment or pose a hazard in the workplace and must be tied back when working with food.

Maintenance

- Uniform cleaning is the responsibility of each employee and clean uniforms should be worn each shift.
- Damaged or worn-out uniforms must be replaced by the employee promptly.

Personal grooming and hygiene

- Employees are expected to maintain a neat and tidy appearance during work hours.
- Hair should be kept clean, well-groomed, and styled in a way that does not obstruct vision or safety equipment and must be tied back when working with food.

Enforcement

The uniform policy will be enforced by Department Managers. Exceptions to this policy may be granted based on religious or medical requirements, subject to approval from HR and Senior Management. By wearing our designated employee uniform, you represent Swanley Town Council's commitment to excellence and professionalism. Thank you for your cooperation and support in maintaining a cohesive image while ensuring a safe and healthy work environment..

Complaints Policy and Procedure

INTRODUCTION

This complaints procedure covers all complaints received at the Council. Swanley Town Council takes all complaints seriously, about Officers or services provided.

Swanley Town Council believes that complaints form part of the valuable feedback and useful information from its residents about the quality of our procedures, services and practices. We firmly believe that the effective handling of any complaint received will assist us in improving the quality of life for the residents of the town.

OBJECTIVES

Upon receipt of each complaint, Swanley Town Council will aim to fully investigate as quickly as possible. However, our main objective is to undertake a thorough investigation, and this may mean that some complaints will take a little longer to resolve to the satisfaction of both the complainant and the Council.

DEFINITION OF COMPLAINTS

A complaint can usually be defined as follows:

- Financial Irregularity
- Criminal Activity
- Member Conduct
- Officer Conduct
- All Other Complaints

WHAT YOU SHOULD DO IF YOU HAVE A COMPLAINT

In the first instance, if your complaint is about Council Services, please put your complaint in writing to the Senior Executive Assistant.

Adele Farrier
Senior Executive Assistant
Swanley Town Council
The Civic Centre
ST Mary's Road
Swanley, Kent
BR8 7BU

Telephone: 01322 665 855
Email: afarrier@swanleytowncouncil.gov.uk

State at the outset that this is a complaint and provide as much evidence as you can, including any documentation but remember to keep copies for your own records. Be clear and provide concise details such as dates, times, names and addresses. Remember to provide full contact details to enable Officers to telephone to arrange a meeting or a site visit if necessary.

In many instances an issue can be dealt with immediately and the source of the complaint resolved but for more complex issues you are advised to put the complaint in writing.

For all written complaints, whether by letter or e-mail, the Council will send a written acknowledgement within 3 working days. Under normal circumstances, for more straightforward complaints, the council will respond in full within 15 working days. More complex issues will take longer to resolve and each case will be assessed on its own merit, with a timescale to be agreed by both the complainant and the Council.

WHAT IF YOUR COMPLAINT RELATES TO A COUNCIL OFFICER

If the complaint relates directly to a Council officer, you should address your complaint to the Chief Executive's Office:

Ryan Hayman
Chief Executive Officer
Swanley Town Council
The Civic Centre
St Mary's road
Swanley
Kent
BR8 7BU

Telephone: 01322 665 855

Email: rhayman@swanleytowncouncil.gov.uk

If your complaint involves the Chief Executive/Town Clerk you should address your complaint in writing to the Chair of the Personnel Committee at The Civic Centre. Your correspondence should be marked Private and Confidential.

State at the outset that this is a complaint and provide as much evidence as you can, including any documentation but remember to keep copies for your own records. Be clear and provide concise details such as dates, times, names and addresses. Remember to provide full contact details to enable Officers to telephone to arrange a meeting or a site visit if necessary.

In many instances an issue can be dealt with immediately and the source of the complaint resolved but for more complex issues you are advised to put the complaint in writing.

For all written complaints, whether by letter or e-mail, the Mayor will send a written acknowledgement within 5 working days. Under normal circumstances, for more straightforward complaints, the council will respond in full within 15 working days. More complex issues will take longer to resolve and each case will be assessed on its own merit, with a timescale to be agreed by both the complainant and the Council.

WHAT SWANLEY TOWN COUNCIL NEEDS TO DO TO PUT THINGS RIGHT

- An investigation into the complaint will be made.
- Evidence will be gathered.
- Witness statements will be gathered (if applicable).
- Personnel committee will be convened (if applicable).

Once an investigation has been completed and the council has been found to be at fault, every effort will be made to resolve the complaint to the complete satisfaction of the complainant.

Where subsequent actions or simply the passage of time prevents restitution then other actions may be appropriate, which may include a local settlement, the remedy will need to be appropriate to the injustice and may be reduced where a complainant has contributed, directly or indirectly, to the injustice suffered.

WHAT DO YOU DO NEXT IF YOU ARE NOT SATISFIED

Unlike larger District or County Councils, there is currently no external agency or government body, which can investigate a complaint if you are not satisfied with the initial consideration of your complaint.

If you are not happy with the decision or action taken by the Town Clerk then you should write to the Mayor of the council at The Civic Centre, St Mary's Road, Swanley, Kent, BR8 7BU marked Private and Confidential. The Chairman will then independently review the complaint, together with all relating documentation and if they believe it appropriate will submit the complaint to the relevant Committee of the Council for consideration.

BEFORE THE MEETING

The complainant should be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way on the Council agenda. The complainant will be invited to attend the meeting and to bring with them a representative should they wish.

Ten clear days before the meeting:-

- The complainant shall provide the council with copies of any documents or other evidenced relied upon. If the complaint is about a member of staff or the Town Clerk this evidence to be sent to the person that the complaint is made about on the same day for comment.

Seven clear working days before the meeting:-

- The person who the complaint is about should advise if they require any witness statements to be gathered and specify from whom and in relation to what part of the complaint.
- An Officer will gather these statements as quickly as possible.
- The Council shall provide the complainant with copies of any documentation upon which they wish to reply upon at the meeting and will do so promptly, allowing the complainant the opportunity to read the material in time for the meeting.

AT THE MEETING

The Council shall consider whether pursuant to Section 1 of the Public Bodies (Admissions to Meetings) Act 1960 and together with the Council's own Standing Orders, the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the meeting in public. The meeting will proceed as follows:

- The Chairperson should introduce everyone and explain the procedure.
- The complainant (or representative) should outline the grounds for the complaint and, thereafter, answer questions which may be asked by the CEO/Clerk and Members
- The complainant should be offered the opportunity to summarize their position
- The Clerk and the complainant should be asked to leave the room whilst members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.
- The Clerk and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day, they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

AFTER THE MEETING

The decision should be confirmed in writing within seven working days, together with details of any action to be taken.

WHAT SHOULD I DO IF I HAVE A COMPLAINT ABOUT A COUNCILLOR OR COUNCILLORS

Councillors are required to observe high ethical standards to a Code of Conduct and are required to have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

They must declare to:

- Not discriminate unlawfully
- Treat others with respect at all times
- Not to do anything which will compromise the integrity of Council Officers
- Not to disclose any confidential information
- Not to stop anyone gaining proper access to information to which they are entitled to see
- Not to conduct themselves in such a way as to bring their office or the Council into disrepute
- Not to use their position to improperly secure an advantage, or disadvantage, for anyone
- Not to use the Council's resources for unauthorised political or personal benefit
- Must declare any personal or prejudicial interest, pecuniary or non-pecuniary, in any matter which comes before the Council and, if appropriate, not to take part in any decision relating to such a matter. Where the interest declared is deemed by the Council to be prejudicial, Councillors are not permitted to take part in the decision relating to that matter.
- To register certain financial and other interest

A copy of Swanley Town Council's Councillor Code of Conduct can be viewed on the website at www.swanleytowncouncil.gov.uk or can be made available for viewing at The Civic Centre, St Mary's Road, Swanley, Kent, BR8 7BU.

If you feel a Councillor has broken any of the rules mentioned above, you can complain directly to Sevenoaks District Council as follows:

Monitoring Officer
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG

Health, Safety, Welfare and Hygiene Policy

Swanley Town Council's Health & Safety Policy Statement

Our statement of general policy is to:

- Provide adequate resources to ensure that Swanley Town Council ("the Council") is able to perform all its duties as required by Health and Safety legislation
- Provide uniform and adequate control of the health and safety risks arising from our work activities across the organisation
- Consult with all our employees on matters affecting their health and safety
- Provide and maintain safe plant and equipment
- Ensure safe handling, use and disposal of substances
- Provide timely information, instruction and supervision for employees
- Ensure that all employees are competent to do their tasks and to give them adequate training
- Prevent accidents and cases of work-related ill health
- Maintain safe and healthy working conditions
- Review and revise this policy as necessary at regular intervals

The Council also accepts its responsibility for assessing the risks to the health and safety of volunteers who work for the Council and other people who may be affected by our activities. All employees and volunteers have a responsibility to co-operate with supervisors and managers to achieve a healthy, safe workplace and to take care of themselves and others.

Overall and final responsibility for Health and Safety in the Council is that of **Ryan Hayman - CEO & Proper Officer**

SAFETY

You should make yourself familiar with our Health and Safety Policy and your own health and safety duties and responsibilities, as shown separately.

You must not take any action that could threaten the health or safety of yourself, other employees, clients or members of the public.

Protective clothing and other equipment that may be issued for your protection because of the nature of your job must be worn and used at all appropriate times. Failure to do so could be a contravention of your health and safety responsibilities. Once issued, this protective wear/equipment is your responsibility.

You should report all accidents and injuries at work, no matter how minor, in the accident book and to your Line Manager.

You must ensure that you are aware of our fire and evacuation procedures and the action you should take in the event of such an emergency.

REFRESHMENT MAKING FACILITIES

We provide refreshment making facilities for your use, which must be kept clean and tidy at all times.

STAFF ROOM

We provide a staff room for your use, which must be kept clean and tidy at all times. It may only be used during authorised breaks.

NO SMOKING POLICY

In accordance with the Health Act 2006, Companies face fines of up to £2500 for failing to enforce the anti-smoking laws, which came into force from 1st July 2007.

All enclosed public places and work places in Wales and England are smoke free including company cars/vans, pool and hire cars under the 2006 Health Act.

This legislation made it an offence for those who control or manage smoke free premises to fail to stop people smoking in them.

No smoking signs are displayed.

E-cigarettes have now become very popular and have until recently evaded regulation giving users the impression that they are safe to use, available to all, including children and legal to use anywhere.

Please note that the UK Government has decided that Medicines and healthcare regulatory Agency (MHRA) will regulate all nicotine-containing products (NCP's) such as e-cigarettes. These will now be regulated as medicines in a move to make these products safer.

Whilst we acknowledge e-cigarettes are not covered by the health Act 2006, the company has made a decision to ban the use of e-cigarettes in the workplace.

Employees who use e-cigarettes are still free to do so in their own time and outside of the premises on breaks as per the company policy on smoking.

Therefore, smoking on the premises or in Council vehicles is not permitted. You are under no circumstances permitted to smoke on client premises. You may only smoke during authorised breaks. Whilst there is no designated smoking area, you should ensure that you are away from the premises and any windows/doors. All litter should be placed in the bins provided. You must wash your hands prior to restarting work after any break. This includes the use of e-cigarettes.

HYGIENE

Any exposed cut or burn must be covered with a first-aid dressing.

If you are suffering from an infectious or contagious disease or illness such as rubella or hepatitis you must not report for work without clearance from your own doctor.

Contact with any person suffering from an infectious or contagious disease must be reported before commencing work.

PERSONAL HYGIENE

Your highest attention to your own personal hygiene is requested at all times, as you work in close proximity with our clients and customers.

FITNESS FOR WORK

If you arrive for work and, in our opinion, you are not fit to work, we reserve the right to exercise our duty of care if we believe that you may not be able to undertake your duties in a safe manner or may pose a safety risk to others, and send you away for the remainder of the day with or without pay and, dependent on the circumstances, you may be liable to disciplinary action.

MANUAL HANDLING

You are required, in accordance with the Manual Handling Regulations 1992, to advise us of any condition which may make you more vulnerable to injury.

Alcohol, Drug and Substance Abuse Policy

1. POLICY STATEMENT

- 1.1 Swanley Town Council is committed to maintaining the good health and wellbeing of its employees. The Council takes the view that any employee working while under the influence of alcohol or drugs constitutes a threat to the health and wellbeing of other employees, as well as customers, clients and visitors. It recognises that standards of work performance and behaviour may also be adversely affected whilst employees are under the influence, and that excessive or inappropriate use of alcohol and drugs may lead to the development of alcohol and drug related problems which become apparent at work, including absenteeism, presentism, lost time, accidents, impaired judgement and decision making and effects on working relationships.
- 1.2 The Town Council recognises that an alcohol problem may be an illness, which will be treated in the same way as other illnesses. It considers that such problems need to be identified at an early stage and treated. The Council also considers that employees with alcohol and drugs problems should be encouraged to seek help, as set out below.
- 1.3 Employees have a responsibility to ensure that they do not consume alcohol or use substances inappropriately at any time when they intend to work before the effects have worn off. This includes periods when an employee is “on-call” or “on-standby” and is being paid accordingly, or following late night drinking and/or use of substances when the employee will be reporting for an early shift.
- 1.4 Any employee or member found to be supplying, producing, cultivating, using or keeping illegal drugs on Council premises will be committing an act of gross misconduct and will be dealt with through the Council’s disciplinary procedures or in accordance with the Members Code of Conduct.
- 1.5 This policy will apply to all employees, volunteers, agency staff and elected members, who will be required to comply. It will also apply to contractors working on the Council’s behalf, with appropriate clauses being included within contracts for works and services where felt appropriate.
- 1.6 In appropriate circumstances, this policy may be used in conjunction with other Town Council policies, such as Sickness Absence, Disciplinary and Capability.
- 1.7 All personal data collected for this purpose will be processed in line with the current Data Protection Act.

2 DEFINITIONS

- 2.1 Dependence – a compulsion to continue taking a drug in order to feel good or avoid feeling bad. When this is done to avoid physical discomfort or withdrawal it is known as physical dependence. When it has a psychological aspect (the need for stimulation or pleasure to escape reality) it is known as psychological dependence (ISDD, 1996)
- 2.2 Addiction – implies that a drug dependency has developed to such an extent that it has serious detrimental effects on the user. (ISDD 1996).
- 2.3 Recreational Drug Use – using a controlled drug in a social way for leisure or pleasure. This implies that drug use has become part of a person’s lifestyle even though they may only take drugs occasionally.

- 2.4 Drug misuse – is taken to mean using drugs in a socially unacceptable way.
- 2.5 Drug abuse – using drugs in a harmful way.
- 2.6 Inappropriate use – using a drug or alcohol in a way that affects individuals ability to do their job effectively, reporting for work, working or attempting to work whilst impaired through drink or drugs, dispensing, distributing, manufacturing, possessing, using, selling or offering to buy or sell a controlled drug; For the purposes of this policy, the term ‘drugs’ is used to describe both illegal drugs and other psychoactive (mind-altering) substances which may or may not be illegal.
- 2.7 Presenteeism – Being in work physically but where performance is reduced below an individual’s usual capacity.
- 2.8 Medication – Some over the counter and prescription medicines can affect someone’s ability to work safely and productively, if there is any doubt the Occupational Health Adviser should be contact for advice.

3 PROCEDURES AND ARRANGEMENTS

- 3.1 The Council will encourage and support employees experiencing difficulty with the use of alcohol or drugs to access appropriate professional support and treatment. They will be treated in a fair and consistent manner and will not be discriminated against. This may include the provision of paid sick leave for any agreed treatment.
- 3.2 The Council may consider any acts of misconduct arising out of inappropriate use of alcohol or drugs, or failure to implement this policy, under its disciplinary procedure, depending on the individual. However, the Council may agree to suspend disciplinary action in cases of misconduct where an employee agrees to follow a suitable course of action, including treatment.
- 3.3 Swanley Town Council, via this policy, will not permit any employee to remain at work, or carry out work on behalf of the Council or to report for work whilst under the influence of alcohol or drugs.
- 3.4 Elected members must not return to or engage in plenary debates or formal Council business following any consumption of alcohol, excluding hospitality and civic engagements when they do not envisage returning to resume Council business.
- 3.5 Any member of staff or elected member who is known to be or strongly suspected of being at work while under the influence of alcohol or drugs will be deemed to be in breach of this policy and will be asked to leave the premises. Arrangements will be made for them to be taken home if this is considered necessary.

4. RESPONSIBILITIES

4.1 Managers

It is the responsibility of all managers to:

- Take action if an employee is known to be or strongly suspected of being at work while under the influence of alcohol or drugs;

- Take action if an employee is identified as having a work problem which may be associated with alcohol or drugs consumption or if an employee identifies their self as having a drink or drugs related problem. Guidance for managers has been developed as an appendix to this policy, as shown in Appendix C.
- Ensure that the Alcohol and Drugs Use Policy is brought to the attention of all new and existing staff.
- Ensure that information on specialist agencies that may be able to help an individual with an alcohol or drug related problem is available to employees as appropriate.

4.2 Employees

It is the responsibility of all employees to:

- Comply with requirements set out in the drugs and alcohol policy;
- co-operate fully with professional help and support once a problem has been identified;
- encourage any colleagues who they may believe to be suffering from an alcohol or drug related problem to seek help.

5. SUPPORT & COUNSELLING

- 5.1 Advice and support will be made available to employees with an alcohol or substance related problem even though the problem may not yet be affecting their performance. Employees will be assured that this will be offered on a confidential basis.
- 5.2 Employees who suspect or know they have an alcohol or drugs related problem are encouraged to seek help voluntarily. This may be accessed via a number of sources:
 - Access to counselling services by calling 08000 47 40 97 your free 24 hour confidential helpline
 - GP or a specialist external agency
 - Occupational Health Provider.
- 5.3 Where an employee is offered and accepts the opportunity to seek assistance and/or treatment/counselling, that employee will take leave which will be treated as sickness absence within the terms of the appropriate sick pay scheme, or paid leave of absence where appropriate.
- 5.4 Occupational Health Provide will determine, in consultation with the manager, the employee and their representative, whether it is appropriate to continue in their current job role, or whether consideration must be given to finding suitable alternative employment on a temporary or permanent basis within the Council. This may be reviewed on the employee's return to work/completion of treatment where consideration will be given as to whether it is in the best interest of the individual and the organisation to do so.
- 5.5 If an employee refuses to acknowledge there is a problem, or refuses to accept help, a timescale will be set for improvement in behaviour or performance. At the end of this period, the disciplinary procedure will be used if there is not a satisfactory improvement.
- 5.6 Having accepted help, and addressed the alcohol/substance related problem, the employee's normal career prospects will not be impaired.

6. REHABILITATION

- 6.1 The Council recognises that it may take an employee a period of time to re-adjust during treatment or rehabilitation. During this period, the manager and employee should work closely and full support should be given to the employee.
- 6.2 If further problems arise during the process of rehabilitation, or there is evidence of a relapse, each case will be considered on its merits, with involvement from the Occupational Health Provider in an attempt to ascertain how much more treatment/rehabilitation time is required for full recovery. Further treatment or rehabilitation time may be given in order to help the employee recover fully, at the discretion of the Town Council.

7. DISCIPLINARY PROCEDURE IN RELATION TO THE POLICY

- 7.1 Employees who, because of the inappropriate use of alcohol or substances behave in a manner contrary to the standards of safety, conduct and capability required by the Council will be dealt with in accordance with the Council's Disciplinary Procedures.
- 7.2 Employees who are identified as having an alcohol or substance related problem/illness, and decline to seek assistance or who discontinue a course of treatment before completion, and who fail to achieve a satisfactory level of work performance, will be dealt with in accordance with the Council's Disciplinary Procedures.
- 7.3 There may come a stage where the Council has supported an individual to the standard of a reasonable employer, and disciplinary action may still be appropriate due to continued inappropriate use of substances.
- 7.4 It may be necessary for the Council to make special arrangements to ensure the employee does not put them, others, or indeed the Council at risk. In such cases it may be necessary to transfer the employee on a temporary or even permanent basis to another area of work. This would take place after full consultation with the employee and the employee's representative.

8. TRAINING/AWARENESS/EDUCATION

- 8.1 Advice and information will be made available to all staff on:-

- The types of drugs and alcohol;
- their effects;
- problems associated with alcohol and substance misuse;
- signs and symptoms of persons under the influence;
- support for managers.

9. IMPLEMENTATION

- 9.1 Managers will ensure that a copy of this policy will be made available to new and existing employees.
- 9.2 Applicants for posts within the Council will be made aware of the Alcohol, Drugs and Substance Abuse Policy prior to interview. The adoption of this policy will represent an "incorporated term" in all employees' contracts of employment, having been the subject of consultation with workplace representatives during its formulation.
- 9.3 This policy will be reviewed by the Town Council every two years or as and when legislation changes, whichever is the more frequent.

Lone Worker Policy

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

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

Your Line Manager will ensure that:

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

The person conducting the lone working assessment will:

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

Employees working alone will:

- a) follow the safe working arrangements developed by the Council for lone working;
- b) take reasonable steps to ensure their own safety; and
- c) inform their Line Manager of any incidents or safety concerns.

Leading Statutory Authority

Health and Safety at Work etc. Act 1974 Management of Health and Safety at Work Regulations 1999 (SI 1999/3242).

Employers have a general duty under the Health and Safety at Work etc. Act 1974 to ensure the health, safety and welfare of their employees as far as is reasonably practicable, which includes providing safe systems, a safe place of work and suitable arrangements for employees' welfare.

Regulation 3 of the Management of Health and Safety at Work Regulations 1999 requires a suitable and sufficient assessment of risks arising from work activities (including lone working) to be undertaken.

Regulation 13 of the Management of Health and Safety at Work Regulations 1999 requires employers to consider the physical and mental capabilities of employees when deciding on the tasks they will undertake.

Lone working is not permitted under certain legislation. It is prudent for employers to review any regulations specific to their business prior to allowing lone working.

In relation to a lone working risk assessment consideration should be given to:

- a) the remoteness of the workplace;
- b) potential communication problems;
- c) the likelihood of a criminal attack;
- d) potential for verbal and physical abuse;
- e) vulnerability of lone workers to feelings of isolation, stress and depression;
- f) whether all the plant, equipment, materials, etc. can be handled safely by one person;
- g) whether the person is medically fit and suitable to work alone;
- h) how the lone worker will be supervised;
- i) how the lone worker will obtain help in an emergency such as an assault, vehicle breakdown, accident or fire; and
- j) whether there is adequate first-aid cover.

General Terms and Procedures

CHANGES IN PERSONAL DETAILS

You must notify us of any change of name, address, telephone number, etc., so that we can maintain accurate information on our records and make contact with you in an emergency, if necessary, outside normal working hours.

OTHER EMPLOYMENT

You are expected to devote the whole of your time and attention during working hours to our business. If you propose taking up employment with an employer or pursuing separate business interests or any similar venture, you must discuss the proposal with your Line Manager in order to establish the likely impact of these activities on both yourself and the Council. You will be asked to give full details of the proposal and consideration will be given to:

- a) Working hours;
- b) Competition, reputation and credibility;
- c) Conflict of Interest; and
- d) Health, safety and welfare.

You will be notified in writing of the Council's decision. The Council may refuse to consent to your request. If you work without consent this could result in the termination of your employment.*

If you are unhappy with the decision you may appeal using the Grievance Procedure.

***NB: This does not apply to those on a zero-hour contract who should refer to the following:**

If you already have any other employment or are considering any additional employment you must notify us so that we can discuss any implications arising from the current working time legislation.

PRIVATE WORK

You are forbidden from undertaking any private work without written authorisation from the CEO. You will not be allowed to undertake any work which could otherwise have been undertaken by the Council. In the event of you being approached to undertake such work you must report the approach to your Line Manager.

TIME OFF

Circumstances may arise where you need time off for medical/dental appointments, or for other reasons. Where possible, such appointments should be made outside normal working hours. Where this is not possible, depending on the length of time off needed, you may at our discretion be able to make up the time otherwise it will be unpaid. To minimise the impact you should try and get the first/last appointment of the day.

MATERNITY/PATERNITY/ADOPTION LEAVE AND PAY

You may be entitled to maternity/paternity/adoption leave and pay in accordance with the current statutory provisions. If you (or your partner) become pregnant or are notified of a match date for adoption purposes you should notify your Line Manager at an early stage so that your entitlements and obligations can be explained to you.

PARENTAL/SHARED PARENTAL LEAVE

If you are entitled to take parental leave or shared parental leave in respect of the current statutory provisions, you should discuss your needs with your Line Manager who will identify your entitlements and look at the proposed leave periods dependent upon your child's/children's particular circumstances and the operational aspects of the business.

TIME OFF FOR DEPENDANTS

You may be entitled to take a reasonable amount of unpaid time off during working hours to take action that is necessary to provide help to your dependants. Should this be necessary you should discuss your situation with your Line Manager who, if appropriate, will agree the necessary time off.

BEREAVEMENT LEAVE

Reactions to bereavement may vary greatly according to individual circumstances and the setting of fixed rules for time off is therefore inappropriate. You should discuss your circumstances with your Line Manager and agree appropriate time off.

PARENTAL BEREAVEMENT LEAVE

In the unfortunate event that you experience the loss of a child, you may be entitled to parental bereavement leave and pay in accordance with the current statutory provisions. You should discuss your circumstances with your Line Manager and agree time off.

FLEXIBLE WORKING

You have the right to request flexible working in accordance with the current statutory provisions. Further information on the application process can be obtained from your Line Manager.

TRAVEL EXPENSES

We will reimburse you for any reasonable expenses incurred whilst travelling on our business. The rules relating to travelling expenses will be issued separately. You must provide receipts for any expenditure.

JURY SERVICE

If you are required to undertake jury service or to attend court you must advise your Line Manager in order that the necessary arrangements for your work can be made. You have the right to paid time off if you are called up for jury service, hold certain public offices or are a reservist. Paid leave of absence, in the form of a 'top-up allowance' will be granted for employees undertaking jury service or serving on public bodies or undertaking public duties.

Where an allowance is claimable for loss of earnings the employee should claim and pay the allowance to the employing authority. You will be permitted reasonable time off to carry out such public duty, but you should not volunteer for jury service beyond 14 days without referral and permission from your Line Manager. If you finish jury service before the 14 days you must return to work, likewise if you finish a day of jury service early you should return to work for the remainder of your normal working day.

EMPLOYEES' PROPERTY AND LOST PROPERTY

We do not accept liability for any loss of, or damage to, property that you bring onto the premises. You are requested not to bring personal items of value onto the premises and, in particular, not to leave any items overnight. Articles of lost property should be handed to your Line Manager who will retain them whilst attempts are made to discover the owner.

PARKING

Where parking facilities have been made available to you on our premises you must ensure that you observe all of our traffic requirements e.g. speed limits, etc. To avoid congestion, all vehicles must be parked only in the designated parking areas. No liability is accepted for damage to private vehicles, however, it may be caused.

MAIL

All mail received by us will be opened, including that addressed to employees. Private mail, therefore, should not be sent care of our address. No private mail may be posted at our expense except in those cases where a formal re-charge arrangement has been made.

FRIENDS AND RELATIVES CONTACT / TELEPHONE CALLS / MOBILE PHONES

You should discourage your friends and relatives from either calling on you in person or by telephone except in an emergency. Personal telephone calls, both incoming and outgoing are only allowed in the case of emergency. Permission to make outgoing personal calls should be sought from your Line Manager. Personal mobile phones should be switched to silent during working hours. Phones should be kept with your personal belongings and not on your person. Personal use of personal mobile phones should be kept to a minimum and not interfere with your duties during working hours.

It is illegal to hold and use a mobile phone, sat nav, tablet or any device that can send and receive data whilst driving.

It is our Company policy that you should not hold and use a mobile phone, sat nav, tablet or any device that can send and receive data whilst driving. You should ensure you are safely parked and you have turned off the engine before making or receiving any telephone calls. In the event of you being unable to answer a call because you cannot find a safe place to stop, you must return the call as soon as conveniently possible after you have safely parked and turned off the engine.

You can use a device held in your hand in the following circumstances only:

- you need to call 999 or 112 in an emergency and it is unsafe or impractical to stop
- you are safely parked
- you are making a contactless payment in a vehicle that is not moving, for example at a drive-through restaurant
- you are using the device to park the vehicle remotely.

You can use devices with hands-free access, such as a built-in sat nav, provided you do not hold the device at any time during usage.

COUNCIL MOBILE PHONES

The Council mobile phones are to be used for business purposes only except in the case of an emergency. Therefore any unauthorised personal use may be repayable by you and may result in disciplinary action in accordance with our procedures. The Council reserves the right to deduct the appropriate sums from your pay in the event that repayments are not made. The Council reserves the right to monitor all

communications made on Council mobile phones in order to ensure compliance with our policies and procedures. For further conditions relating to Council mobile phones please refer to the mobile phone policy.

COUNCIL TOOLS/EQUIPMENT

The Council provides tools and/or equipment necessary to carry out your duties. You should keep these in good repair and take all reasonable steps to ensure that they are secure at all times. You must report any lost, damaged or mislaid tools and/or equipment to your Line Manager. You must return all Council tools and/or equipment upon the termination of employment by either party. Failure to return tools and/or equipment, or any loss or damage suffered as a result of your negligence, will result in a deduction to cover the cost of the tools being made from monies due to you. This is an express written term of your contract of employment.

BUYING OR SELLING OF GOODS

You are not allowed to buy or sell goods on your own behalf on our premises or during your working hours.

COLLECTIONS FROM EMPLOYEES

Unless specific authorisation is given by your Line Manager, no collections of any kind are allowed on our premises.

CLIENT RELATIONS

Our business involves the provision of services to clients and some of our employees are employed to perform work on behalf of those clients, sometimes on the client's own premises. Due to this relationship, our clients may, on rare occasions, require that such an employee be removed from a job in accordance with their contract with us. In such circumstances, we will investigate the reasons for such requests. However, if our client maintains their stance we will then take all reasonable steps to ensure that alternative work is provided. If this is not possible we may have no alternative but to terminate such an individual's employment. This procedure is separate from any concurrent disciplinary matter that may need to be addressed.

BEHAVIOUR AT WORK

You should behave with civility towards fellow employees, and no rudeness will be permitted towards clients or members of the public. Objectionable or insulting behaviour, or bad language will render you liable to disciplinary action. You should use your best endeavours to promote the interests of the business and shall, during normal working hours, devote the whole of your time, attention and abilities to the business and its affairs. Any involvement in activities which could be construed as being in competition with us is not allowed.

BEHAVIOUR OUTSIDE OF WORK

The Council recognises the importance of work/life balance. However, owing to the nature of the business, the home insists on employing staff of the highest integrity, we expect you to maintain these standards outside of working hours. Activities that result in adverse publicity to ourselves, or which cause us to lose faith in your integrity, may give us grounds for your dismissal.

CLIENTS PREMISES

Whilst visiting or working at any of our clients' premises, it is imperative that you familiarise yourself and comply with all of their rules and requirements including (but not limited to) security, health and safety, smoking, parking, etc. Failure to comply with site rules could result in your removal from site and disciplinary action being taken in accordance with our disciplinary procedures.

ADVERSE WEATHER/TRAVEL ARRANGEMENT DISRUPTION

Every reasonable effort should be made to attend work in accordance with your contract. In the event that you are unable to attend work owing to inclement weather conditions and/or severe disruption to your travel arrangements, you should report your absence through the normal absence reporting procedures. Your absence will be unpaid unless you have sufficient annual leave in which case you may request to use this. Alternatively, you may be able to work additional hours to compensate for the lost hours at the sole discretion of the management and subject to availability.

DRIVING LICENCE

If driving is a necessary part of your role it is imperative that you maintain a valid driving licence suitable for the vehicle you operate at all times during your employment. You are required upon request to produce your driving licence to the management. We may also require you to provide us with the ability to access your driving licence details online. If at any time your licence is endorsed, or you are disqualified from driving, we must be informed immediately. If you are required to drive as part of your job and we are unable to find alternative employment, your employment may be terminated.

Data collected about driving licences will be processed in line with the Data Protection Act. You may read more about the data we hold on you, why we hold it and the lawful basis that applies in the employee privacy notice.

FINES

Any fines imposed by relevant authorities including (but not limited to) speeding and parking will be payable by the employee. The Council takes no responsibility for the payment of fines incurred by the employee during their employment. In the event that the Council receive the summons on the employee's behalf or owing to a fine incurred by the employee, we may pay the fine and deduct the cost from the employee's salary.

CAR INSURANCE

If your position requires you to use your own car for business purposes, you must ensure that your car insurance provides adequate cover. Proof of adequate insurance, Driving Licence, Tax and an MOT Certificate must be produced for scrutiny by the Council, upon renewal and at any time when so requested.

CONDUCT OUTSIDE OF WORK

The Council recognises the importance of work-life balance and while we do not intend to restrict your activities outside of working hours it is important to remember that activities whether during or outside of working hours which result in adverse publicity to the Council, or which cause us to lose faith in your integrity, may give us grounds for your dismissal.

When attending any work-related social function an appropriate standard of conduct is expected from all employees. This includes but is not limited to any Christmas lunch, nights out, dinners or other social events with suppliers, customers, etc.

Work-related social functions can be a great opportunity to celebrate and get to know your colleagues better. However, it is important to remember that our Personal Harassment Policy and Procedure, Disciplinary and Grievance Procedures and Equality, Inclusion and Diversity Policy apply fully at these events. These procedures are detailed separately in this Employee Handbook and you should ensure that you familiarise yourself with them and are mindful of your obligations to adhere to each of them.

The use of drugs and/or excessive consumption of alcohol is prohibited at all times at work-related functions. For the purposes of this policy, the term 'drugs' is used to describe both illegal drugs and other psychoactive (mind-altering) substances which may or may not be illegal.

You must respect all property and premises when attending any social function and you may be liable for the cost of any repair or replacement as a result of your actions. We reserve the right to make an appropriate deduction from your pay should it be found that any damage at a venue was a result of your actions. Disciplinary action may also be taken against you.

OTHER POLICIES AND PROCEDURES

The Council has a number of other policies and procedures that will have been explained to you during your induction. Copies of these will have been provided to you separately or are available on request from the office.

THIRD PARTY INVOLVEMENT

We reserve the right to allow third parties to chair any meeting, for example disciplinary, capability, grievance, this is not an exhaustive list. We will seek your consent at the relevant time to share relevant 'special categories of data' where it is necessary for the purposes of that hearing.

RECORDING OF FORMAL MEETINGS

We reserve the right to record any formal meetings whether conducted by us or a third party, a copy of the recording can be made available on request. All personal data collected for this purpose will be processed in line with the current Data Protection Act.

JOB EVALUATION POLICY

There is a job evaluation policy available by asking your Line Manager. The job evaluation policy aims to provide a systematic and consistent approach to defining the relative worth of jobs within the Council.

Annual Leave Purchase Policy

1. INTRODUCTION

This document details the rules and procedures relating to the Annual Leave Purchase Scheme. This scheme will be monitored and reviewed as necessary by the Senior Executive Assistant (HR) in consultation with the Chief Executive Officer (CEO) and Responsible Financial Officer (RFO).

2. SCOPE

This scheme is available to all employees of the Council with the exception of those on casual contracts.

3. SCHEME RULES

The following rules apply to the purchase of annual leave:

- 1) There is no limit to the amount of leave that may be purchased;
- 2) Approval of requests will depend upon the needs of the service and will be conditional upon no temporary or agency cover being required to cover the absence;
- 3) Leave may be purchased in whole or part days;
- 4) Leave once purchased may not be sold back to the Council;
- 5) The additional annual leave must be taken within the annual leave year for which it has been purchased;
- 6) A request for additional annual leave must include details of when the leave is to be taken (two months in advance) to allow for business planning;
- 7) Payment for the leave must normally be made in advance of the leave being taken. This may be through a one-off lump sum or payment over a fixed period. Payment will be made through a deduction from salary;
- 8) Written consent will be required in advance of the deduction from salary and before the leave is taken;
- 9) Requests must be made to the relevant Line Manager / Responsible Officer;
- 10) Should a request be refused, there will be a right of appeal to the CEO / Senior Executive Assistant (HR) or RFO. Appeals must be made in writing within ten working days of being notified that the request for additional leave has been rejected.

4. DEDUCTIONS FROM SALARY

Deductions from salary will be calculated on the basis of a daily rate of pay.

Pension contributions will be unaffected and pensionable service will be deemed to be continuous.

5. PROCEDURE

The following procedure will apply to the request and approval for additional annual leave:

- 1) Employees should complete Part 1 of the Request & Approval form attached as Appendix A and forward this to their line manager;

- 2) The line manager will complete Part 2 of the form indicating whether the additional leave can be supported, taking into account the needs of the service and whether the absence could be tolerated without the need for temporary of agency cover;
- 3) The line manager will forward the form to the Senior Executive Assistant (HR) for approval. The Senior Executive Assistant (HR) will complete Part 3 of the form and return it to the line manager;
- 4) The line manager will notify in writing / e mail the employee if the request for additional leave has been approved and advise when salary deductions will be made;
- 5) If the request is rejected, the line manager will be inform the employee of this and ensure that they are aware of their right to appeal to the relevant senior officer
- 6) If the request is approved, the form will be forwarded to the Senior Executive Assistant (HR) and RFO who will process the claim. The Request and Authorisation form will serve as the express authorisation from the employee to make the necessary deduction from salary.

Notes: ANNUAL LEAVE PURCHASE SCHEME - REQUEST AND APPROVAL FORM

Part 1 - to be completed by employee and forwarded to line manager.

Part 2 - to be completed by line manager and forwarded to relevant Senior Officer.

Part 3 - to be completed by relevant senior officer and returned to line manager.

The line manager will confirm outcome to employee and forward form to Senior Executive Assistant (HR) for processing if request approved.

ANNUAL LEAVE PURCHASE SCHEME - REQUEST AND APPROVAL FORM

PART 1 - EMPLOYEE REQUEST

I have read and understood the rules and procedures of the Annual Leave Purchase Scheme and make the following request to purchase additional annual leave under the terms of that Scheme.

NAME: _____ EMPLOYEE NO: _____

JOB TITLE: _____

DEPARTMENT: _____

I wish to purchase: (enter number of days) _____ additional annual leave

I plan to take this leave as follows: (detail the period or separate occasions)

I have requested the additional leave for the following reasons:

I would like to pay for this leave as follows: (payment must be made in advance of the leave being taken)

A one-off lump sum in (enter pay month): _____ OR

In equal instalments over (enter period): _____

Signed: _____ Date: _____

PART 2 - LINE MANAGERS COMMENTS

The line manager should provide a brief summary as to how the additional leave will impact on the needs of the service during the relevant period and confirm that temporary or agency cover will not be required to cover the absent worker.

Signed: _____ Date: _____

PART 3 - SENIOR EXECUTIVE ASSISTANT (HR) AUTHORISATION

Either:

I approve this request for the purchase of annual leave and can confirm that temporary or external cover will not be required to cover the absence:

Signed: _____ Date: _____

OR

I reject this request for the purchase of annual leave on the following grounds:

Signed: _____ Date: _____

Maternity Policy

This policy sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness, and maternity leave and pay.

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

The following definitions are used in this policy:

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

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

NOTIFICATION OF PREGNANCY

On becoming pregnant, an employee should notify her line manager as soon as possible. This is important as there are health and safety considerations for Swanley Town Council.

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

- the fact that she is pregnant;
- her expected week of childbirth; and
- the date on which she intends to start her maternity leave.

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

The employee is permitted to bring forward her maternity leave start date, provided that she advises Swanley Town Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone her maternity leave start date, provided that she advises Swanley Town Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Swanley Town Council will formally respond in writing to the employee's notification of her leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

TIME OFF FOR ANTENATAL CARE

Once an employee has advised Swanley Town Council that she is pregnant, she will be entitled not to be unreasonably refused paid time off work to attend antenatal appointments as advised by her doctor, registered midwife or registered health visitor.

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

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

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

HEALTH AND SAFETY

Swanley Town Council has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding where the work is of a kind that could involve a risk of harm or danger to her health and safety or the health and safety of her baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace. If applicable, Swanley Town Council will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out her normal job duties, Swanley Town Council will take such steps as are reasonably necessary to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

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

SICKNESS ABSENCE

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

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

MATERNITY LEAVE

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

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

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

If the employee gives birth before her maternity leave was due to start, she must notify Swanley Town Council in writing of the date of the birth as soon as reasonably practicable.

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

ORDINARY MATERNITY LEAVE

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

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

ADDITIONAL MATERNITY LEAVE

During the period of additional maternity leave, the employee's contract of employment continues in force and she is entitled to receive all her contractual benefits, except for salary. Any benefits in kind (such as life assurance, private medical insurance, permanent health insurance, private use of a Swanley Town Council car, laptop, mobile phone and gym membership) will continue and contractual annual leave entitlement will continue to accrue.

Salary will be replaced by statutory maternity pay (SMP) for the first 13 weeks of additional maternity leave if the employee is eligible to receive it. The remaining 13 weeks of additional maternity leave are unpaid.

Pension contributions will continue to be made during the period when the employee is receiving SMP but not during any period of unpaid additional maternity leave.

STATUTORY MATERNITY PAY

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

- she has been continuously employed by Swanley Town Council for at least 26 weeks at the end of the qualifying week and she is still employed during that week;
- her average weekly earnings in the period between the last normal pay day before the Saturday at the

end of the qualifying week and the last normal pay day at least eight weeks before that date are not less than the lower earnings limit for national insurance contributions;

- she is still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth);
- she provides a MAT B1 form stating her expected week of childbirth; and
- she gives Swanley Town Council proper notification of her pregnancy in accordance with the rules set out above.

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

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

If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of her maternity leave (whether ordinary maternity leave or additional maternity leave), the higher or standard rate of SMP will be recalculated to take account of the employee's pay rise, regardless of whether SMP has already been paid. This means that the employee's SMP will be recalculated and increased retrospectively, or that she may qualify for SMP if she did not previously. The employee will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay rise.

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

Payment of SMP cannot start prior to the 11th week before the employee's expected week of childbirth. Statutory maternity pay can start from any day of the week in accordance with the date the employee starts her maternity leave.

Statutory maternity pay is payable whether or not the employee intends to return to work after her maternity leave.

Employees who are not entitled to SMP may be entitled to receive maternity allowance payable directly by the Government. If an employee is not entitled to SMP, Swanley Town Council will provide the employee with an SMP1 form to allow her to pursue a claim for maternity allowance.

CONTACT DURING MATERNITY LEAVE

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

KEEPING-IN-TOUCH DAYS

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

Swanley Town Council has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during her maternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between Swanley Town Council and the employee. Any keeping-in-touch days worked do not extend the period of maternity leave. Once the keeping-in-touch days have been used up, the employee will lose a week's SMP for any week in which she agrees to work for Swanley Town Council. It may also bring maternity leave to an end.

RETURNING TO WORK

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

While the employee is under no obligation to do so, it would assist Swanley Town Council if she confirms as soon as convenient during her maternity leave that she will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date, she must give Swanley Town Council at least eight weeks' notice of her date of early return, preferably in writing. If she fails to do so, Swanley Town Council may postpone her return to such a date as will give Swanley Town Council eight weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after maternity leave, she must give notice of resignation as soon as possible and in accordance with the terms of her contract of employment. If the notice period would expire after maternity leave has ended, Swanley Town Council may require the employee to return to work for the remainder of the notice period.

RIGHTS ON AND AFTER RETURN TO WORK

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

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

An employee who worked full-time prior to her maternity leave has no automatic right to return to work on a part-time basis or to make other changes to her working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of Swanley Town Council's business. If an employee would like this option to be considered, she should write to her line manager setting out her proposals as soon as possible in advance of her return date, so that there is adequate time for full consideration of the request.

Neonatal Care Leave Policy

A) INTRODUCTION

- 1) Employees have a statutory right to neonatal care leave from day one of employment where they are responsible for a child receiving neonatal care, subject to eligibility requirements. We recognise that this can be a difficult and worrying time, both physically and mentally. This policy explains your rights to time off, pay during time off and other support offered. Employees will not be subject to detriment for taking neonatal care leave.

B) ENTITLEMENT

- 1) You may take neonatal care leave if you have parental or other prescribed responsibility for a child who is receiving, or who has received, neonatal care. This will apply if you are:
 - a) the child's parent, intended parent, or partner of the child's mother at the date of birth
 - b) in cases of adoption, the child's adopter, prospective adopter, or the partner of either, at the date the child is placed.
- 2) You are entitled to take neonatal care leave where you are responsible for a child receiving neonatal care that lasts for at least 7 consecutive days and starts within 28 days beginning with the day after the child's birth.
- 3) You are entitled to take one week of neonatal care leave for each consecutive 7 day period that your child is receiving neonatal care, up to a maximum of 12 weeks.
- 4) 'Neonatal care' is defined in law as medical care that may be received in hospital, or out of hospital providing the child was originally an inpatient and the care is under the direction of a consultant. Neonatal care also covers children receiving palliative or end of life care.

C) NOTICE REQUIREMENTS

- 1) You can take neonatal care leave during two periods:
 - a) "tier 1 period" – starts from the day the child starts receiving neonatal care, ending with the 7th day after the child stops receiving neonatal care. Leave taken in this period can be taken in non-consecutive weeks.
 - b) "tier 2 period" – any period which is outside of "tier 1" during which you are entitled to neonatal care leave. Leave taken in this period must be taken consecutively.
- 2) You must provide the following information when you notify us of your intention to take neonatal care leave:
 - a) your name
 - b) the child's date of birth; and date of placement if adoption
 - c) date(s) the child started receiving neonatal care
 - d) date neonatal care ended if the child is no longer receiving it
 - e) date you want the leave to begin
 - f) number of weeks' leave you want to take
 - g) declaration that you are taking the leave to care for the child
 - h) declaration that you meet the eligibility requirements.
- 3) If you wish to take neonatal care leave in the tier 1 period you must simply notify us verbally by contacting your line manager before you are due to start work on your first day of leave, unless it is not reasonably practicable to do so, in which case you must notify us as soon as it is reasonably practicable. In practice, this means that no

advance notice is needed but you must let us know before you start work on that day, where reasonably practicable.

- 4) Where you have given notice in the tier 1 period of your intention to take neonatal care leave before the child has stopped receiving neonatal care, you must tell us the date that the neonatal care ends, as soon as is reasonably practicable after that date.
- 5) Where the child starts to receive neonatal care again after you have told us that neonatal care has ended, you must tell us the date that the neonatal care started again and the date when it ends, as soon as reasonably practicable after each date.
- 6) If you wish to take neonatal care leave in the tier 2 period you must give us the required notice in writing no later than 15 days before the first day of leave when taking a single week, or no later than 28 days before the first day of leave when taking two or more weeks.
- 7) If you change your mind about taking neonatal care leave, you can withdraw your notice by following the same notice periods that you are required to give to take leave.
- 8) Notwithstanding the above, we may agree to waive the notice requirements where appropriate depending on the circumstances.
- 9) Your neonatal care leave will start on the day specified when you give notice unless the leave is due to start on the same day as the notice is given, or you are at work on that day, then it will start the day after.

D) TAKING LEAVE

- 1) You cannot take neonatal care leave before the day after the first 7 day uninterrupted period of neonatal care. Neonatal care leave can only be taken in minimum blocks of one week.
- 2) You must take the leave before the end of a period of 68 weeks beginning with the child's date of birth or date of placement in cases of adoption.
- 3) If you accrue neonatal care leave after already starting another period of statutory family leave, such as maternity or paternity leave, then you can take the neonatal care leave after the end of the statutory family leave, providing it is within 68 weeks beginning on the child's date of birth or placement.

E) PAY DURING LEAVE

- 1) You are entitled to statutory neonatal care pay during neonatal care leave if you:
 - a) are eligible for statutory neonatal care leave
 - b) have 26 weeks' continuous service by the relevant week
 - c) earn at least the lower earnings limit on average calculated over the period of eight weeks ending with the relevant week
 - d) are still in employment in the week before neonatal care starts.
- 2) Where you are entitled to another form of statutory family leave payment, such as statutory maternity pay, the relevant week is the same as the qualifying week for that payment. In all other cases, the relevant week is the week immediately before neonatal care starts.
- 3) If you are eligible, you are entitled to a maximum of 12 weeks' statutory neonatal care pay, paid at one week per every 7 uninterrupted days of care the child receives.
- 4) The weekly rate of statutory neonatal care pay is the lower of:

- a) the current statutory rate
 - b) 90% of your normal weekly earnings.
- 5) If you are eligible for statutory neonatal care pay, you need to give us notice in writing of your intention to claim it alongside your notice of intention to take neonatal care leave.
- 6) Where you are claiming statutory neonatal care pay in the tier 1 period, you must provide notice before the end of 28 days after the first day of the pay week the notice refers to.
- 7) If you are claiming statutory neonatal care pay in the tier 2 period, you must provide notice no later than 15 days before the first day of the relevant pay week when taking a single week, or no later than 28 days before the first day of the first relevant pay week when taking two or more weeks.
- 8) The notice must include:
- a) your name
 - b) the child's date of birth; and date of placement if adoption
 - c) date(s) the child started receiving neonatal care
 - d) date neonatal care ended if the child is no longer receiving it
 - e) declaration that the week you are claiming pay for was taken to care for the child
 - f) declaration that you meet the eligibility requirements.

F) RETURNING TO WORK

You have the right to return to work to the same job unless you return after a specific point at which you will have the right to return to a similar job on no less favourable terms if it is not practicable for you to return to the same job. Your manager will explain how this affects you based on your individual circumstances.

G) OTHER RELATED POLICIES

For more information on time off in relation to children, please read our policies on maternity leave, adoption leave, paternity leave, parental leave, shared parental leave and parental bereavement leave.

H) USE OF NEONATAL CARE LEAVE

Employees who take time off under this policy for reasons other than those for which the statutory right to neonatal care leave is intended may be subject to investigation and subsequent disciplinary proceedings.

Paternity Leave Policy

This policy sets out the statutory rights and responsibilities of employees who wish to take paternity leave.

Swanley Town Council recognises that, from time to time, employees may have questions or concerns relating to their paternity rights. It is Swanley Town Council's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the paternity provisions are complex, employees should clarify the relevant procedures with the HR department to ensure that they are followed.

PATERNITY LEAVE

The right to paternity leave is set out in The Children and Families Act 2014. This right applies to certain employees and agency workers who are in a “qualifying relationship” with a pregnant woman. Those in a qualifying relationship have the statutory right to take time off to attend antenatal appointments.

Employees and agency workers who are considered to be in a qualifying relationship for the purposes of this statutory right includes:

- A pregnant woman’s husband, partner or civil partner (if she is in a same-sex relationship)
- The father of the child
- The parent of the child; and
- Intended parents in a surrogacy situation who meet specified conditions.
- in the case of a child who is being adopted: the spouse, civil partner or cohabitant of the adopting mother (or sole male adopter of the child) or the spouse chosen by that couple to be the “relevant parent” in circumstances involving joint adoption by a same-sex married couple

Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take paternity leave where the other adoptive parent has elected to take adoption leave. A separate policy is available in respect of adoption leave. In respect of an adopted child, the employee must have 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.

To qualify for paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child’s mother. Paternity leave is granted in addition to an employee's normal annual holiday entitlement. Paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

NOTIFICATION OF PATERNITY LEAVE

Where an employee wishes to request paternity leave in respect of a birth child, they must give their line manager 15 weeks' written notice of the date on which their partner's baby is due, the length of ordinary paternity leave they wish to take and the date on which they wish the leave to commence. In the case of an adopted child, the employee must give written notice of their intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date the employee intends to start paternity leave, the length of the intended paternity leave period and the date on which the adopter was notified of having been matched with the child.

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

STATUTORY PATERNITY PAY

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

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

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

TIME OFF FOR ANTENATAL CARE

Those who qualify for time off only have the right to attend **TWO** unpaid antenatal appointments (not all of them) and they can't take more than 6 ½ hours for each one. The appointment must have been made on the advice of the registered medical practitioner, midwife or nurse. The time allowed for these appointments is unpaid.

To be eligible to take this form of time off, the employee could be the husband or civil partner of the pregnant woman or could be living with the pregnant woman in an enduring family relationship. In addition, the employee will be eligible for the time off if he is the biological father of the expected child. The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. Swanley Town Council expects that normally no more than half a day is needed for an antenatal appointment, but the employee's leave includes the time needed to travel to the appointment and any waiting time needed at the appointment, and can be for a maximum of six- and-a-half hours on each occasion.

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

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

Shared Parental Leave Policy

INTRODUCTION

This policy sets out the rights of employees to shared parental leave and pay. Shared parental leave is a type of leave that is available to parents with babies or children placed for adoption. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. Swanley Town Council provides a separate policy on shared parental leave for employees who are adopting children.

Shared parental leave should not be confused with parental leave, which is unaffected by shared parental leave. Parental leave is the entitlement to up to 18 weeks' unpaid leave. [Swanley Town Council provides a separate policy on parental leave.

Swanley Town Council recognises that, from time to time, employees may have questions or concerns relating to their shared parental leave rights. It is Swanley Town Council's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the shared parental leave provisions are complex, if an employee wishes to take shared parental leave, they should clarify the relevant procedures with their Manager to ensure that they are followed correctly.

DEFINITIONS

The following definitions are used in this policy:

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

"Partner" means the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother. This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

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

SCOPE

This policy applies in relation to employees of Swanley Town Council, whether they are the mother or the partner. If it is the mother who is employed by Swanley Town Council, her partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to their own employer, which may have its own shared parental leave policy in place, if they want to take a period of shared parental leave.

Similarly, if it is the partner who is employed by Swanley Town Council, the mother must (where relevant) submit any notifications to take shared parental leave to her own employer.

The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

AMOUNT OF SHARED PARENTAL LEAVE AVAILABLE

The amount of shared parental leave to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared parental leave must be taken in blocks of at least one week. The employee can request

to take shared parental leave in one continuous block (in which case Swanley Town Council is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs Swanley Town Council's agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.

The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. This means that the mother cannot curtail her maternity leave to take shared parental leave until two weeks after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).

However, the mother's partner can begin a period of shared parental leave at any time from the date of the child's birth (but the partner should bear in mind that they are entitled to take up to two weeks' ordinary paternity leave following the birth of their child, which they will lose if shared parental leave is taken first). The mother and partner must take any shared parental leave within 52 weeks of birth.

ELIGIBILITY FOR SHARED PARENTAL LEAVE

For employees to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

Mother's eligibility for shared parental leave

The mother is eligible for shared parental leave if she:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with Swanley Town Council until the week before any period of shared parental leave that she takes;
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is entitled to statutory maternity leave in respect of the child; and
- complies with the relevant maternity leave curtailment requirements (or has returned to work before the end of statutory maternity leave), and shared parental leave notice and evidence requirements.

In addition, for the mother to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks; and
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

Partner's eligibility for shared parental leave

The partner is eligible for shared parental leave if they:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with Swanley Town Council until the week before any period of shared parental leave that they take;
- has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- complies with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold currently £30 for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and
- comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

NOTICE REQUIREMENTS FOR SHARED PARENTAL LEAVE

The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

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

The notice periods set out below are the minimum required by law. However, the earlier the employee informs Swanley Town Council of their intentions, the more likely it is that Swanley Town Council will be able to accommodate the employee's wishes, particularly if they want to take periods of discontinuous leave.

Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the mother could provide a maternity leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time. Similarly, the partner could provide their notice of entitlement and intention and period of leave notice at the same time.

MOTHER'S NOTICE CURTAILING MATERNITY LEAVE

Before the mother or partner can take shared parental leave, the mother must either return to work before the end of her maternity leave (by giving the required eight weeks' notice of her planned return) or provide her employer with a maternity leave curtailment notice. The maternity leave curtailment notice must be in writing and state the date on which maternity leave is to end. That date must be:

- after the compulsory maternity leave period, which is the two weeks after birth;
- at least eight weeks after the date on which the mother gave the maternity leave curtailment notice to her employer; and
- at least one week before what would be the end of the additional maternity leave period.

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

REVOCATION OF MATERNITY LEAVE CURTAILMENT NOTICE

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

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

EMPLOYEE'S NOTICE OF ENTITLEMENT AND INTENTION

The employee, whether the mother or the partner, must provide Swanley Town Council with a non-binding notice of entitlement and intention. The employee's notice of entitlement and intention, which must be in writing and provided at least eight weeks before the start date of the first period of shared parental leave to be taken by the employee, must set out the following information.

If the employee is the mother, the notice of entitlement and intention must set out:

- the mother's name;
- the partner's name;
- the start and end dates of any statutory maternity leave taken or to be taken by the mother;
- the total amount of shared parental leave available;
- the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the mother);
- how much shared parental leave the mother and partner each intend to take; and
- a non-binding indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave).

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

- she satisfies, or will satisfy, the eligibility requirements to take shared parental leave;
- the information she gives in the notice of entitlement and intention is accurate; and
- she will immediately inform Swanley Town Council if she ceases to care for the child.

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

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

If the employee is the partner, the partner's notice of entitlement and intention must set out:

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

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

- They satisfy, or will satisfy, the eligibility requirements to take shared parental leave;
- the information given by the partner in the notice of entitlement and intention is accurate; and
- They will immediately inform Swanley Town Council if they cease to care for the child or if the mother informs them that they no longer meet the requirement to have curtailed her maternity leave or pay period.

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

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

Within 14 days of receiving a notice of entitlement and intention from the employee, whether the mother or partner, Swanley Town Council can request from the employee:

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

The employee has 14 days from the date of the request to send Swanley Town Council the required information.

VARIATION OR CANCELLATION OF NOTICE OF ENTITLEMENT AND INTENTION

The employee can vary or cancel their proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that they provide Swanley Town Council with a written notice. The written notice must contain:

- an indication as to when the employee intends to take shared parental leave (including the start and

- end dates for each period of leave);
- details of any periods of shared parental leave that have been notified through a period of leave notice;
- details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and
- a declaration signed by the mother and the partner that they agree to the variation.

Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until they provide a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

EMPLOYEE'S PERIOD OF LEAVE NOTICE

To take a period of shared parental leave, the employee must provide Swanley Town Council with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice. A period of leave notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

VARIATION OR CANCELLATION OF PERIOD OF LEAVE NOTICE

The employee can vary or cancel their proposed shared parental leave dates following the submission of a period of leave notice, provided that they provide their employer with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

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

LIMIT ON NUMBER OF REQUESTS FOR LEAVE

The employee can provide a combined total of up to three period of leave notices or variations of period of leave notices per pregnancy, although Swanley Town Council may waive this limit in some circumstances.

CONTINUOUS PERIOD OF SHARED PARENTAL LEAVE

If the employee submits a period of leave notice requesting one continuous period of leave, they will be entitled to take that period of leave.

DISCONTINUOUS PERIODS OF SHARED PARENTAL LEAVE

The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the employee submits a period of leave notice requesting discontinuous periods of leave, Swanley Town Council, in the two weeks beginning with the date the period of leave notice was given, can:

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

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

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. The employee must notify Swanley Town Council of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

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

AMOUNT OF SHARED PARENTAL PAY AVAILABLE

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

A total of 39 weeks' statutory maternity pay or maternity allowance is available to the mother. As there is a compulsory maternity leave period of two weeks or this means that a mother who ends her maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with her partner (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).

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

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

ELIGIBILITY FOR STATUTORY SHARED PARENTAL PAY

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

Mother's eligibility for statutory shared parental pay

The mother is eligible for statutory shared parental pay if she:

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

- is absent from work and intends to care for the child during each week in which she receives statutory shared parental pay; and
- is entitled to statutory maternity pay in respect of the child, but the maternity pay period has been reduced.

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

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- have average weekly earnings of at least the maternity allowance threshold currently £30 for any 13 of those 66 weeks.

PARTNER'S ELIGIBILITY FOR STATUTORY SHARED PARENTAL PAY

The partner is eligible for statutory shared parental pay if they:

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

In addition, for the partner to be eligible, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold currently £30 for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory maternity pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period has been reduced.

RIGHTS DURING SHARED PARENTAL LEAVE

During shared parental leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by statutory shared parental pay.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue.

CONTACT DURING SHARED PARENTAL LEAVE

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

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

Swanley Town Council has no right to require employees to carry out any work and employees have no right to undertake any work during their shared parental leave. Any work undertaken, and the amount of salary paid for any work done on SPLIT days, is entirely a matter for agreement between employees and Swanley Town Council.

RETURNING TO WORK FOLLOWING SHARED PARENTAL LEAVE

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

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

Adoption Leave Policy

This policy sets out the rights of employees to statutory adoption leave and pay.

If an employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave from day one of their employment.

The employee's entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The employee's maximum entitlement is thus to take up to 52 weeks' adoption leave.

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

This policy sets out the rights of employees who adopt a child from overseas to statutory adoption leave and pay.

ADOPTION LEAVE OVERSEAS

An employee who adopts a child from overseas and has received "official notification" in respect of that child is entitled to a period of adoption leave provided that they have at least 26 weeks' continuous service, ending with the week in which the official notification was received or starting with the week in which their employment with Swanley Town Council began.

An official notification is defined as written notification, issued by or on behalf of the "relevant domestic authority", that it is prepared to issue, or has already issued and sent, a certificate to the overseas authority concerned with the child's adoption, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

The relevant domestic authority is defined as the Secretary of State, except in the case of an adopter to whom the Inter-country Adoption (Hague Convention) Regulations 2003 apply and who is habitually resident in Wales, in which case it is the National Assembly for Wales, or one to whom the Inter-country Adoption (Hague Convention) (Scotland) Regulations 2003 apply and who is habitually resident in Scotland, in which case it is the Scottish Ministers.

WHO QUALIFIES FOR STATUTORY ADOPTION PAY AND HOW MUCH WILL THE EMPLOYEE RECEIVE?

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

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

TIMING OF ADOPTION LEAVE

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.

In order to make administration as easy as possible, the employee should discuss the timing of their adoption leave with their immediate manager as early as possible.

NOTICE REQUIREMENTS

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

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

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

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

TIME OFF TO ATTEND ADOPTION APPOINTMENTS

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.

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

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

Swanley Town Council will ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).

In addition, if the employee is adopting jointly, Swanley Town Council will ask the individual to sign a declaration, to be submitted alongside the documentary evidence, confirming that they have elected to exercise their right to take time off to attend an adoption appointment. Swanley Town Council will ask for the declaration on the first occasion on which the individual asks for time off to attend an adoption appointment.

RIGHTS DURING ADOPTION LEAVE

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

This means that, while sums payable by way of wages or salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid.

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

CONTACT DURING ADOPTION LEAVE

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

KEEPING-IN-TOUCH DAYS

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

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

RETURNING TO WORK AFTER ADOPTION LEAVE

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

The employee has the right to resume working in the same job if returning to work from ordinary adoption leave. If the employee returns to work after a period of additional adoption leave, they are entitled to return either to the same job, or if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the adoption leave period. If the employee decides during adoption leave that they do not wish to return to work, they should give written notice of resignation to Swanley Town Council as soon as possible and in accordance with the terms of their contract of employment.

TRANSFER OF ADOPTION LEAVE SHARED PARENTAL LEAVE

Shared parental leave enables adopter to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date.

Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case Swanley Town Council is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of separate blocks of leave (in which case the employee needs Swanley Town Council's agreement).

To be able to take shared parental leave, an employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the adopter curtailing his or her adoption leave.

Employees can refer to Swanley Town Council's policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the adopter's adoption leave can be curtailed. Swanley Town Council's policy on shared parental leave sets out the notice periods with which employees must comply and what evidence they must provide to Swanley Town Council. The policy also contains more details on employees' entitlement to statutory shared parental pay/Swanley Town Council's shared parental pay scheme. The adopter and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

Parental Leave Policy

An employee is entitled to up to 18 weeks' unpaid parental leave per child if they are the birth or adoptive parent of a child who is under 18 years of age. To qualify for parental leave, employees must have completed at least one year's continuous service with Swanley Town Council.

"Parental leave" should not be confused with shared parental leave. Shared parental leave enables mothers to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. Swanley Town Council provides a separate policy on shared parental leave.

RIGHTS DURING PARENTAL LEAVE

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

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

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

- notice of termination;
- disclosure of confidential information;
- the acceptance of gifts or other benefits; and
- participation in any other business.

CONDITIONS OF LEAVE

Swanley Town Council has adopted the default scheme for the taking of parental leave and the following conditions apply.

An employee may not exercise any entitlement to ordinary parental leave unless they have complied with any request made by Swanley Town Council to produce evidence of parenthood or parental responsibility. This could be in the form of a birth certificate or adoption papers.

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

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

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

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

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

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

RETURN FROM LEAVE

An employee who returns to work after a period of parental leave is entitled to return to the job in which they were employed prior to the absence if it was an isolated period of leave lasting four weeks or less. If the period of parental leave followed on immediately from another period of statutory leave, the employee's right to return depends on the length of leave taken.

The employee has the right to return to the same job if the parental leave was the last of two or more consecutive periods of leave that did not include:

- a period of ordinary parental leave lasting more than four weeks; or
- any period of statutory leave that, when added to any other period of statutory leave (excluding ordinary parental leave) taken in relation to the same child, means that the total amount of statutory leave taken in relation to that child totals more than 26 weeks.

An employee who returns to work after a period of parental leave that does not fall into the above description, for example because it follows ordinary and additional maternity leave lasting more than 26 weeks, is entitled to return to the job in which they were employed prior to the absence, or, if that is not reasonably practicable, to another job that is both suitable and appropriate in the circumstances.

Flexible Working Policy

Swanley Town Council believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress and improve performance and productivity.

All employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered seriously by their employer.

REQUESTS FOR FLEXIBLE WORKING

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

All requests must be made in writing by filling in the requisite application form, which is available from the HR department. Any request made under this policy must include:

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

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

The HR department should not reject out of hand a request that does not contain the required information.

The HR department should explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.

MEETING TO DISCUSS A FLEXIBLE WORKING REQUEST

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

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

OUTCOME OF A FLEXIBLE WORKING REQUEST

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

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

REASONS FOR TURNING DOWN A FLEXIBLE WORKING REQUEST

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

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

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

FLEXIBLE WORKING REQUESTS THAT ARE GRANTED

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

TIMESCALES

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

PROBLEMS WITH A FLEXIBLE WORKING REQUEST

If an employee is dissatisfied or unclear at any stage throughout the process, they should contact the HR department. If an employee is dissatisfied with the way in which their request has been handled, they should raise a grievance under Swanley Town Council's grievance procedure.

Line managers who receive a request will have regard to Swanley Town Council's equal opportunities policy when considering the request.

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

Environmental Policy Statement

Swanley Town Council's statement of general policy is to:

- Provide adequate resources to ensure that Swanley Town Council ("the Council") is able to perform all of its duties as required by Environmental legislation
- Provide a standard of adequate control of the environmental risks arising from our work activities
- Ensure safe and legal managed handling and disposal of all waste
- Provide adequate equipment, containment and cleaning materials to manage waste where identified as necessary
- Provide timely information, instruction and supervision for employees on environmental matters
- Regularly encourage environmental improvement initiatives
- Evaluate the potential to recover or recycle our waste materials
- Prevent accidents and cases of work-related ill health, through maintaining good environmental risk assessment and control
- Seek to minimise noise and vibration and to maintain healthy working conditions for our staff and contractors
- Review and revise this policy as necessary at regular intervals
- In describing disposal methods the Council will seek Best Value in selecting a disposal method which may involve burning, though this will be limited to Natural Products only and in limited quantities.

The Council also accepts its part in the responsibility for the local environment and conservation of resources and will endeavour to improve 'progressively' its environmental performance and will comply with legislation.

All employees including volunteers have a responsibility to co-operate with supervisors and managers to make environmental improvement, minimising waste and maximising recycling.

Overall and final responsibility for the environmental controls of the Council is delegated by the Council to **Ryan Hayman – CEO & Proper Officer**

Biodiversity Policy

Swanley Town Council has multiple Open Spaces and Parks which are used for the enjoyment of its residents, which support a range of flora and fauna alongside local wildlife.

Following the Natural Environment and Rural Communities Act 2006 every public authority must, in exercising its functions, have regard so far as it is consistent with the proper exercise of those functions for the purpose of conserving biodiversity.

This act means that parish and town councils can spend funds in conserving and promoting biodiversity objectives.

The object of this policy is to work towards enhancing and protecting the biodiversity of Swanley and Swanley Village.

The Council will aim to improve the biodiversity of the area in the following ways:

- Manage its land using environmentally-friendly practices that will promote biodiversity
- Support local businesses in the adoption of low impact practices
- Support residents and local organisations activities to enhance and promote biodiversity with specific actions for the Development Control Committee will consider sustainability, environmental impact and biodiversity when commenting on planning applications
- The Council will lead on the development of a Neighbourhood Plan to promote appropriate and sustainable development in Swanley
- The Council will, whenever possible, consider the conservation and promotion of local biodiversity in all its activities, particularly with regard to the management of its open spaces
- The Council will aim to work in partnership with the development of environmentally friendly areas created by residents, local organisations and businesses
- The Council will raise awareness of environment and promote conservation projects in conjunction with SWAN, Swanley Village Residents Association, Kent Wild Life and other similar groups.

Pandemic Policy

INTRODUCTION

The Council is committed to ensuring the health and safety of its workforce and the following procedure sets out the contingency measures that the Council will bring into effect in the event of a pandemic outbreak. The following procedure aims to ensure that the Council will be able to continue its business operations to the best of its abilities in such an event while protecting, as far as is reasonably practicable, our employees.

In outlining its procedures however, the Council expects all of its employees to take reasonable care for themselves and others, to behave responsibly and sensibly, and to act at all times in line with the latest guidance from the Government.

COMMUNICATION

During a pandemic, the Council will nominate a senior member of staff who will be responsible for communicating important messages to our workforce, including on the impact of the pandemic on our operations and the Council's response to it, and to whom all questions from the workforce should be directed.

Communication may be undertaken by group meeting, email or by letter, or by other digital means if it is no longer possible to operate from the workplace.

BUSINESS TRAVEL

The Council recognises that there may be restrictions placed upon travel so will consider every business trip that is planned for the near future on an individual basis and identify if alternatives to making the trip can be considered, where possible. This may include postponing the trip or holding meetings digitally.

If travel is deemed necessary, we will conduct a full risk assessment into the risks associated with the trip with involvement from employees who are being asked to travel.

EMPLOYEE TRAVEL

During a pandemic, certain countries may be identified as posing a particularly high risk to visitors. The Council accepts that some of its employees will have made plans to travel which may include pre-booked and paid for holidays. We would therefore ask that employees consider, for their health reasons, whether travelling to these countries is the best thing to do. If a decision is made to travel, we ask that employees let your Line Manager know of the countries to be visited so that their return can be managed appropriately.

If you would like to cancel any pre-booked annual leave, you should discuss this with your Line Manager however please be aware that we are under no obligation to allow you to change or cancel any previously booked holiday.

INFECTION CONTROL MEASURES AND PERIOD OF SELF-ISOLATION

We expect all employees to follow all guidelines issued from the World Health Organisation or as advised by the UK Government or any other authority, in both daily life and whilst at work. This includes any social distancing measures. In addition, depending on the nature of the pandemic, the Government may require people to self-isolate, which means staying at home and not having contact with other people. In this situation, the following applies:

- All employees should keep up to date on Government guidance on who should self-isolate.

- If you are required to self-isolate, you must inform your Line Manager at the earliest opportunity. Your Line Manager will keep in contact with you during this period. You must not attend work during the isolation period.
- Where feasible, we may consider whether you can work from home during this period.
- Details of any payment being made during this time will be advised to you at the start of the self-isolation and will be in accordance with Government guidance at the time.

BECOMING ILL

If you become ill from the threat to health, you should take and follow medical advice on the length of your sickness absence. Prior to returning to work you should ensure you are symptom free. You must not return before you are completely recovered. Your Line Manager will keep in touch during your absence and will confirm your return date with you.

Our normal sickness absence and sick pay procedure will apply. You are required to produce a medical certificate for illnesses lasting more than seven calendar days, however, we appreciate that you may not be in a position to obtain a medical certificate in usual timescales, therefore you should provide it as soon as is reasonably practicable.

Alternative medical certificates may be accepted, where it is confirmed by the UK Government that such are acceptable as evidence.

ATTENDANCE AT WORK

Unless you are sick or are in self-isolation in accordance with Government guidance and have followed our usual reporting procedures in relation to absence, or not attending work under our specific instruction, you are expected to attend work as normal. However, if there is a reason why you think you may have been exposed to a threat to your health, or you begin to feel ill whilst at work, you should let your Line Manager know.

The Council's leave and absence policies will be continuously reviewed as the status of the pandemic changes.

WORKING AT HOME OR ANOTHER LOCATION

It may be necessary for us to require you to work from an alternative work location if, for example, instructions from a third party mean that entry into our current workplace is not permitted. Your flexibility in this regard will be expected, however, all instructions of this nature will be reasonable.

The Council will consider, as part of its general approach to maintaining normal business operations, whether employees are to work from home and will take into consideration Government guidance on this issue. Obviously, this may not be possible in every case due to the nature of the business and individual roles. However, where applicable, we will assess the viability of this option, taking into consideration any equipment needed, at the relevant time and, as a result, you may be required to work from home for a temporary period. Employees should not assume that they will be permitted to work from home and advance authorisation will be needed in every case.

TEMPORARY BUSINESS CLOSURE

Depending on the impact of the pandemic, it may become clear that the business is temporarily unable to continue its operations as normal. In some cases, we may be advised or required to close the business by the UK Government or other authority. In this scenario, we may be forced to close all, or part, of the business temporarily until such a time as we are able to resume operations. Whilst we will do everything we

can to ensure that this does not happen, including the implementation of temporary home working where the nature of the role allows, we may be in a position where we are unable to provide you with work as normal. Where this happens, we may be left with no option but to place you on lay off, short time working or designate you as a furloughed worker during which time there will either be a reduction in your hours, or you will cease to do all work for the Council. Any payments made to employees during lay off, short time working or furlough will be subject to legislation and Government guidance in place at the relevant time.

RETURNING TO WORK

In the event that our business closes, we will closely monitor the situation in order to ascertain a time at which it may re-open, or if it has remained open but we have implemented a period of home-working, a time at which we are able to re-open the normal workplace. We will take into consideration guidance from the UK Government or other relevant authorities when making this assessment, including giving utmost priority to whether it is safe to do so and we will keep you updated on the current situation. When the decision has been made to re-open, we will endeavour to give you as much notice of this as possible. Heads of department will be responsible for contacting their team members to ensure that the time and date on which you are required to return to work has been communicated, as well as any additional health and safety measures that we require you to observe on your return. Unless otherwise directed, you will be required to return to the location at which you were working prior to the shutdown/home working period, and on the same hours of work.

On the first day back in the workplace, managers will hold meetings with their teams to welcome you back and deliver any important messages about any adjustments to working that may still be required, for example, in respect of health and safety measures, in the delivery of our service to our clients. Your Line Manager will remain the initial point of contact for any questions that you may have about the delivery of our service on your return. If you work part-time, or are not able to return on the re-open day due to sickness or other absence, your Line Manager will arrange a return to work meeting with you on your first day back.

Any equipment that you were provided with for the specific purpose of carrying out your duties at home during the shutdown/home working period, including but not limited to mobile phones and laptops, must be returned to us. You must also ensure that any Council documentation or information used or printed out in your home is returned or brought into the workplace.

If you were already a home-worker prior to the shutdown/wider home-working period, your Line Manager will arrange a digital return to work discussion with you.

COVID-19 VACCINE STATUS

In cases of becoming infected with COVID-19, but the employee is NOT fully vaccinated, then any contractual sickness payments shown in your individual Statement of Main Terms of Employment may no longer be applicable. Individual circumstances will be considered.

In cases of self-isolation due to a close contact or living with someone with COVID-19, but the employee is NOT fully vaccinated, then any contractual sickness payments shown in your individual Statement of Main Terms of Employment may no longer be applicable. Individual circumstances will be considered.

Anti-Bribery Policy

INTRODUCTION

Bribery is a criminal offence. The Council prohibits any form of bribery. We require compliance, from everyone connected with our business, with the highest ethical standards and anti-bribery laws applicable. Integrity and transparency are of utmost importance to us and we have a zero tolerance attitude towards corrupt activities of any kind, whether committed by employees or by third parties acting for or on behalf of the Council.

POLICY

It is prohibited, directly or indirectly, for any employee or person working on our behalf to offer, give, request or accept any bribe i.e. gift, loan, payment, reward or advantage, either in cash or any other form of inducement, to or from any person or Council in order to gain commercial, contractual or regulatory advantage for the Council, or in order to gain any personal advantage for an individual or anyone connected with the individual in a way that is unethical.

SUSPICION

If we suspect that you have committed an act of bribery or attempted bribery, an investigation will be carried out and, in line with our disciplinary procedure where appropriate, action may be taken against you which may result in your dismissal, or the cessation of our business arrangement with you.

REPORTING

If you, as an employee or person working on our behalf, suspect that an act of bribery or attempted bribery has taken place, even if you are not personally involved, you are expected to report this to the CEO. You may be asked to give a written account of events.

Staff are reminded of the Council's Whistleblowing Policy which is available in this Employee Handbook.

GIFTS AND HOSPITALITY

We realise that the giving and receiving of gifts and hospitality as a reflection of friendship or appreciation where nothing is expected in return may occur, or even be commonplace, in our industry. This does not constitute bribery where it is proportionate and recorded properly.

No gift should be given nor hospitality offered by an employee or anyone working on our behalf to any party in connection with our business without receiving prior written approval from your Line Manager.

Similarly, no gift or offer of hospitality should be accepted by an employee or anyone working on our behalf without receiving prior written approval from your Line Manager.

RECORD KEEPING

A record will be made by your Line Manager of every instance in which gifts or hospitality are given or received.

As the law is constantly changing, this policy is subject to review and the Council reserves the right to amend this policy without prior notice

Anti-Tax Evasion Policy

INTRODUCTION

Tax evasion is a criminal offence. The Council prohibits any form of tax evasion. Involvement in the criminal facilitation of tax evasion exposes the Council and the person facilitating the evasion to a criminal offence. It will also damage our reputation and the confidence of our clients, suppliers and business partners.

Indicators of tax evasion are:

- a) request for payment by cash;
- b) overly-complex payment mechanisms;
- c) services/goods provided to jurisdictions that do not subscribe to Common Reporting Standards;
- d) transactions involving overly complex supply chains;
- e) transactions involving private banking facilities; and/or
- f) records are incomplete or missing.

Our position is simple: we conduct our business to the highest legal and ethical standards. We will not be party to tax evasion or the facilitation of tax evasion of any form. Such acts would damage our reputation and expose us, and our staff and representatives, to the risk of fines and imprisonment.

We take a zero-tolerance approach to tax evasion facilitation by our people and our third party representatives. We are committed to:

- a) rejecting the facilitation of tax evasion; and
- b) not recommending the services of others who do not have reasonable prevention procedures in place.

We require compliance in regards to this from everyone connected with our business. Integrity and transparency are of utmost importance to us.

DEFINITIONS OF TAX EVASION

Tax evasion is the practice of using illegal methods to avoid paying tax. It frequently involves contrived, artificial transactions that serve no purpose other than to reduce tax liability.

POLICY

It is prohibited, directly or indirectly, for any employee or person working on our behalf to take part in any activity relating to tax evasion.

If we suspect that you have taken part in such activity, an investigation will be carried out and, in line with our disciplinary procedure where appropriate, action may be taken against you which may result in your dismissal, or the cessation of our business arrangement with you.

If you, as an employee or person working on our behalf, suspect any activity related to tax evasion or attempted tax evasion has taken place, even if you are not personally involved, you are expected to report this to the CEO. You may be asked to give a written account of events.

TRAINING/MONITORING/REVIEW

The Council will ensure that it gives all relevant training for staff in relation to financial crime detection and prevention, it will ensure it monitors and enforces compliance with the prevention procedures and regularly review the effectiveness of prevention procedures, refining them where necessary.

CONCERNS

Staff are reminded of the Council's Whistleblowing policy which is available in this Employee Handbook, or upon request.

Whistle-blowers Procedure

INTRODUCTION

Although the term "whistle-blowing" has no legal definition within EC or UK law it has been used to describe incidents where an employee provides information about (publicly discloses) alleged wrongdoing within an organisation.

The Public Interest Disclosure Act 1998 promotes greater openness in the workplace and protects "whistle-blowers" from being unfairly treated, e.g. bullied, or sacked, if they make people aware of matters in the public interest. In providing this protection the Act also strengthens the duty of all employees of Swanley Town Council ("the Council") not to provide information to any outsiders about confidential matters gained at work, unless it comes within the "whistle blowing" procedure.

The definition of "employee" in this procedure is:-

'any PAYE individual who is paid by the Town Council including full time, part time, temporary or casual work'

and the document:-

- provides advice to employees;
- explains the procedure to follow should an employee have good reason to believe that there is serious wrongdoing; and
- explains what to do if an employee is unhappy with the way the Council deals with the matter.

RESPONSIBILITIES

Employees are expected to give honest and faithful service to the Council. This includes not providing confidential information to outsiders or doing anything which may make the Council doubt their integrity.

The Council encourages employees to highlight any actions which they consider a serious wrongdoing within the organisation; however the concern must be raised without malice, i.e. not just to cause trouble.

THE PROCEDURE

Areas not covered by the procedure;

- personal problems about an individual's terms and conditions of employment
- other aspects of the working relationship
- complaints of bullying or harassment
- disciplinary matters

Areas covered by the procedure include;

- a criminal offence
- failure to comply with legal requirements, policies or procedures of the Council
- financial or non-financial maladministration or malpractice or impropriety or fraud
- professional malpractice
- a risk to the health or safety of any individual
- environmental damage
- a miscarriage of justice
- improper conduct or unethical behaviour

- attempts to suppress or conceal any information relating to any of the above

If issues raised are more concerned with grievance, bullying, harassment or discipline, then those procedures should be followed.

RAISING MATTERS OF CONCERN

Any employee who has good reason to believe that there is serious wrongdoing or malpractice within the Council, should raise the matter with Town Council Officers. In all circumstances, employees will be required to provide as much information as possible.

Any information put forward should normally be made to:

- **The Line Manager** for matters specific to the employees team
- **The Finance Officer** on matters of more general importance
- **The CEO/Town Clerk** on matters of high sensitivity
- **The Leader of the Council** on matters relating to the Town Clerk

The Council will make sure that any employee providing information will not be punished or be treated badly because of it. In view of this protection individuals should put their name to any information given. If requested, an individual's identity will be kept confidential, for as long as possible, provided that this makes a full investigation possible.

Anonymous complaints are not covered by this procedure, but may be reported, investigated or acted upon as the person receiving the complaint sees fit. The seriousness of the matter put forward, the credibility of the complaint, the chances of being able to undertake a full investigation and fairness to any person mentioned in the complaint must be taken into account.

The raising of a concern must not be made:

- Without good reason to believe the information to be substantially true
- For personal gain
- To cause trouble
- Maliciously

Employees found to be making a claim for any of these reasons may be subject to disciplinary proceedings.

ADVICE ON RAISING A CONCERN

The Council realises the difficult choice an employee may have in deciding whether to raise a concern, as the issue is likely to be complicated and involve other employees.

The following advice is recommended:

- make any complaints about illegal, unsafe or unethical practices quickly so motives are clear.
- focus on the problem and act tactfully to prevent causing unnecessary additional problems between individuals which might distract attention from solving the problem.
- be accurate in observations and claims and keep proper written records of what happened.

Employees may also wish to seek independent legal advice, but this must be done formally through a qualified lawyer, e.g. through free legal advice surgeries, and wherever possible a recommendation in writing obtained.

WHAT HAPPENS WHEN AN ISSUE IS RAISED

When an issue is raised the person receiving the information will;

- decide whether the matter should be dealt with under this, or an alternative, Council procedure
- advise the employee raising the matter of their decision on which procedure should be followed
- decide whether there is a case to answer, whether an investigation should take place and, if so, how it should be done.

This will depend on the type of issue raised and could be:

- Investigated within the Town Council (the Leader will choose an independent staffing panel of two Town Councillors)
- given to the internal auditor if it is a financial problem
- given to outside Auditors (the external publicly accountable Company employed independently to examine the Council's management systems and accounts and who make public those findings)
- investigated independently.

The person receiving the information may decide not to investigate the matter, in which case they will explain their decision to the person providing the information.

The employee may then decide to give the details to another of those listed in Section 4 or to the Internal Auditor (the external Company employed by the Town Council to examine its management systems and accounts and give guidance prior to public audit).

INVESTIGATIONS

Investigations will take place diplomatically, carefully and as quickly as possible with the employee being advised of the timetable. The person receiving the information may seek to check the facts before deciding on the appropriate investigator.

When an investigation is instigated the employee or employees against whom the claim has been made will be advised as soon as possible and will be allowed to respond.

The investigator will explain their findings to the person who initially received the information. That person will then decide if the problem needs to be investigated further and how this should be done. (This may include a special independent investigation within the Council or going to an outside body for further investigation)

Investigations may result in;

- the decision that the matter is more appropriate to another procedure, e.g. grievance, bullying, harassment or discipline;
- the employee/employees involved being subject to disciplinary action and/or civil or criminal proceedings; or
- information being passed onto an appropriate outside body, e.g. the Police.

On completion of the investigation the employee who provided the information will be advised of the action being taken.

HOW INFORMATION IS RECORDED

- An official written record will be kept of each stage of the procedure.
- The person(s) investigating the matter will make a full report on the information given and their findings.
- The report will be signed and dated by the investigating officer and the person who supplied the information.
- It is not necessary for the supplier of the information to be identified. In such circumstances they must sign a document saying that the complaint has been investigated
- Reports will normally be kept for at least five years
- In all cases a report of the result will be made to the Town Council; which will, if necessary, pass the report on to an external body.

WHO TO TELL - IF THERE IS ANY COMEBACK

The Council realises it must ensure that staff who give information about a problem without malice and in good faith are protected, regardless of whether or not the problem raised is found to be correct.

An employee who has raised a concern and who feels that they have suffered as a result should make a formal complaint under the grievance procedure. If there are reasonable grounds for the complaint, the person against whom the complaint has been made must prove that their actions were not taken because of the information given against them.

Where it is decided that there is a case of an employee being treated badly, harassed, or bullied as a result of their providing information, a further investigation may take place and, in line with Council procedures, disciplinary action may be taken against the person causing ill - treatment.

PROVIDING INFORMATION TO A PERSON/ORGANISATION OUTSIDE OF THE TOWN COUNCIL

If, having followed and completed the procedure, an employee is not happy with the Council's handling of the situation and reasonably believes that the information they have given, and any allegation in it, are substantially true, they may take the matter further by taking it to certain outside bodies or persons such as:

- a legal adviser;
- other bodies or persons (if any) listed by the Secretary of State under Section 43F of the Employment Protection Act 1996, as amended by Section I of the Public Interest Disclosure Act 1998; or
- a member of Parliament

Employees who, in good faith, make an outside complaint after following and completing the Council's procedure will be protected against bullying or other unpleasant treatment

Performance Improvement Policy and Procedure

PURPOSE AND SCOPE

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

This document:

- Supports both us and you to bring about positive changes in work performance and attitude, when needed, and,
- Explains how we will deal with instances of performance that fall below our standards, in a fair and consistent way.

It applies to all staff following successful completion of a probationary period, whether full time, part time or temporary. It does not apply to volunteers or agency staff.

PRINCIPLES

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

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

INFORMAL FEEDBACK

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

PROCESS

Where informal discussions have not led to an improvement in performance, the council will follow the following procedure.

First stage of formal procedure - first written warning

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

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

Having listened to your response, you may be issued with a first written warning for unsatisfactory performance if your performance does not meet acceptable standards. This will set out: -

- The performance problem
- The improvement that is required
- The timescales
- Any help that may be given
- The right of appeal
- You will be advised that it constitutes the first stage of the formal procedure and
- That the warning will remain on your file for 6 months

A record of the warning will be kept on your file.

If your performance improves to an acceptable level following the first meeting, the council will meet with you to confirm that your performance is now satisfactory. This will be confirmed in writing to you. Providing that satisfactory improvement is sustained, the warning will be disregarded after 6 months for the purposes of providing an employment reference. However, the warning will be considered again if the poor performance re-starts.

Second stage of formal procedure - final written warning

If the concerns about your performance continue, you will be invited to a second formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of what the council considers to be poor performance; and advise you of your right to be accompanied at the meeting, you may choose this to be from a Trade Union representative or work colleague.

At the meeting, we will discuss the progress made following the first meeting and you will be given the opportunity to respond; and where training and development is appropriate this will be considered.

Having listened to your response, if your performance hasn't improved to a satisfactory level, you may be issued with a final written warning for unsatisfactory performance. This will set out: -

- The performance problem
- The improvement that is required
- The timescale
- Any help that may be given
- The right of appeal
- That the warning will remain on your file for 6 months
- Advise you that it constitutes the final written warning and will also warn that failure to improve may lead to dismissal

A record of the warning will be kept on your file.

If your performance improves to acceptable level following the second meeting, the council will meet with you to confirm that your performance is now satisfactory. This will be confirmed in writing to you. Providing that satisfactory improvement is sustained, the warning will be disregarded after 6 months for the purposes of providing an employment reference. However, the warning will be considered again if the poor performance re-starts.

Final stage of formal procedure – dismissal

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

At the meeting, we will discuss the progress made following the second meeting and you will be given the opportunity to respond. Having listened to your response, if your performance hasn't improved to a satisfactory level, dismissal will be considered, or where appropriate redeployment to an alternative role.

Any offer to redeploy you will be entirely at the council's discretion. Such an offer will be made only where there is a vacancy that we are confident you would be able to perform to a satisfactory level. The alternative job may be on different terms of employment. It will normally be offered only as an alternative to dismissal in circumstances in which we are satisfied that you should no longer be allowed to continue to work in your current role. While you will be free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

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

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

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

APPEALS

If you wish to appeal against a formal warning or dismissal you must do so by writing to the Clerk within five working days. The Clerk will arrange for an appeal meeting to take place. Wherever possible, your appeal will be heard by a more senior officer or a subcommittee made up of councillors who have not previously been involved in the matter.

You have the right to be accompanied at the appeal meeting by either a work colleague or a trade union representative. At the appeal hearing, the decision to impose the sanction will be reviewed and you will be entitled to make representations about the appropriateness of that decision.

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

RESCHEDULED MEETINGS

If you fail to attend a scheduled Performance Improvement Meeting without satisfactory reason, we will reschedule the meeting. We will advise you that if you do not attend the rescheduled meeting without a satisfactory reason, we reserve the right to make a decision in your absence. We will however confirm that if you do not wish to attend the hearing, you may send written representations, join the hearing by telephone or send a representative on your behalf.

RIGHT TO BE ACCOMPANIED

You have the right to be accompanied by a work colleague or a Trade Union representative to all formal meetings in this procedure. Notice of attendance from a Trade Union must be given to the Council at least five working days before the meeting. The council will also consider requests to be accompanied to any investigation meetings.

A work colleague will be allowed time off to accompany you to the meeting and the council will support any work colleague who agrees to be a companion. A companion must feel able to agree to the request on the basis that they will not be treated to any detriment if they accept. However, the companion can decline a request.

It is your responsibility to ensure your companion is aware of the meeting arrangements and that they have any documentation in good time. If your chosen companion is not available at the time proposed for the meeting, you must provide us with alternative dates that you are both able to meet. These dates must be within the following five working days unless the council can agree to alternative arrangements.

If you and your representative are unable to meet with the council within a reasonable time, we will discuss alternative arrangements to enable you respond to the concerns. If we are unable to meet with you personally, this may mean that the council considers the concerns in your absence with your companion attending on your behalf or considering a written response.

CONFIDENTIALITY AND DATA PROTECTION

We aim to deal with performance improvement matters sensitively and with respect for the privacy of the individuals involved. All staff must treat as confidential any information communicated to them in connection with a performance improvement matter.

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by the council to take notes.

The council processes any personal data collected during the performance improvement procedure in accordance with its data protection policy and privacy notice as issued to our employees. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the performance improvement procedure.

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

MEDICAL CAPABILITY

All medical capability issues are dealt with using the capability procedures in our sickness absence policy and procedure.

Staff Suggestion Scheme

INTRODUCTION

The aim of this scheme is to encourage employees to make suggestions that benefit Swanley Town Council (“the Council”) and to reward individuals for their initiative.

Overall the scheme is intended to promote creative and innovative thinking and have a positive impact on both motivation and morale as employees are rewarded for their ideas.

The definition of “employee” in this scheme is:-

‘any individual, other than a councillor or the CEO, who is paid by the Town Council including full time, part time, temporary or casual work’

CRITERIA

Suggestions will need to fulfil at least one of the following criteria:

- ☐ Improve the quality care and/or timeliness of the Council’s services
- ☐ Improve working conditions for colleagues (including health, safety, environment and welfare)
- ☐ Improve processes and systems so that time and/or money is saved
- ☐ Improve supply in energy or resources so that money is saved

RULES OF THE SCHEME

- Councillors and CEO are exempt from the Scheme.
- Suggestions must be outside the scope of the individual’s normal duties and responsibilities, including ideas and work that reasonably might arise out of their day to day employment.
- Where a similar suggestion is received from more than one employee the reward will be allocated either to the one received first or, if received simultaneously, shared amongst the individuals as agreed on the suggestion form.
- The reward will be payable to the individual once the suggestion has been approved by the Council and implemented, the individual must, at this time, still be an employee of the Council.
- The decision of the Council is final.

REWARDS

Successful suggestions will attract one of the following levels of reward:

Where no financial benefit can be easily calculated:-

- An award, of up to a maximum of £100, may be given at the discretion of the Policy & Finance Committee.

Where financial benefit can be calculated:-

- The Council has the discretion to allocate an additional reward, subject to an upper limit of £1,000, for an outstanding idea calculated on a maximum of 10% of savings in Year 1 of implementation.

TAXATION

The Inland Revenue does not tax rewards made under formally constituted schemes, provided schemes only reward employees for ad-hoc suggestions outside their normal duties and the size of the reward is reasonable in relation to the financial saving made by the employer.

PATENTS

As a general rule the employee, as defined in their contract of employment, will surrender the idea to the Council. However, where the idea is considered worth patenting, the Patents Act may apply. The Suggestion Scheme Panel will take advice as to whether a joint patent is appropriate.

PROCEDURE

- Publicity of the scheme around the Council will invite employees to submit their ideas to the CEO in confidence
- Suggestions should be submitted on the attached suggestion scheme form
- Every suggestion received will be acknowledged on receipt within 5 days where possible giving the date of consideration.
- An initial evaluation of the suggestion will be sought from the appropriate line manager
- The Committee meeting will consider suggestions and make recommendations to the Policy & Finance Committee for deliberation.
- Employees will be advised in writing of the Council's decision (maximum 8 weeks) and employees whose suggestions are accepted will receive payment as detailed in Sections 3 and 4
- Successful suggestions will be implemented and publicised

IMPROVING INCOME

Where staff are able to show as a result of their efforts that income has increased by more than 25% for an event or activity then the council may consider a reward in the form of an 'Honorarium' for outstanding performance. However, such payments are subject to TAX.

EMPLOYEE SUGGESTION FORM

This form is for individuals or groups and should be sent to the CEO on completion. Forms are also available electronically: please contact to receive a copy.

YOUR SUGGESTION:

Title of Suggestion:

Describe your Suggestion:

(Attach any drawings, sketches, photographs or other papers if this helps. If your idea relates to equipment, state clearly which type)

- What is the problem or opportunity?
- What is your solution (and how would it work)?

Add more pages if you need more space

YOUR DETAILS: *(For group suggestions, enter details for each group member)*

Surname:

Forename:

1.
2.
3.

1.
2.
3.

Job Title:
1.
2.
3.

Work location:
1.
2.
3.

OTHER INFORMATION:

- **Have you applied for a patent?**
(if 'YES' please attach details) YES ☐ NO ☐ please tick box
- **If you receive an award, are you** YES ☐ NO ☐ please tick box
content for the level of award to be publicised?

- **Group Suggestions only:**
Please state opposite the agreed percentage contribution made by each member of the group.
This will be used as the basis for sharing any award

Name of Suggestions:	Contribution:
1.	%
2.	%
3.	%

YOUR SIGNATURE:

'Signatures' may be typed on e-mailed forms.

Group suggestions must be completed in hard copy and must be signed by each member of the group).

Signature(s):	Date:
1.	
2.	
3.	

THANK YOU FOR YOUR SUGGESTION
Please submit completed forms to the CEO

Refer a Friend Policy

PURPOSE

The Council encourages employees to refer a friend, family member or known contact for employment at the Council. The purpose of this policy is to set out the reward arrangements for making a successful recruitment referral.

OUR RESPONSIBILITIES

All candidates referred by existing employees will receive a fair, robust application process in accordance with the Council's standard recruitment practices. Applications will be treated in the strictest confidence in compliance with relevant employment legislation.

An employee who has successfully referred another individual (in other words, the referred individual is subsequently recruited by the Council) will be informed that this has taken place, alongside details of the date of commencement of employment and amount of reward payment to be made.

All employees are permitted to take part in this reward scheme, including both permanent and fixed-term employees.

THE REWARD

In order to receive the reward, the following criteria must be met:

- the referring employee must be employed by the Council on the date the reward payment falls payable and
- the referred individual cannot be an ex-employee of the Council
- the referred individual must have successfully completed three months' service.

The total reward amount is £50.00 which will be paid over two pay checks. The first £25.00 will be rewarded after the new referred employee has been with the Council for 3 months. The remaining £25 will be rewarded if the employee passes their 6 month probation period. The reward is paid gross and subject to all normal deductions.

The Council reserves the right to withdraw or amend this reward scheme with no prior notice.

Disciplinary Procedures

INTRODUCTION

It is necessary to have a minimum number of rules in the interests of the whole organisation.

The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of individuals. It is our aim that the rules and procedures should emphasise and encourage improvement in the conduct of individuals, where they are failing to meet the required standards, and not be seen merely as a means of punishment. We reserve the right to amend these rules and procedures where appropriate.

Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case and appeal against any decision that you consider to be unjust.

The following rules and procedures should ensure that:

- a) the correct procedure is used when requiring you to attend a disciplinary hearing;
- b) you are fully aware of the standards of performance, action and behaviour required of you;
- c) disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner;
- d) you will only be disciplined after careful investigation of the facts and the opportunity to present your side of the case. On some occasions we may implement temporary measures in order that an uninterrupted investigation can take place. These measures may include, for example:
 - working in a different department, or from a different office or site
 - a change to your usual duties
 - working with different customers/clients, or away from customers/clients
 - working from home
 - suspension on contractual pay.

This list is not exhaustive, and we may implement other measures which are appropriate to the circumstances. None of these measures are to be regarded as disciplinary action or a penalty of any kind.

Where an employee on temporary suspension tells us that they are sick, the employee will be considered to be on sickness absence, rather than suspension, until the employee notifies us that they are no longer sick, at which point suspension will resume where appropriate;

- e) other than for an "off the record" informal reprimand, you have the right to be accompanied by a fellow employee at all stages of the formal disciplinary process;
- f) you will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct; and
- g) if you are disciplined, you will receive an explanation of the penalty imposed and you will have the right to appeal against the finding and the penalty.

DISCIPLINARY RULES

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct shown in this handbook, a breach of other specific conditions, procedures, rules etc. that are contained within this handbook or that have otherwise been made known to you, will also result in this procedure being used to deal with such matters.

RULES COVERING UNSATISFACTORY CONDUCT AND MISCONDUCT

(These are examples only and not an exhaustive list.)

You will be liable to disciplinary action if you are found to have acted in any of the following ways:

- a) failure to abide by the general health and safety rules and procedures;
- b) smoking in designated non-smoking areas;
- c) consumption of alcohol on the premises;
- d) persistent absenteeism and/or lateness;
- e) unsatisfactory standards or output of work;
- f) rudeness towards clients, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language;
- g) failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours;
- h) unauthorised use of e-mail and internet;
- i) failure to carry out all reasonable instructions or follow our rules and procedures;
- j) unauthorised use or negligent damage or loss of our property;
- k) failure to report immediately any damage to property or premises caused by you;
- l) use of our vehicles without approval or the private use of our commercial vehicles without authorisation;
- m) failure to report any incident whilst driving our vehicles, whether or not personal injury or vehicle damage occurs;
- n) if your work involves driving, failure to report immediately any type of driving conviction, or any summons which may lead to your conviction;
- o) carrying unauthorised goods or passengers in our commercial vehicles or the use of our vehicles for personal gain; and
- p) loss of driving licence where driving on public roads forms an essential part of the duties of the post.

SERIOUS MISCONDUCT

Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.

You may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.

RULES COVERING GROSS MISCONDUCT

Occurrences of gross misconduct are very rare because the penalty is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct. Examples of offences that will normally be deemed as gross misconduct include serious instances of:

- a) theft or fraud;
 - b) physical violence or bullying;
 - c) deliberate damage to property;
 - d) deliberate acts of unlawful discrimination or harassment;
 - e) possession, or being under the influence, of drugs* at work and/or testing positive for drug use in a random sample drug test in line with our policy; and
- *For this purpose, the term 'drugs' is used to describe both illegal drugs and other psychoactive (mind-altering) substances which may or may not be illegal.
- f) breach of health and safety rules that endangers the lives of, or may cause serious injury to, employees or any other person.

(The above examples are illustrative and do not form an exhaustive list.)

DISCIPLINARY PROCEDURE

Disciplinary action taken against you will be based on the following procedure:

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION	FOURTH OCCASION
Unsatisfactory Conduct	Formal Verbal Warning	Written Warning	Final Written Warning	Dismissal
Misconduct	Written Warning	Final Written Warning	Dismissal	
Serious Misconduct	Final written warning	Dismissal		
Gross Misconduct	Dismissal			

We retain discretion in respect of the disciplinary procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service you may not be in receipt of any warnings before dismissal.

If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to you.

In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

DISCIPLINARY AUTHORITY

The operation of the disciplinary procedure contained in the previous section, is based on the following authority for the various levels of disciplinary action. However, the list does not prevent a higher level of seniority progressing any action at whatever stage of the disciplinary process.

PERSON AUTHORISED TO TAKE DISCIPLINARY ACTION IN THE CASE OF:			
		MANAGEMENT	OTHER EMPLOYEES
Formal Verbal Warning		CEO/ Chair of Personal Committee	Line Manager
Written Warning		CEO/ Chair of Personal Committee	Line Manager
Final Written Warning		CEO/ Chair of Personal Committee	Line Manager
Dismissal		CEO/ Chair of Personal Committee	Line Manager

PERIOD OF WARNINGS

Formal verbal warning

A formal verbal warning will normally be disregarded for disciplinary purposes after a three month period.

Written warning

A written warning will normally be disregarded for disciplinary purposes after a six month period.

Final written warning

A final written warning will normally be disregarded for disciplinary purposes after a twelve month period.

GENERAL NOTES

If you are in a supervisory or Managerial position, then demotion to a lower status at the appropriate rate may be considered as an alternative to dismissal except in cases of gross misconduct.

In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal (except dismissal for gross misconduct) may be considered by the person authorised to dismiss.

Gross misconduct offences will result in dismissal without notice. You have the right to appeal against any disciplinary action.

Performance / Disciplinary Appeal Policy

You have the right to lodge an appeal in respect of any capability/disciplinary action taken against you.

If you wish to exercise this right you should apply either verbally or in writing to the person indicated in your individual Statement of Main Terms of Employment.

An appeal against a formal warning or dismissal should give details of why the penalty imposed is too severe, inappropriate or unfair in the circumstances.

The appeal procedure will normally be conducted by a member of staff not previously connected with the process so that an independent decision into the severity and appropriateness of the action taken can be made.

If you are appealing on the grounds that you have not committed the offence then your appeal may take the form of a complete re-hearing and reappraisal of all matters so that the person who conducts the appeal can make an independent decision before deciding to grant or refuse the appeal.

You may be accompanied at any stage of the appeal hearing by a fellow employee of your choice. The result of the appeal will be made known to you in writing, normally within five working days after the hearing.

Grievance Procedure

The purpose of the procedure is to ensure that employees have access to a fair and systematic approach for the handling of grievances.

SCOPE

The procedure will apply to all employees of the Council except the CEO, i.e. they are still within the probationary period for new employees.

CEO'S GRIEVANCE

In the case of the CEO recent case law has recommended that the CEO/Town Clerk must lodge the grievance with the Principal Authorities Monitoring Officer and not the Chairman of the Council.

ISSUES

The following matters cannot be raised under the Grievance Procedure:

- Disciplinary matters
- Capability matters

Separate procedures exist to deal with these issues.

What is a Grievance?

It is difficult to adequately define a grievance. However, for the benefit of supervisors the initial approach might be 'If an employee thinks they have a grievance, treat it as a grievance'.

Examples of grievances:

- Unfair treatment
- Unreasonable refusal of reasonable requests
- Application of any agreed procedures

TIME LIMITS

The parties to a grievance may on occasions mutually modify the time limits referred to in this grievance procedure.

If a grievance is not dealt with within the time limits laid down in the procedure, or within any extended time limits mutually agreed under the above paragraph, the employee will be entitled to move to the next stage of the procedure.

INITIAL GRIEVANCE

An employee with a grievance should discuss the matter first with his or her immediate superior.

The immediate superior should reply orally to the grievance (having made any necessary investigation). This should be within seven working days of the first discussion. If the employee is dissatisfied with the reply, they may either:

- Ask a recognised Trade Union representative to raise the matter with the immediate superior, or
- Submit the grievance in writing to the immediate Supervisor.

Where a Trade Union representative raises the matter, the immediate supervisor will reply orally. This should normally be within seven working days of the first discussion with that representative.

CONTINUED GRIEVANCE

An employee who is still aggrieved should submit the grievance in writing to the CEO. The letter should state:

- The nature of the grievance
- The date it was discussed with the immediate superior
- The reply given to the superior
- Why the reply given was not acceptable
- Whether or not the employee wishes to be assisted at any future meeting about the grievance by a chosen adviser.

The letter should be submitted within seven working days following the receipt of the immediate superior's decision.

This meeting should be held within seven working days of the receipt of the written grievance.

After hearing the grievance, the CEO should give their decision to the employee within three working days of the meeting. This decision must be confirmed in writing within seven working days of the meeting. The written confirmation should state:

- The decision
- The reason for that decision
- That the employee has a right to appeal against that decision, and the means by which an appeal is to be made.

GRIEVANCE APPEALS

An employee who is still aggrieved may appeal against the decision of the CEO.

The employee should write to the CEO within seven working days of the receipt of the written confirmation of their decision.

If within seven working days no letter of appeal has been received, the grievance shall be deemed to have been settled to the satisfaction of the employee.

APPEAL HEARING

The appeal will be heard by the Appeals Committee.

The panel hearing the appeal shall have the power to allow or reject the appeal or to modify the decision of the CEO.

The decision of the Appeal Hearing will be notified to the employee at the end of the hearing, and will be confirmed in writing within seven working days.

PROCEDURE TO BE FOLLOWED BY THE APPEALS COMMITTEE

1. The employee shall be given notice in writing at least seven days in advance of the time and place of the hearing, which shall normally be held within six weeks of the date of the appeal. The employee shall be allowed to be represented by their representative(s) or some other person of their choice and shall be enabled to call witnesses and produce documents relevant to their defence at the hearing.
2. The CEO shall place before the Appeals Committee immediately prior to commencement of the hearing a statement of such of the relevant facts of the appeal as have been agreed with the employee and/or their representative(s).
3. The Council's representative(s) shall put the case in the presence of the Appellant and their representative(s) and may call witnesses, who shall remain outside the Chamber until called. Once the Council's witnesses have given their evidence, they may remain in the Chamber for the remainder of the hearing.
4. The Appellant (and their representative(s)) shall have the opportunity to ask questions of the Council's representative(s) on the evidence given by him/her and any witnesses who **they** may call.
5. The Council's representative(s) shall have the opportunity to re-examine the Council's witnesses.
6. The Committee may ask questions of the Council's representative(s) and witnesses.
7. The Appellant (and their representative(s)) shall put their case in the presence of the Council's representative(s) and may call witnesses, who shall remain outside the Chamber until called. Once the Appellant's witnesses have given their evidence they may remain in the Chamber for the remainder of the hearing.
8. The Council's representative(s) shall have the opportunity to ask questions of the Appellant and their witnesses.
9. The Appellant (and their representative(s)) shall have the opportunity to re-examine the Appellant's witnesses.
10. The Committee may ask questions of the Appellant and their witnesses.
11. The Appellant and their representative(s) shall have the opportunity to sum up their case.
12. The Council's representative(s) shall have an opportunity to sum up the Council's case.
13. The Council's representative(s) and the Appellant and their representative(s) and witnesses shall then withdraw.
14. The Committee shall deliberate in private, provided that they may call for the attendance of the CEO to advise them upon any aspect of the appeal.

15. The Committee may, if they wish, recall the Council's representative(s) and the Appellant and their representative(s) to clear points of uncertainty on evidence already given. If recall is necessary both parties shall be invited to return notwithstanding that only one is concerned with the point giving rise to doubt.
16. The Committee shall announce the decision to the parties personally forthwith, and it shall be confirmed to them in writing within seven days of the hearing.

Personal Harassment Policy and Procedure

INTRODUCTION

Harassment or victimisation on the grounds of the following protected characteristic: age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation is unacceptable.

Personal harassment takes many forms but whatever form it takes, it is unlawful under the Equality Act 2010 and will not be tolerated.

This policy will be reviewed regularly to ensure it remains up to date and in order to monitor its effectiveness.

SCOPE

We deplore all forms of personal harassment and seek to ensure that the working environment is sympathetic to all those who work for us. This includes employees, workers, agency workers, volunteers and contractors in all areas of our Council, including any overseas sites.

DEFINITIONS

Harassment

This is unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Unwanted conduct can include:

- a) spoken words;
- b) banter;
- c) written words;
- d) posts or contact on social media;
- e) imagery;
- f) graffiti;
- g) physical gestures;
- h) facial expressions;
- i) mimicry;
- j) jokes or pranks;
- k) acts affecting a person's surroundings;
- l) aggression; and
- m) physical behaviour towards a person or their property.

Sexual Harassment

This is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

- a) sexual comments or jokes;
- b) displaying sexually graphic pictures, posters or photos;
- c) suggestive looks, staring or leering;

- d) propositions and sexual advances;
- e) making promises in return for sexual favours;
- f) sexual gestures;
- g) intrusive questions about a person's private or sex life or a person discussing their own sex life;
- h) sexual posts or contact on social media;
- i) spreading sexual rumours about a person;
- j) sending sexually explicit emails or text messages; and
- k) unwelcome touching, hugging, massaging or kissing.

Less favourable treatment for rejecting or submitting to unwanted conduct

This occurs when:

- a) someone is subjected to unwanted conduct:
 - i) of a sexual nature;
 - ii) related to sex; or
 - iii) related to gender reassignment.
- b) the unwanted conduct has the purpose or effect of:
 - i) violating their dignity; or
 - ii) creating an intimidating, hostile degrading, humiliating or offensive environment for them, and
- c) they are treated less favourably because they submitted to, or rejected the unwanted conduct.

CIRCUMSTANCES WHICH ARE COVERED

This policy covers behaviour which occurs in the following situations:

- a) a work situation
- b) a situation occurring outside of the normal workplace or normal working hours which is related to work, for example, a working lunch or social event with colleagues;
- c) outside of a work situation but against a colleague or other person connected to the Council, including on social media;
- d) against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.

COMPLAINING ABOUT PERSONAL HARASSMENT

Informal Complaint

We recognise that complaints of personal harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the person who will be responsible for investigating the matter if it becomes a formal complaint.

If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

Formal Complaint

Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the CEO as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include:

- a) the name of the alleged harasser;
- b) the nature of the alleged harassment;
- c) the dates and times when the alleged harassment occurred;
- d) the names of any witnesses; and
- e) any action already taken by you to stop the alleged harassment.

On receipt of a formal complaint we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation, which will normally be within ten working days of the meeting with you, the decision of the investigator, detailing the findings, will be sent in writing to you.

You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

DISCIPLINARY ACTION

If the decision is that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary procedure. An employee who receives a formal warning or who is dismissed for harassment may appeal by using our capability/disciplinary appeal procedure.

When deciding on the level of disciplinary sanction to be applied, we will take into consideration aggravating factors such as abuse of power over a more junior colleague.

If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if it is concluded that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

THIRD PARTY HARASSMENT

Third party harassment occurs when one of our workforce is subjected to harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our clients, suppliers, members of the public. Third party harassment of our workforce will not be tolerated.

In order to prevent third party harassment from occurring, we have:

a) attached signage to the walls of the areas within the workplace where clients are present to warn that harassment of our staff is not acceptable

Should you be subjected to third party harassment, you are encouraged to report this as soon as possible to your Line Manager.

Should a client harass a member of our workforce, they will be warned that continued provision of our service to them will cease if they are to act in a similar way again. Should their behaviour recur, they will be informed that our service to them will cease. Any criminal acts will be reported to the police, and we will share information relating to the incident with our other branches to ensure that we maintain a consistent approach to the cessation of our services.

Domestic Abuse Policy

INTRODUCTION

Domestic abuse includes, but is not limited to, controlling, coercive, threatening behaviour, violence or abuse. It can be physical, emotional and/or psychological abuse, as well as financial, and can take place in person or through digital means. The abuse is usually between adults who are, or have been, in an intimate relationship or family members. Domestic abuse is usually a pattern of behaviour although it can be a one-off event. We recognise that any member of our workforce could be subject to domestic abuse, and in some cases, the victim may not realise that the behaviour displayed towards them is abuse. Research shows that those who are experiencing domestic abuse are targeted at work.

It can occur at any time in a person's life, though may be triggered by specific events or become more extreme or frequent as a result of those events.

The purpose of this policy is to set out that the Council will treat domestic abuse seriously and how the Council aims to provide a safe and supportive workplace environment to employees who are experiencing domestic abuse.

It applies to the Council's employees (permanent and temporary), workers, agency workers and self-employed contractors.

IMPACT OF DOMESTIC ABUSE AT WORK

The Council is aware that the challenges that domestic abuse victims face can manifest themselves in problems such as chronic absenteeism or lower productivity.

We recognise that domestic abuse does not occur only within the home and an employee can experience domestic abuse:

- through threatening visits, phone calls and emails from the perpetrator while they are at work or
- when travelling to and from work.

Colleagues can experience threatening or intimidating behaviour from the perpetrator of the abuse.

MANAGEMENT SUPPORT

If an employee confides in a Manager that they are being subjected to domestic abuse, that Manager must treat all conversations as confidential. However, the manager should not get involved in the situation themselves by, for example, confronting someone accused of being abusive. The Manager's role is primarily to help the employee find expert help and be supportive of the employee.

The manager should encourage the employee to seek expert help. This could include reporting incidences to the police or seeking help from a specialised organisation. The manager should encourage the employee to make contact personally with such organisations instead of making contact themselves. A list of organisations can be found at the end of this policy.

Employees should be reminded of their access to the Employee Assistance Programme, a confidential telephone counselling service offered by the Council where they can talk to a trained counsellor about their circumstances. Employees can access this by downloading the My Healthy Advantage App from your app store and using the code – MHA016219 or by calling 08000 47 40 97 your free 24 hour confidential helpline.

If employees do not feel comfortable raising their circumstances with their Manager, they are also able to speak another colleague or insert job role as a chosen contact.

Managers or chosen contact, should also be supportive of the employee and should not ask for proof of abuse.

Support could include, but is not limited to:

- regularly checking in with the employee
- permitting use of Council equipment to search for online assistance or to speak to an expert who can help
- ensuring websites of organisations who can offer assistance are accessible from work equipment i.e. are not blocked under an internet usage policy
- allowing the employee time off to visit one of the advice organisations, the police or a doctor or to address concerns, such legal, financial or housing
- adjusting targets to reduce any undue pressure on the employee
- diverting phone calls if the perpetrator is attempting to call the employee at work
- ensuring there is no public access to the workplace where possible
- agreeing code words or hand signals to be used during a telephone or video call to signal that the employee is in a threatening situation, and what action needs to be taken when one is used
- a salary advance to a bank account other than that which is normally used.

Employees who are experiencing domestic abuse are entitled to 5 working days' paid leave throughout their employment. If leave is needed, the employee should speak to their Manager/chosen contact.

IF A MANAGER SUSPECTS AN EMPLOYEE IS A VICTIM OF DOMESTIC ABUSE

Managers will receive training in how to recognise the signs that an employee may be experiencing domestic abuse, including silent signals that can be used during a video conference with employees working remotely, and also ways to support the employee.

Signs could include:

- Sudden changes in behaviour or quality of work
- Changes in the way an employee dresses e.g. excessive clothing on a hot day or changes in the amount of make-up worn

If a Manager suspects that an employee is being subjected to domestic abuse, but has no evidence, then great care must be taken. The manager should give the employee an opportunity to confide but should not question the employee or put any undue pressure on the employee to discuss the situation.

Great care should be taken when the employee in question works at home because the perpetrator of the abuse may be monitoring communication or be in earshot of video or telephone calls.

If an employee is clearly distressed but will not confide in the manager then the manager should suggest that the employee contacts the Employee Assistance Programme, the HR department or some other suitable person.

On some occasions a colleague or friend of an employee might confide in a manager that an employee is being subjected to domestic abuse. It must be realised that this information might be incorrect, hence care

should be taken. The manager should give the employee an opportunity to confide but should not question the employee or put any undue pressure on the employee to discuss the situation.

IF BOTH THE VICTIM AND THE PERPETRATOR ARE EMPLOYED BY THE COUNCIL

In cases where both the victim and perpetrator of domestic abuse work for the Council, we will take appropriate action including:

- considering utilising different work locations both within the building at which the employees work, or another of our work locations, working hours, shift patterns etc.
- minimising the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim.
- offering impartial support and where possible ensure both the victim and perpetrator have different supervisors who are able to provide appropriate information to each party.

IMPACT ON PERFORMANCE

If an employee is underperforming it is important to make that employee aware of the concerns about performance.

The Council will make reasonable efforts to consider all aspects of the employee's situation to support them through a challenging time. The manager should agree reasonable targets with the employee and provide any necessary support. If the poor performance continues and the employee does not appear to be able to improve their performance at work notwithstanding the support given, further discussions will be held with the employee.

Although the use of formal procedures e.g. disciplinary or capability is not prohibited, this should be a last resort.

CONFIDENTIALITY

There are some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or vulnerable adults or where the Council needs to act to protect the safety of employees. In these circumstances the manager will discuss with the employee the reason for disclosing any information to a third party and will seek the employee's agreement where possible.

All records concerning domestic abuse will be kept strictly confidential and in line with our obligations under the Data Protection Act 2018. Improper disclosure of information i.e. breaches of confidentiality by any member of staff will be taken seriously and may be subject to disciplinary action.

LIST OF ORGANISATIONS THAT CAN PROVIDE ADVICE AND ASSISTANCE

General

National Domestic Abuse Helpline - 0808 2000 247 (Freephone and 24 hour) / www.nationaldahelpline.org.uk

Citizens advice bureau - www.adviceguide.org.uk

National centre for domestic violence – 0800 970 2070 / www.ncdv.org.uk

Galop: 0800 999 5428 / www.galop.org.uk

For Women

Women's aid - www.womensaid.org.uk

Scottish Women's aid – 0800 027 1234 / www.scottishwomensaid.co.uk

Welsh Women's aid - 0808 8010800 / www.welshwomensaid.org

Jewish Women's Aid - 0800 591203 / www.jwa.org.uk
Shakti Women's Aid (Scotland) - 0131 475 2399 / shaktiedinburgh.co.uk
Refuge - 0800 2000 247 / www.refuge.org.uk
Southall Black Sisters - 020 8571 9595 / www.southallblacksisters.org.uk
Muslim Women's Helpline - 020 8904 8193 or 020 8908 6715 / www.mwnhelpline.co.uk
IKWRO: Women's rights organisation for Middle Eastern and Afghan women - 020 7920 6460 / ikwro.org.uk

For Men

ManKind Initiative: 01823 334 244 / www.mankind.org.uk
Respect Men's Advice Line: 0808 801 0327 / www.respect.uk.net
The Dyn Project (Wales): 0808 801 0321 / www.dynwales.org

For perpetrators

Respect: 0808 802 4040 / www.respect.uk.net

Equality, Inclusion and Diversity Policy

STATEMENT OF POLICY

The terms equality, inclusion and diversity are at the heart of this policy. 'Equality' means ensuring everyone has the same opportunities to fulfil their potential free from discrimination. 'Inclusion' means ensuring everyone feels comfortable to be themselves at work and feels the worth of their contribution. 'Diversity' means the celebration of individual differences amongst the workforce. We will actively support diversity and inclusion and ensure that all our employees are valued and treated with dignity and respect. We want to encourage everyone in our business to reach their potential.

We recognise that discrimination is unacceptable and although equality of opportunity has been a long standing feature of our employment practices and procedure, we have made the decision to adopt a formal policy. Breaches of the policy will lead to disciplinary proceedings and, if appropriate, disciplinary action up to and including dismissal.

The aim of the policy is to ensure no job applicant, employee or worker is discriminated against either directly or indirectly on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation.

We will ensure that the policy is circulated to any agencies responsible for our recruitment and a copy of the policy will be made available for all employees and made known to all applicants for employment.

The policy will be communicated to all private contractors reminding them of their responsibilities towards the equality of opportunity.

The policy will be implemented in accordance with the appropriate statutory requirements and full account will be taken of all available guidance and in particular any relevant Codes of Practice.

We will maintain a neutral working environment in which no employee or worker feels under threat or intimidated.

RECRUITMENT AND SELECTION

The recruitment and selection process is crucially important to any equality, inclusion and diversity policy. We will endeavour through appropriate training to ensure that employees making selection and recruitment decisions will not discriminate, whether consciously or unconsciously, in making these decisions.

Promotion and advancement will be made on merit and all decisions relating to this will be made within the overall framework and principles of this policy.

Job descriptions, where used, will be revised to ensure that they are in line with this policy. Job requirements will be reflected accurately in any personnel specifications.

We will adopt a consistent, non-discriminatory approach to the advertising of vacancies.

We will not confine our recruitment to areas or media sources which provide only, or mainly, applicants of a particular group.

All applicants who apply for jobs with us will receive fair treatment and will be considered solely on their ability to do the job.

All employees involved in the recruitment process will periodically review their selection criteria to ensure that they are related to the job requirements and do not unlawfully discriminate.

Short listing and interviewing will be carried out by more than one person where possible.

Interview questions will be related to the requirements of the job and will not be of a discriminatory nature.

We will not disqualify any applicant because they are unable to complete an application form unassisted unless personal completion of the form is a valid test of the standard of English required for the safe and effective performance of the job.

Selection decisions will not be influenced by any perceived prejudices of other staff.

TRAINING AND PROMOTION

Senior staff will receive training in the application of this policy to ensure that they are aware of its contents and provisions.

All promotion will be in line with this policy.

MONITORING

We will maintain and review the employment records of all employees in order to monitor the progress of this policy.

Monitoring may involve:

the collection and classification of information regarding the race in terms of ethnic/national origin and sex of all applicants and current employees;

the examination by ethnic/national origin and sex of the distribution of employees and the success rate of the applicants; and

recording recruitment, training and promotional records of all employees, the decisions reached and the reason for those decisions.

The results of any monitoring procedure will be reviewed at regular intervals to assess the effectiveness of the implementation of this policy. Consideration will be given, if necessary, to adjusting this policy to afford greater equality of opportunities to all applicants and staff.

Termination of Employment Policy

RESIGNATIONS

All resignations must be supplied in writing, stating the reason for resigning your post.

TERMINATING EMPLOYMENT WITHOUT GIVING NOTICE

If you terminate your employment without giving or working the required period of notice, as indicated in your individual Statement of Main Terms of Employment, you will have an amount equal to any additional cost of covering your duties during the notice period not worked deducted from any termination pay due to you. This is an express written term of your contract of employment. You will also forfeit any contractual accrued holiday pay due to you over and above your statutory holiday pay, if you fail to give or work the required period of notice.

RETURN OF OUR PROPERTY

On the termination of your employment you must return all our property which is in your possession or for which you have responsibility. Failure to return such items will result in the cost of the items being deducted from any monies outstanding to you. This is an express written term of your contract of employment.

RETURN OF VEHICLES

On termination of your employment you must return any Council vehicle in your possession to our premises. Failure to return the vehicle will result in the cost of its recovery being deducted from any monies outstanding to you. This is an express written term of your contract of employment.

GARDEN LEAVE

If either you or the Council serves notice on the other to terminate your employment the Council may require you to take “garden leave” for all or part of the remaining period of your employment.

NB.

During any period of garden leave you will continue to receive your full pay and any other contractual benefits.

Leavers Procedure

INTRODUCTION

When an employee decides to leave Swanley Town Council (“the Council”) it is important to obtain information to ensure that the best interests of the Council and employees are maintained, i.e.;

- Monitoring reasons behind employees’ decisions to leave will identify areas in need of improvement in the workplace e.g. training, levels of support etc;
- Highlighting these issues will assist in improving employee retention levels and reducing recruitment costs as well as in the review and development of policies and procedures;
- Carrying out a job analysis prior to the employee leaving will identify any changes to the role and the knowledge required to carry it out;
- Recording the return of Council assets loaned to the employee and/or any monies due to either party e.g. training fees, holiday pay, cash floats, safeguards both the Council and the employee.

RESPONSIBILITIES

Line Managers will be responsible for:

- Forwarding the letter of resignation to the HR department as soon as possible after receipt;
- Assisting the Senior Executive Assistant (HR) in undertaking a job analysis; (see Section 3)
- Assisting the Senior Executive Assistant (HR) in the completion of documentation, as and when required, even if the employee is not able, or willing to sign e.g. dismissal.

The **Senior Executive Assistant (HR)** will be responsible for:

- Ensuring Appendices 1, 3 and 4 are completed and the employee receives copies prior to their leave date;
- Undertaking a job analysis with the employee and their line manager; (see Section 3)
- Arranging an exit interview at a time convenient to the employee and CEO*;
- Undertaking other administration as indicated in the leavers checklist ;
- Maintaining records of reasons for leaving and providing evaluation reports to the CEO on a quarterly basis.

The **CEO *** will be responsible for:

- Undertaking the exit interview in line with the information on the Exit Interview Form.

The **Leaver** should:

- Take part in a job analysis to assist in the re-evaluation of the role;
- Be open and honest during their exit interview to assist the Council in highlighting potential issues;
- Ensure that all Council property is available for return on, or before, their last day of employment.

JOB ANALYSIS

The contribution of both the outgoing post holder and their line manager is important in any form of job analysis, therefore both parties should be involved.

The analysis should include a review the current job description, paying particular attention to areas such as:

The purpose of the job

- Responsibilities;
- Principal job tasks;
- Knowledge and experience needed to do the job;
- Challenges of the job;
- Staff managed or supervised;
- Relationships within and outside the Council.

Changes should be recorded, and the job description amended in preparation for filling the vacancy.

DOCUMENTATION

Completed documentation will be held on the employee's record for 12 months from the time of leaving and, in accordance with Data Protection, the information will be used for employee administration and evaluation only.

Redundancy Policy

1. INTRODUCTION

Swanley Town Council (“the Council”) aims to maintain and enhance the efficiency and financial sustainability of the Council in a way which will, as far as possible, safeguard the employment of its employees.

However, the Council recognises that there may be changes in service or organisational requirements which may affect staffing needs. In such circumstances the Council will seek to minimise the effect of redundancies through the provisions made in this policy.

2. SCOPE

In line with its Equal Opportunities Policy, the Council is committed to ensuring that this policy does not discriminate directly or indirectly on grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or trade union membership and activity.

In addition, part-time staff and those working under fixed-term contracts will, under no circumstances, be singled out for selection on different criteria to those applied to full-time staff.

2. APPLICATION

This section details the process which will be undertaken where changes in service or organisational requirements may affect staffing needs/levels.

3.1 Preventative Measures

Where the need for redundancies has been identified, and in an attempt to avoid these occurring, one or more of the following measures may be considered:

- job-sharing, part-time employment and/or other flexible arrangements
- a review of existing workloads and overtime levels
- a salary freeze for a specified period
- suspending advertising and recruitment
- discontinuing casual employment contracts
- the likely effects of natural wastage

Any measure being considered will ensure that it does not adversely affect service delivery and development or prevent the Council from recruiting personnel to help avert or prevent the conditions which give rise to the problem.

3.2 Compulsory Redundancies

3.2.1 Selection criteria

3.2.1.1 Where it is necessary to maintain a particular function within the company but with fewer employees, a selection process will take place to identify those employees who are to be made redundant. The criteria to be used will be agreed as part of the consultation process.

Employees will be scored against the agreed criteria by at least two scorers and employees will be able to see their individual scores.

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

- maternity-related reasons
- on grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation health and safety-related reasons
- for asserting a statutory right
- union-related reasons
- for carrying out the function of, or standing as, an employee representative

3.2.1.3 In instances where the Council plans to make 20 or more employees redundant it will act in line with relevant legislation in force at that time, follow a formal consultation process in conjunction with the recognised trade union and notify the Department for Business, Enterprise and Regulatory Reform (BERR).

In such cases if a recognised union is not in place employees may elect appropriate representatives for consultation purposes.

3.2.2 Consultation

When the Council has reached a decision on which posts are being made redundant, they will arrange consultation meetings with those employees affected. At least four meetings will be held before redundancy dismissals take effect, in both group and individual format. The timing of these meetings will depend on the circumstances of the redundancy, including how many employees are affected. Employees will be informed of the dates and times of meetings.

If large numbers are affected i.e. 20 or more proposed redundancies within a period of 90 days or less, consultation will involve trade unions or employee representatives as appropriate and will last for a minimum of 30 days, or 45 days where the number of proposed redundancies within a period of 90 days or less is 100. Where there are no existing (or an insufficient number of) employee representatives, an election will be held. Those elected as representatives will take part in consultation with the company on behalf of the wider affected workforce. These meetings will involve all staff concerned including those who may be absent from work due to maternity/paternity.

The first meeting, with the CEO and the affected employee(s) direct line manager, will be to advise that they are under risk of redundancy. At this meeting, a copy of this policy will be distributed to all present.

Directly following the meeting employee(s) will be issued with written details on;

- the grounds on which the dismissal/redundancy is being considered;
- the process that will be followed; and
- an invitation to attend a meeting to discuss the matter in persons.

Subsequent meetings, to be held within two weeks of the initial consultation, will take place with employees on a one-to-one basis.

Notice of dismissal will not be issued until the consultation period has been completed. In such cases notice periods are as follows;

Length of Continuous Service	Notice Entitlement
One month – 2 years	1 week
2 years – 3 years	2 weeks
Each additional year (up to 12 years)	One additional week
12 years plus	12 weeks (maximum entitlement)

3.2.3 Suitable Alternative Employment

3.2.3.1 Employees under notice of redundancy will be advised of all vacancies within the Council, including those which are expected to arise, during the period of their notice.

3.2.3.2 For each available vacancy the Council will establish whether an employee under notice of redundancy should be assimilated (see below) into the vacant post, or offered a redeployment (ring-fenced) interview for it.

Records of this process will be kept on file for six months.

3.2.3.3 Assimilation

Assimilation will occur when a vacancy is similar to a job being made redundant. The Council will determine this by comparing the two job descriptions and person specifications and assessing similarity on the basis of 90% * or more match. This comparison will be made at the start of the redundancy process.

Where only one employee meets the criteria for assimilation for a vacancy they will be slotted into the available post.

Where more than one employee is eligible for assimilation to a vacancy each will be invited to an interview. In such cases this is no longer assimilation, but redeployment and interviews will take place as stated in below.

Employees may have a union representative or a work colleague of their choice present at the interview, in an advisory capacity.

3.2.3.4 Redeployment

Where a vacancy is not similar enough to justify assimilation, but there is a 70%-89% * match, the employee will be invited to a redeployment interview.

The employee may have a union representative or a work colleague of their choice, present at the interview in an advisory capacity.

* Suggested percentage matches are given as guidance only.

The purpose of the re-deployment interview is to:

- a) establish whether, with a reasonable amount of training if necessary, the employee is able to satisfactorily undertake the tasks detailed in the job description for the alternative post.

This will be done by:

- considering the employee's complete work experience to date (whether paid or voluntary);
 - the skills they have acquired over this time; and
 - whether these constitute at least 90% of the essential requirements for the vacant position.
- b) establish whether the employee considers the post to be a suitable alternative and is willing to accept it.

Where two employees are equally successful in applying for the same post, the post may, if an additional alternative post cannot be found, be offered to both by way of a job-share.

Where an employee under notice of redundancy is to be redeployed, the Council will undertake to provide relevant retraining as far as is reasonably practicable. In doing this consideration will be given to both the cost of retraining and the requirement for the employee to carry out the duties of the redundant post during the notice period.

3.2.3.5 General Recruitment

Where a vacancy is not similar enough to justify assimilation or redeployment the Council may, at their discretion, invite employees to apply for other suitable alternative posts. In such cases the employee will be shortlisted and interviewed before any other applicants for the post.

If, through any of the processes highlighted above, an employee finds suitable alternative employment within the Council a written offer should be made. Offers of a new contract will result in an employee's redundancy notice and the Council's liability for redundancy payments being removed, providing that the new offer;

- Is made before the redundancy takes effect
- Starts within four weeks of the date of redundancy
- Gives a trial period, under the terms detailed in 3.2.4
- States that if the employee accepts the job they will not be dismissed under redundancy

If the employee unreasonably refuses a new job offer dismissal will take effect. In such cases dismissal will still be for redundancy but the Council can refuse to pay any redundancy payment.

An employment tribunal would determine whether the job which was offered was suitable for the employee and whether the Council was correct in refusing to pay.

3.2.4 Trial periods

Alternative employment is subject to a statutory four week trial period from the date at which the new job is taken up. If, after this period, the employee or the Council decide that the new role or employee's performance in the post is not suitable, then either party may give notice.

In such cases redundancy rights are not lost. Where a trial period is unsuccessful both parties return to the "pre-trial period" situation i.e. as if the trial had not taken place and a redundancy payment will be made. Any such payment will be calculated based on the day that the old job ended.

For the purpose of retraining, trial periods may be extended for up to 3 months, providing that written confirmation of the following is made prior to the start of the new position;

- the retraining agreement
- the date on which the period of retraining ends
- the terms and conditions of appointment applying after retraining

3.3 Appeals

Employees who are to be made redundant are entitled to appeal against the decision if they feel that the selection criteria have been unfairly applied to their case.

Employees may also appeal if they are not offered suitable alternative employment following the interview processes outlined in Section 3.2.3 above.

In either of the above cases appeals must be submitted, in writing, within ten working days of the employee being advised of the decision.

Employees wishing to appeal are entitled to be accompanied at an appeal hearing by a trade union representative or a work colleague of their choice.

In the event of appeals being made the Council will set up an appeals panel consisting of senior members/officers of the Council who have not been previously involved with the specific case to be heard. Wherever possible membership of the panel will be the Leader of the council, Chairman of the Personnel Committee and the CEO.

The panel will meet within ten working days of an appeal being submitted and their decision, based either on unanimous agreement or majority vote, will be final.

The employee will be advised of the panel's decision, in writing within five working days of the appeal hearing.

3.4 Employee Entitlements

3.4.1 Voluntary Redundancy

The Council is not obliged to offer voluntary redundancy but may consider it an option in certain circumstances. Employees may opt for redundancy if they are in a post whose termination would enable the Council to avoid a compulsory redundancy and if their voluntary redundancy is accepted by the Council.

Volunteers for redundancy will be entitled to a statutory payment as outlined in 3.4.2.2.2 below.

3.4.2 Redundancy

Employees to be made redundant will be informed of their potential redundancy as soon as possible (see Section 3.2.2 - Consultation).

Employees affected by redundancy are encouraged to contribute to the consultation process with their own ideas for preventative measures or possible alternative employment within the Council.

Employees who are to be made redundant are entitled to appeal as detailed in Section 3.3.

Employees affected by redundancy are entitled to a minimum consultation period of 30 days. Additional notice period entitlements are detailed in Section 3.2.2 (Consultation).

During their notice period employees are entitled to a maximum of 5 working days without loss of pay to attend interviews/training.

Employees under notice of redundancy may ask to leave the Council early i.e. before the end of their notice period. Consideration to such requests will be considered on individual basis and the Council's agreement will be dependent on whether the request is made on reasonable grounds.

Note: An offer to commence employment with an alternative employer during the notice period, where failure to commence will result in the offer being withdrawn, may not constitute reasonable grounds.

Requests to leave the Council early do not invalidate an employee's right to a redundancy payment unless the Council refuses the request. The employee is still considered dismissed through redundancy but on the date of expiry of the employee's notice rather than the original notice from the Council.

3.4.2.1 Redundancy during maternity leave

In cases of an employee being absent from work due to maternity leave the Council will ensure that, if affected by redundancy, they are fully consulted at all times.

Redundancy during maternity leave ends any contractual obligations to both maternity pay and the right to return.

An employee on maternity leave and under notice of redundancy will be offered any suitable alternative vacancy in preference to other employees.

The Council will, as detailed by current legislation, automatically send a written statement of the reason for redundancy to an employee who is pregnant or on maternity leave.

3.4.2.2 Continuous Service

To qualify for a redundancy payment an employee must have two years continuous service.

In cases where an employee has taken strike action the period of action will not count towards continuous service, although continuity of service will not be broken.

Under the terms of "The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999 (as amended)" the Council will include continuous service in local government (and other specified bodies) when calculating entitlement to, and the amount, of redundancy payments.

3.4.2.3 Redundancy payments

3.4.2.3.1 Calculation date

The calculation date for determining a week's pay for redundancy is the date on which statutory notice starts or, in instances where no notice or less than the statutory notice is given, the date employment ends.

3.4.2.3.2 Payment calculations

Without prejudice an employee who meets the criteria of 3.4.2.2 will receive, at the very least, statutory redundancy payments, calculated as follows:

- i) 0.5 week's pay for each full year of service, where age during the year is less than 22
- ii) 1 week's pay for each full year of service, where age during the year is 22 or above but less than 41
- iii) 1.5 week's pay for each full year of service over 41+ and 1 week's pay for each full year of service under 41;

The Council may, at its discretion, make enhanced redundancy payments; these will be dependent on circumstances at the time.

In calculating statutory redundancy payments, a week's pay is based on the maximum statutory weekly rate of pay in force at the time or the employee's normal rate of pay, whichever is lower. Overtime is not included.

If an employee works variable hours from week to week, a week's pay is the average remuneration for the 52 weeks prior to the calculation date.

3.4.2.3.3 **Holiday**

Payments in respect of outstanding accrued holiday entitlement will be made if it is not reasonably practicable for the entitlement to be taken during the notice period.

Holiday taken up to the annual entitlement but not earned will not be deducted.

3.4.2.3.4 **Pay in lieu of notice (PILON)**

Employees will, wherever possible, be expected to work out their notice. PILON will only be paid where there is good reason for an employee not working the full notice period.

In exceptional cases when a PILON is made the Council will ensure that the employee is clearly advised, in writing, that payment is being made and that the employment ends when they payment is given.

