



PERSONNEL COMMITTEE

Minutes of a Meeting of the Personnel Committee
held at The Council Offices, 18 Fort Road, Newhaven
on **Monday 10th May 2024** at **09:30am**

PRESENT: Councillor's Lindsey Macleod (Chair)
Steve Saunders (Vice Chair)
Kim Bishop
Shaun Boniface
Linda Thomas

ALSO ATTENDING: Ken Dry Town Clerk

PE10/24 APOLOGIES FOR ABSENCE

Cllrs. Watts, and Cook.

PE11/24 DECLARATIONS OF INTEREST

There were none.

PE12/24 TO CONSIDER WHETHER THE MINUTES OF THE MEETING OF THE PERSONNEL COMMITTEE HELD ON FRIDAY 4th DECEMBER 2023 ARE AN ACCURATE RECORD OF THE MEETING

RESOLVED:

That these Minutes be signed by the Chairman as a true record of the proceedings.

PE13/24 PETITIONS/PUBLIC QUESTIONS

There were none.

PE14/24 FLEXIBLE WORKING POLICY – TO ADOPT A FLEXIBLE WORKING POLICY INCORPORATING GUIDANCE RECEIVED UNDER HR LEGAL ADVICE.

The Town Clerk summarised his report. Following additional discussion, it was,

RESOLVED

That the Flexible Working Policy including HR Legal advice be adopted and that the Chair discuss this with council officers.

PE15/24 EXCLUSION OF PRESS AND PUBLIC - TO RESOLVE THAT THE PRESS AND PUBLIC BE EXCLUDED FROM THE REMAINDER OF THE MEETING IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1(2) OF THE PUBLIC BODIES (ADMISSION TO MEETINGS) ACT, 1960, IN VIEW OF THE CONFIDENTIAL NATURE OF THE PERSONNEL MATTERS TO BE DISCUSSED.

RESOLVED.

PE16/24 CONFIDENTIAL – ROLE RE-EVALUATION AND NEW POST CREATION - REPORT BY THE TOWN CLERK.

The Chair summarised the matters outlined in the Town Clerks report.

Following discussion, it was

RESOLVED unanimously that,

The following recommendations be made to the next scheduled meeting of Full Council;

- i) The salary band of the Deputy Town Clerk role remains unchanged.
- ii) The salary band of the Responsible Finance Officer role is changed to encompass SCP 24-28 (£33024 – 36648) and that the current postholder starts with immediate effect on SCP 25, to be backdated 12 months from the date of the evaluation report.
- iii) The salary band of the Admin & Finance Officer role is changed to encompass SCP 7-12 (£24294 – 26421) and that the current postholder starts with immediate effect on SCP 9, to be backdated 12 months from the date of the evaluation report.
- iv) The salary band of the Events & Communications Officer role is changed to encompass SCP 13-17 (£26873 – 28770) and that the current postholder starts with immediate effect on SCP 15, to be backdated 12 months from the date of the evaluation report.
- v) The salary band of the Caretaker & Amenities Officer role remains unchanged.
- vi) The salary band evaluation of the potential new role of Assistant Caretaker & Amenities Officer is accepted as SCP 7-12 (£24294 – 26421) and that recruitment to this role begins without further delay.

There being no further business, the Meeting closed at 10:07am.

Date:

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Chairman



NEWHAVEN TOWN COUNCIL

Stephen Honey
Executive Officer

TOWN COUNCIL OFFICES
18 FORT ROAD
NEWHAVEN
EAST SUSSEX
BN9 9QE

Tel: (01273) 516100
Email: admin@newhaventowncouncil.gov.uk

To: Personnel **Agenda Item 5.**

Date: 10th December 2024

Report Contact: Executive Officer

Subject: Policies and Procedures

1. The purpose of this report is to request the Personnel Committees consideration of the following draft documents and recommendation to Full Council that they adopt the same:

- Adoption Leave Policy
- Anti-Harassment & Bullying Policy and Procedure *
- Disciplinary Procedure
- Disciplinary Procedure for the Town Clerk
- Equality & Diversity Policy
- Flexible Working Policy
- Grievance Policy & Procedure
- Local Government Pensions Scheme Discretions Policy
- Lone Working Policy *
- Maternity Policy
- Paternity & Parental Leave Policy
- Personal Relationships at Work Policy *
- Recruitment of Ex-Offenders Policy
- Safeguarding Policy
- Sickness Absence Policy *
- Staff Appraisal Policy
- Staff Handbook
- Training & Development Policy
- Whistleblowing Policy

2. All of the above policies can be found at Appendix A in list order.

3. The items marked with a * are documents that do not currently exist as NTC documents and those without a * have been updated or re-formatted (as part of a process to create a uniform look to all the NTC Policies, Procedures & Protocols).

4. Whilst not all are legal requirements, it is considered best practice to have them in place to provide both transparency and probity for the electorate and some other documents that are legal requirements refer to them.
5. The Executive Officer has utilised the resources of the National Association of Local Councils, the Society of Local Council Clerks and Worknest to prepare these drafts for the Committees approval.
6. There are no known budgetary or financial implications should the Members decide to adopt these documents.

Recommendation

That the Committee recommends the adoption of the Policies, Procedures and handbook noted herein and the attached documents for Full Council approval.

5. Report - Appendix A



Newhaven Town Council

ADOPTION LEAVE POLICY

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Purpose of this policy

Newhaven Town Council (NTC) is committed to helping employees balance the needs of work and family life and detail within this policy the benefits that you will receive should you decide to adopt.

The scope of this policy

It applies to all staff, whether full time, part time or temporary workers. It does not apply to councillors.

Policy

Adoption provisions refer to the leave and pay to which employees may be entitled, and their right to resume employment, following a period of Adoption Leave.

Qualifying employees who have been matched with a child may take up to 52 weeks Adoption Leave and may be entitled to 39 weeks of statutory adoption pay. If a couple jointly adopt a child, one may take Adoption Leave, and the other parent may be able to take 'Paternity Leave' or 'Shared Parental Leave'.

Adoption Leave rights now extend to surrogacy and "Foster to Adopt" situations.

An employee who will become the legal parent of a child under a surrogacy agreement is entitled to take Statutory Adoption Pay (SAP) and Leave. The eligibility criteria are the same with the exception of the qualifying service for Statutory Adoption Pay (SAP). An employee (the primary carer) must have 26 weeks continuous service with NTC by the week they were matched with a child.

The provisions of this policy apply to employees adopting from overseas, [Adoption pay and leave: Eligibility - GOV.UK](#) provides further information with regards to this.

Employees who will become the legal parents of a child under a surrogacy arrangement are entitled to take statutory Adoption Leave. Local authority foster parents who are also prospective adopters ("Foster to Adopt") are entitled to take Adoption Leave.

Time off for 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 (primary adopter) 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 them before the placement) and for any other purpose connected with the adoption, this may include meeting with professionals involved in the care of the child.

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

Following the first appointment your line manager may request to see evidence of an appointment confirming the employee's intention to adopt. Employees should discuss time off with their Line Manager.

Adoption Leave Entitlements

Adoption leave can start:

- up to 14 days before the date the child starts living with you (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (if you've used a surrogate to have a child)

An employee who is the primary carer of the child is, from day one of their employment, entitled to Adoption Leave.

Employees are entitled to 26 weeks' Ordinary Adoption Leave (OAL) followed by 26 weeks' 'Additional Adoption Leave', giving a total of 52 weeks' continuous leave, the Adoption Leave period starting either on the day the child is placed for adoption or up to 14 days earlier.

During 'Ordinary Adoption Leave' and 'Additional Adoption Leave', all terms and conditions of the employee's contract, except normal pay, will be continued.

Adoption Leave and pay are separate entitlements. Entitlement to 'Adoption Pay' will depend on the length of service of the employee and on whether or not the employee returns to work following the period of Adoption Leave.

Adoption Pay Entitlements

Eligibility for 'Adoption Pay' is dependent on the employee's length of service. Statutory Adoption Pay (SAP) is payable for 39 weeks. To qualify for Adoption pay, an employee must:

- have 26 weeks continuous service by the week they are matched with the child
- earn at least the lower earnings limit for national insurance contributions in an 8-week period (relevant period)
- provide the correct notice
- provide evidence of the adoption
- ensure the adoption agency is a recognised agency in the UK.

Ordinary and Additional Adoption Leave must be taken in one block unless the employee wishes to take 'Shared Parental Leave', please refer to the 'Shared Parental Leave Policy' for further details.

Ideally, an employee should give 28 days' notice before they wish to be paid Statutory Adoption Pay (SAP).

There is discretion to this timeframe whereby the time between the child being matched and placed is less than 28 days. If an employee does not give the correct notification of their intention to take Adoption Leave and to claim 'Statutory Adoption Pay' then NTC may delay the start of Adoption Leave and pay, until the correct notification is given.

Where an employee is already a foster parent for a child and a prospective adopter, ('Foster to Adopt') then they are entitled to take Ordinary Adoption Leave up to a maximum of 26 weeks.

An employee who will become the legal parent of a child under a surrogacy agreement is entitled to take Statutory Adoption Pay (SAP) and Leave. The eligibility criteria are the same apart from the qualifying service for Statutory Adoption Pay (SAP). An employee (the primary carer) must have 26 weeks continuous service with NTC by the 15th week before the baby is due.

Situations where employees do not qualify for Adoption Leave or pay are listed, but not restricted to:

- Becoming a special guardian or kinship carer
- Adopting a stepchild
- Adopting a family member or stepchild
- Adopting privately (e.g. without permission from a UK authority or adoption agency).

Annual Leave

Employees that are on Adoption Leave will continue to accrue 'Annual Leave' during a period of paid or unpaid Adoption Leave including Bank Holidays.

Any 'Annual Leave' accrued before Adoption Leave starts should be taken prior to commencing Adoption Leave or immediately on return from Adoption Leave thereby effectively extending the employee's actual physical return to work

Any 'Annual Leave' accrued from a previous financial year whilst on Adoption Leave should be taken immediately on return from Adoption Leave thereby effectively extending the employee's actual physical return to work.

Where it is agreed that an employee will return to work on reduced contractual hours, then the employee's new reduced hours should not normally take effect until any 'Annual leave' accrued under the previous contractual hours has been taken.

Where an employee has a fixed-term contract of employment that expires before the start of Adoption Leave then the employee will be able to claim 'Statutory Adoption Pay' from NTC subject to their eligibility.

Pension Contributions

Employees on Adoption Leave who are in receipt of full pay will continue to have 'Employee Pension Contributions' deducted in the usual way.

Salary Progression

Employees will continue to receive any contractual salary increases up to the top of their Grade whilst on Adoption Leave.

Continuity of Service

The contract of employment continues throughout any period of Adoption Leave. Continuity of service will not have been broken by a period of unpaid leave under the adoption entitlement, therefore entitlement to notice periods, holidays and absence related pay which were accrued at the beginning of Adoption Leave will not be lost.

Communications

It is recommended that employees and Line Managers make arrangements to maintain reasonable contact during Adoption Leave in order to keep the employee informed of important developments at work and to discuss plans for returning to work.

Line Managers should draw particular attention to any changes in structures within the department and ensure that the employee is aware of any possible promotion opportunities.

Employees on Adoption Leave should also ensure that they keep themselves informed as appropriate for example by regularly reviewing NTC's current vacancies on the website.

Keeping in Touch` (KIT) Days

Employees on Adoption Leave can with the agreement of their Line Manager work up to 10 days during their Statutory Adoption Leave without bringing their Adoption Leave to an end.

KIT days are designed to allow contact with the workplace and can include work, training or any other activity to assist the employee in "Keeping in Touch". KIT days can be taken at any time during Adoption Leave.

There is no obligation on either NTC or the employee to make use of these KIT days and there is no obligation for an employee who is on Adoption Leave to attend work. KIT days that are worked will not extend the total Statutory Adoption Leave period that can be taken and do not affect an employee's entitlement to Adoption Leave or pay.

Employees should plan for KIT days directly with their Line Manager and will be paid at their normal daily rate for each day worked.

Employees will be paid for the number of hours worked during the KIT Day and attendance at work will be counted as the use of one KIT Day even if only a few hours are worked.

Returning to Work Following Adoption Leave

Employees may exercise the right to return to work at any time during the period of Adoption Leave.

If an employee returns to work following a period of ordinary Adoption Leave i.e. up to 26 weeks, then they have the right to return to work and resume working in the same role.

If an employee returns to work following a period of additional Adoption Leave i.e. over 26 weeks, then the employee has a right to return to either the same job or, where this is not reasonably practicable, alternative employment shall be offered.

NTC will consult with the employee where alternative employment is offered, and any offer of alternative employment should not be less favourable in respect of terms and conditions.

If an employee wishes to return to work before the end of the maximum period of Adoption Leave (52 weeks) then the employee must notify the Town Clerk in writing giving at least 8 weeks' notice of the date that they wish to return. If the employee fails to give the required notice, then NTC may postpone the return to work for up to 8 weeks.

Employees have a statutory entitlement to request an alternative working pattern or a change in hours of work under the 'Flexible Working Policy'. NTC has a duty to give reasonable consideration to such requests but reserves the right to refuse on business grounds.

NTC will give appropriate consideration to such requests, on either a temporary or permanent basis, from employees returning to work following Adoption Leave.

Applications for flexible working must be made as early as possible but not later than 8 weeks before the notified date of return to work. Further guidance on submitting an application for flexible working can be found in the 'Flexible Working Policy'.

The latest an employee can return to work is 52 weeks after the week they left to go on Adoption Leave unless:

- The employee is not well enough to return to work; if this is the case then the employee should follow the guidance set out in the 'Sickness Absence Policy'
- The employee requests to take time off under the 'Parental Leave Policy', if they are eligible to do so.

If an employee chooses not to return to work at the end of Adoption Leave, then they should give the minimum written notice as specified in their contract of employment.

Tax and National Insurance

Statutory adoption pay is treated as earnings and is therefore subject to PAYE and National Insurance deductions.

Date of policy: **20/11/2024**

Approving committee:

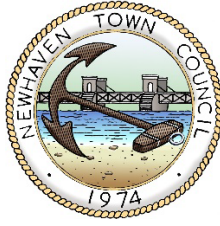
Date of committee meeting:

Supersedes (name of old policy and reference): **Adoption Leave Policy v1**

Policy version reference: **PSALP02**

Policy effective from:

Date for next review:



Newhaven Town Council

ANTI-HARASSMENT AND BULLYING POLICY & PROCEDURE

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Purpose of this policy and procedure

Newhaven Town Council (NTC) prides itself on being an employer of choice. With an incredibly varied role in delivering the very best for our residents, communities and businesses, our employees are committed and really make a difference. NTC has a strong commitment to equality, diversity, and inclusion.

Employees are an organisation's most valued asset and as such we seek to ensure that all our policies and procedures reflect the very best in good practice. Everyone should be treated with respect and dignity, creating an environment where employees can deliver their best in a culture free of bullying or harassment. Having a culture that is diverse, equitable and inclusive is core to everything that we strive to achieve and to the organisational environment we wish to protect.

We will not tolerate any instances of bullying or harassment, victimisation, or discrimination at NTC, with all forms being dealt with effectively. Harassment and bullying can have very serious consequences for individuals and may cause stress, affect their health, impact their families and social relationships, as well as affecting their ability to perform their role and progress their careers. For organisations the impact can be low morale, poor work performance, high attrition and damage to the organisation's reputation. Therefore, any employee who is found to have harassed or bullied a colleague or stakeholder could face disciplinary penalties up to and including dismissal. Victimisation of a person making allegations of harassment and bullying is a disciplinary offence.

Key to protecting an inclusive and positive culture is seeking to eradicate bullying, harassment, victimisation, and discrimination at work. This policy and procedure support this aim by setting out the steps that will be taken to investigate and deal with complaints of bullying or harassment, and how we support those affected, as no one should have to suffer bullying or harassment in the workplace.

The scope of this policy

This policy applies to anyone working for NTC. This includes employees, contractors, volunteers, interns, apprentices as well as Councillors. The policy also relates to job applicants and is relevant to all stages of the employment relationship. The policy also applies to bullying or harassment by third parties.

Our commitment to You

We believe that a culture of equality, diversity and inclusion not only benefits our organisation but supports wellbeing and enables our people to work better because they can be themselves and feel that they belong.

We are committed to promoting a working environment based on dignity, trust and respect, free from discrimination, harassment, bullying or victimisation.

A toxic workplace culture, where bullying or harassment is tolerated, is harmful to the well-being of the workforce as well as the wider organisation.

We adopt a zero-tolerance approach to instances of bullying or harassment. Our commitment to you is to ensure that all forms of harassment, bullying, and victimisation are dealt with effectively.

What we expect from you

We expect you, and every one of our people, to take personal responsibility for observing, upholding, promoting, and applying this policy. Whatever your job is, this is part of your role.

Any dealings you have with third parties, including customers, suppliers, contractors, agency staff and consultants, must be free from discrimination, harassment, victimisation or bullying.

If anyone in the employ of NTC is found to have committed, authorised, or condoned an act of bullying or harassment, we will take action against them (for those to whom it applies) under our Disciplinary Procedure up to and including dismissal.

There is no justifiable reason to bully or harass anyone. For example, observing a particular religion is not a legitimate reason for bullying or harassing a colleague, neither is their sexual orientation. Even if you do not intend to bully or harass anyone, this does not legitimise your behaviour as it is the impact on the recipient that is important. You should be aware that you can be personally liable for harassment. If you experience bullying or harassment, we encourage you to speak up without delay and to ask for appropriate support.

Policy

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These include:

- disability
- sex
- gender reassignment
- race
- religion or belief
- sexual orientation
- age
- pregnancy and maternity
- Marriage and civil partnership

As well as the protected characteristics covered above, we consider harassment on any ground to be unacceptable.

Definitions

Meaning of Harassment

Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of:

- violating someone else's dignity
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

Harassment can occur where someone perceives another person to have a protected characteristic, for example a perception that someone is transgender even if they are not. Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic, for example having a family member of a particular religion.

Examples of harassment

Harassment can occur in many forms and can take place either at work or outside work. While this is not an exhaustive list, examples include:

- "banter", jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic
- unwanted physical behaviour, for example, touching, pushing or grabbing
- excluding someone from a conversation or a social event or marginalising them from the group
- derogatory comments about pregnancy, maternity leave or IVF treatment
- mimicking or making fun of someone's disability
- derogatory or offensive comments about religion
- unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic
- "outing" (i.e., revealing their sexual orientation against their wishes), or threatening to "out", someone
- consistently using the wrong names and pronouns following the transition of a person's gender identity
- displaying images that are racially offensive
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

Harassment can arise where the perpetrator did not have the intention of causing offence but does cause offence by what they say. For example, this can happen in respect of banter and jokes.

Meaning of sexual harassment

Harassment may be sexual in nature. The law defines sexual harassment as:

- conduct, including verbal, comments, of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment

- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Examples of sexual harassment

Sexual harassment can occur in many forms. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact, or intimidation
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions
- showing or sending offensive or pornographic material by any means (e.g., by text, video clip, email or by posting on the internet or social media)
- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults
- offensive comments about appearance or dress, innuendo, or lewd comments
- leering, whistling, or making sexually suggestive gestures and
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

Bullying

There is no legal definition of bullying. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent in nature, that has the effect of undermining, humiliating or injuring the recipient.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful.

Examples of bullying

While this is not an exhaustive list, bullying may include:

- physical, verbal or psychological threats
- excessive levels of supervision
- spreading rumours, malicious or offensive
- constantly putting someone down, undermining, criticising, showing a lack of respect and
- inappropriate and derogatory remarks about a person's performance.

It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to harassment or bullying.

Micro-aggressions

Micro aggressions - sometimes called micro-incivilities - are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority. Micro-aggressions generally take one of three forms:

- **Micro-assaults:** Conscious and obvious insults made verbally or non-verbally to a marginalised individual or group, for example directing limp-wristed hand gestures towards a gay colleague and saying, "It's just a joke".
- **Micro-insults:** Unintentionally insensitive remarks or assumptions based on stereotypes, for example saying to a person with a disability "You don't look disabled to me".
- **Micro-invalidations:** Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group, for example a white person saying, "I don't think the UK has a problem with racism - some people are just too sensitive".

Serious micro-aggressions can amount to unlawful harassment, bullying or discrimination but even less serious micro-aggressions can negatively impact the health and wellbeing of the person experiencing them.

What to do if you are being Bullied or Harassed

Informal Route

Bully/harasser is a colleague

If you feel able to, and where you believe there is a reasonable prospect of resolution, you may decide to raise the issue with the individual themselves, to make clear that their behaviour is not welcome and to ask them to stop. They may not be aware that their behaviour is offending you or it may be unintentional on their part.

Alternatively, if you do not feel up to speaking directly to the individual, you may consider asking your line manager, or an alternative manager for support. If the individual causing offence is your line manager or someone senior in the work structure, you may wish to speak with an adviser at WorkNest or one of the Councillors for further guidance.

You may or may not want them to talk to the individual on your behalf and, where possible, we will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, we may have to approach the individual and instigate a formal investigation. In such a case we will, where possible, discuss this with you first.

Mediation is a voluntary and confidential process and if you do not wish to take part in mediation, you do not have to. The mediator will be impartial, neutral and fully trained to conduct mediation whether they be an internal or an external resource. Mediation can help to mend workplace relationships by:

- Finding solutions that everyone agrees to.
- Improving communication.
- Allowing everyone involved to have control of what is finally agreed.

Mediation can be used at any stage in a disagreement but the earlier the disagreement is dealt with, the less chance there is of things becoming more difficult and entrenched.

Bully/harasser is a third party

If you are experiencing bullying or harassment by a third party, for example a client or a supplier, we encourage you to report this to your line manager without delay so that they can consider what action it may be possible to take or how you should respond taking account of the fact this is a third party.

Formal route

If you are not happy with the outcome of an informal process, or if you feel it is not appropriate to approach the issue informally, you may decide to raise your complaint formally.

To make a formal complaint, you should discuss this first with your line manager. If your complaint is about your line manager, you should raise this with another appropriate manager. If you have any queries you should refer to a WorkNest Adviser. Under the formal procedure within this policy:

- We will usually ask you to set out your complaint in writing or via email. Please include as much detail as possible, for example:
 - the alleged bully/harasser's name
 - the nature of the bullying/harassment
 - the dates of the alleged acts of bullying/harassment
 - names of any witnesses
 - and details of any action taken to address the matter so far
 - any other information that you feel is directly relevant.
- you may be asked to discuss this in more detail with the investigating manager
- you can expect the matter to be investigated, which may include meeting with the alleged bully/harasser to ascertain their response to the allegations. It may also include interviewing potential witnesses who we will instruct to keep the matter confidential
- expect the manager chairing the matter to carry out further investigations of the complaint where necessary
- invite you to a meeting to discuss your complaint in full. You will have the right to be accompanied by a colleague or trade union representative
- hold a meeting with you to enable us to ask you further questions in light of any information we have gathered from the alleged bully/harasser and/or witnesses

- the manager chairing the meeting will consider all the evidence in full and make a decision and
- inform you of the decision (this will normally be in person without unreasonable delay) and, if we uphold the complaint, instigate disciplinary action up to and including dismissal against the bully/harasser. You will be notified of the timescales involved and any decision will be confirmed to you in writing.

We will investigate fully every formal complaint in an objective and confidential way, ensuring that we respect your rights as well as the rights of the alleged bully/harasser. We will use every effort to complete an investigation into bullying or harassment as quickly as possible.

Where the alleged bully/harasser is a third party, we may need to adjust the procedure under this policy to ensure we conduct appropriate investigations, and we will discuss this with you.

Right to Representation

At any formal meeting you have the right to be represented by a work colleague or a Trade Union representative. However, consideration will be given to another person in exceptional circumstances.

Appeals

If you are not satisfied with the outcome of the formal hearing, you have the right to appeal.

Should you wish to appeal, you should write to the Manager or Councillor referenced in the outcome letter setting out what aspects of the decision you are unhappy with and the reasons why. Appeals should be submitted without unreasonable delay and usually no longer than five working days after we inform you of the decision.

The manager or Councillor will arrange a meeting with you to discuss your appeal in full and to try and reach a satisfactory solution. You must take all reasonable steps to attend this meeting, and you may be accompanied by a colleague or trade union representative. If you cannot attend for a genuine reason the matter will normally be rescheduled at least one time (thereafter it may be held in your absence).

The manager or Councillor will write to you to confirm the outcome of the appeal, which will be final.

Support for those Affected or Involved

We understand that anyone affected by, or involved with, a complaint of bullying or harassment may feel anxious or upset and we will do what we can to support you.

If you feel you cannot continue to work in close contact with the alleged bully/harasser, we will seriously consider any requested changes to your working arrangements during our investigation into the matter.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. We take such matters very seriously, if you feel you have suffered any victimisation, please inform your line manager, another manager or a Councillor as soon as possible. Equally, making malicious, vexatious or false allegations will not be tolerated and is a disciplinary offence.

Regardless of the outcome of your complaint, we will consider carefully how to best approach any ongoing working relationship between you and the individual concerned. For example, depending on the specific circumstances, it may be possible to consider amending the job duties, or reporting lines of either you or the other person. For example, where the roles in question mean that this is possible to manage without disrupting the work. Alternatively, we may propose that workplace mediation or counselling is appropriate if the parties can voluntarily agree to this.

Sensitivity and Confidentiality

Anyone involved with an informal or formal complaint about bullying or harassment, including witnesses, must keep the matter strictly confidential and act with appropriate sensitivity to all parties.

If you are found to have breached confidentiality or acted without due care or sensitivity in a case of bullying or harassment, we may take disciplinary action against you up to and including dismissal (or other appropriate action for non-employees).

Consequences of Breaching this Policy

If, following a formal investigation, we find that you have committed, authorised, or condoned an act of bullying or harassment, we will deal with the issue as a possible case of misconduct or gross misconduct.

We may take disciplinary action against you, up to and including dismissal (or other appropriate action for non-employees).

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If we find that you have victimised anyone in this way, we will instigate disciplinary action against you up to and including dismissal (or other appropriate action for non-employees).

We will also offer support for all those affected as we seek to encourage a positive work environment free of harassment and bullying where employees are confident to speak out and use this policy should it ever be required.

This is a non-contractual policy and procedure which will be reviewed from time to time.

Date of policy & procedure: **20/11/2024**

Approving committee:

Date of committee meeting:

Supersedes (name of old policy & procedure and reference): **N/A**

Policy & procedure version reference: **PSAHB01**

Policy & procedure effective from:

Date for next review:



Newhaven Town Council

DISCIPLINARY PROCEDURE

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Purpose of this Procedure

The purpose of this procedure is to ensure a clear understanding of the relationship between the management of Newhaven Town Council (NTC) and its employees. They are designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for everyone in the organisation.

The scope of this procedure

It applies to all employees, (apart from the Clerk who has a separate procedure) whether full time, part time or temporary workers.

Procedure

Informal Procedures

- Informal action may often be a more satisfactory method of resolving problems than use of the formal disciplinary procedures.
- It should take the form of a discussion between the Clerk and employee with the objective of encouraging and helping the employee to improve. The employee should fully understand the outcome (that if there is no improvement, formal action may be taken).
- The option of using a mediator, where appropriate, as an independent third party will be considered. The third party could be an internal mediator as long as they are not involved in the issue, or in some cases an external mediator may be more appropriate. This option will be on a voluntary basis and will only be used if both parties agree to it. NTC will aim to have a combination of internal and external mediators and the process for accessing mediation when required will be available to all staff.

Formal Procedures

- The formal procedures apply to an employee's conduct or performance/capability.
- In most cases, the formal disciplinary procedures should only be used when counselling has been given and this has failed to produce the required improvements or when the seriousness of the offence warrants the formal disciplinary procedure.
- Appropriate investigations should be carried out without unreasonable delay to establish the facts. In some cases, this may involve holding an investigatory meeting with the employee before proceeding to any disciplinary hearing. In others, it may involve the collation of evidence for use at a disciplinary hearing.

Before any warning, disciplinary action or decision to dismiss is taken by NTC, the following minimum procedures will be followed:

1. The employee will be advised in writing about the alleged conduct or characteristics, unsatisfactory performance, or other circumstances, which lead the organisation to contemplate dismissing or taking disciplinary action against them
2. The employee will be invited to a meeting where they will be given the opportunity to state their case before any decision is taken
3. The employee will be advised that they may be accompanied by another member of staff or a trade union representative of their choice, at any stage of the formal proceedings
4. If the employee's chosen companion will not be available at the time proposed for the meeting, the meeting will be postponed to a time proposed by the employee, provided that the alternative time is both reasonable and not more than five working days after the date originally proposed
5. The employee's chosen companion may, if the employee wishes, put and sum up the employee's case, respond on their behalf to any views expressed at the meeting and confer with them during the meeting.
6. The employee may appeal against any dismissal/disciplinary decision/action imposed.

In addition to the Clerk, NTC will have another officer present to take notes.

The formal disciplinary procedure exists for:

1. Performance issues
2. Misconduct; and
3. Gross misconduct

In the case of gross misconduct, NTC may at its absolute discretion proceed immediately to Stage Three of the formal disciplinary procedures.

Misconduct

The following offences are examples of misconduct (however, this list is not exhaustive):

- Poor timekeeping
- Unauthorised absence
- Minor damage to Newhaven Town Council's property
- Minor breach of Newhaven Town Council's Rules and Procedures
- Abusive behaviour
- Poor standard of work

Gross Misconduct

The following are examples of gross misconduct (however, this list is not exhaustive):

- Theft or unauthorised possession of any property belonging to Newhaven Town Council
- Serious damage to Newhaven Town Council's property
- Fraud, falsification of reports, accounts, expense claims or self-certification forms, bribery, corruption
- Unauthorised entry to computer records
- Serious act of insubordination
- Serious incapability whilst on duty by reason of alcohol or illegal drugs
- Illegal drugs in the employee's possession, custody or control on NTC premises
- Violent, dangerous or intimidatory conduct
- Sexual, racial, serious bullying or other harassment of a fellow employee
- Serious negligence which causes or might cause unacceptable loss, damage, or injury
- Serious infringement of health and safety rules

Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)

Formal Disciplinary Procedure – Stage 1 – Improvement Note – Unsatisfactory Performance

If performance does not meet acceptable standards, notification will be given by the Clerk following a disciplinary meeting as referred to above under Formal Procedures.

The employee will be informed of the formal nature of the warning by way of an improvement note. This will set out the performance problem, the improvement that is required, the timescale and any help that may be given. The employee will be advised that it constitutes the first stage of the disciplinary procedures and that failure to improve could lead to a final written warning.

A copy of the improvement note will be kept on the employee's personnel file for six months but will then be considered spent subject to achievement and sustainment of satisfactory performance.

The employee will be informed that they may appeal.

Formal Disciplinary Procedure – Stage 1 – First Warning – Misconduct

If conduct does not meet acceptable standards, notification will be given by the Clerk following a disciplinary meeting as referred to above under Formal Procedures.

The employee will be given a written warning setting out the nature of the misconduct and the change in behaviour required. The written warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change.

A copy of the warning will be kept on the employee's personnel file but will be disregarded for disciplinary purposes after a period of six months. The employee will be informed that they may appeal.

Formal Disciplinary Procedure – Stage 2 – Final Written Warning

If the employee has a current warning about conduct or performance, then further misconduct or unsatisfactory performance (whichever is relevant) may warrant a final written warning. It may also be warranted where 'first offence' misconduct is sufficiently serious but would not justify dismissal.

This will normally be given by the Clerk and confirmed to the employee in writing following a disciplinary meeting as referred to above under Formal Procedures.

The written warning will contain a summary of the complaint, the improvement required and the timescale. It will also specify the duration of the warning and that failure to improve may lead to Stage 3 (dismissal or some other action short of dismissal).

A copy of the warning will be kept in the employee's personnel file but will be disregarded for disciplinary purposes after twelve months subject to the achievement and sustainment of satisfactory conduct or performance.

The employee will be informed that they may appeal.

Formal Disciplinary Procedure – Stage 3 – Dismissal or other sanction

Dismissal may result from a serious first act of gross misconduct or from any further misconduct (of the same or another type) during the period of an earlier warning, or failure to meet acceptable standards of performance. Such dismissal may be with or without notice or pay in lieu of notice. The decision to dismiss an employee will not be taken without reference to the Chair of the Personnel Committee. The decision to dismiss will be confirmed in writing.

If some sanction short of dismissal is imposed, the employee will receive details in writing of the complaint, will be warned that dismissal could result if there is not satisfactory improvement. A copy of the warning will be kept in the employee's personnel file but will be disregarded for disciplinary purposes after twelve months subject to the achievement and sustainment of satisfactory conduct or performance.

The employee will be informed that they may appeal.

Suspension during investigation

- If appropriate, NTC may by written notice suspend the employee for as brief a period as possible while any investigation into an allegation of gross misconduct is carried out. Except when necessary or in exceptional circumstances, any such suspension will be limited to two weeks. The suspension itself is not seen as disciplinary action.
- If the employee is suspended the terms and conditions of employment will continue together with all their rights under the terms and conditions, including the payment of salary.
- During the period of suspension, the employee will not be entitled to access any of NTC's premises except at the prior request or with the prior consent of NTC and subject to such conditions as NTC may impose.

Appeals Procedure

- An employee may appeal against all disciplinary/dismissal decisions arising from the formal procedure.
- The request for an appeal should be put in writing and set out the grounds of appeal, within five working days, to the Chair of the Personnel Committee, who will call a meeting of NTC's Appeals Panel, consisting of three council members who have not been involved so far.

- The appeal will be heard by the Appeals Panel and the employee has the right to be accompanied by a fellow employee (or union representative).
- The appeal hearing will be conducted within a reasonable period of the appeal being lodged and wherever possible within five working days of the appeal being lodged.
- Where new evidence arises during the appeal, the employee and their companion should be given the opportunity to comment before any action is taken. If necessary, the appeal will be adjourned.
- The employee will be informed of the results of the appeal and the reasons for the decision. This will be confirmed in writing within ten working days and it will be made clear, if this is the case, that the decision is final. If it is not possible to respond within ten working days, the employee will be given an explanation for the delay and advised when a response may be expected.

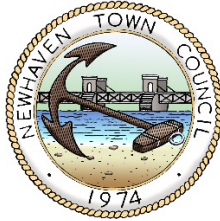
Grievance during disciplinary action

Should an employee raise a grievance about the behaviour of the Clerk during disciplinary procedures, it may be appropriate to suspend the disciplinary procedure for a short period until the grievance can be properly considered. The Town Council may consider seeking external advice from WorkNest as appropriate.

Records

Full records should be kept including details of the nature of any breach of disciplinary rules or unsatisfactory performances, the employee's response, the action taken and the reasons for it, whether an appeal was made and, if so, its outcome and any subsequent developments. All records will be kept confidential and retained in accordance with the Data Protection Act 1998.

Date of policy:	21/11/2024
Approving committee:	
Date of committee meeting:	
Supersedes (name of old policy and reference):	Disciplinary Procedure v3
Policy version reference:	PSDPR04
Policy effective from:	
Date for next review:	



Newhaven Town Council

DISCIPLINARY PROCEDURE FOR THE TOWN CLERK

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Purpose of this procedure

The purpose of this procedure is to ensure a clear understanding of the relationship between the management of Newhaven Town Council and its employees, specifically, the Town Clerk. They are designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for everyone in the organisation. There is a separate procedure for employees who are line managed by the Clerk.

The scope of this policy

These procedures apply to the Clerk.

Procedure

Informal Procedure

- Informal action may often be a more satisfactory method of resolving problems than use of the formal disciplinary procedure
- It should take the form of a discreet and informal discussion between members of the Personnel Committee and the employee with the objective of encouraging and helping the employee to improve. The employee should fully understand the outcome (that if there is no improvement, formal action may be taken)
- The option of using a mediator, where appropriate, as an independent third party may be considered. The third party could be an internal mediator if they are not involved in the issue, or in some cases an external mediator may be more appropriate. This option will be on a voluntary basis and will only be used if both parties agree to it. Newhaven Town Council will aim to have a combination of internal and external mediators and the process for accessing mediation when required will be available to all staff.

Formal Procedure

- The formal procedure applies to an employee's conduct or performance/capability
- In most cases, the formal disciplinary procedures should only be used when counselling or training has been given and this has failed to produce the required improvements or when the seriousness of the offence warrants the formal disciplinary procedure
- Appropriate investigations should be carried out without unreasonable delay to establish the facts. In some cases, this may involve holding an investigatory meeting with the employee before proceeding to any disciplinary hearing. In others, it may involve the collation of evidence for use at a disciplinary hearing
- Before any warning, disciplinary action or decision to dismiss is taken by Newhaven Town Council, the following minimum procedures will be followed:
 1. The employee will be advised in writing about the alleged conduct or characteristics, unsatisfactory performance, or other circumstances, which lead the organisation to contemplate dismissing or taking disciplinary action against them. This letter will be signed by the Chair of the Personnel Committee or Chair of the Council and authorised by the Council. The Council may seek external advice
 2. The employee will be invited to a meeting of a hearing panel which will consist of the Chair of the Personnel Committee and at least two other members of the Personnel Committee, where they will be given the opportunity to state their case before any decision is taken
 3. The employee will be advised that they may be accompanied by another member of staff or a trade union representative of their choice, at any stage of the formal proceedings

4. If the employee's chosen companion will not be available at the time proposed for the meeting, the meeting will be postponed to a time proposed by the employee, provided that the alternative time is both reasonable and not more than five working days after the date originally proposed
 5. The employee's chosen companion may, if the employee wishes, put and sum up the employee's case, respond on their behalf to any views expressed at the meeting and confer with them during the meeting
 6. The employee may appeal against any dismissal/disciplinary decision/action imposed.
- Notes of the hearing panel meeting will be taken and made available to the employee.
 - The formal disciplinary procedure exists for:
 1. Performance issues
 2. Misconduct; and
 3. Gross misconduct
 - In the case of gross misconduct, Newhaven Town Council may at its absolute discretion proceed immediately to Stage Three of the formal disciplinary procedures.

Misconduct

The following offences are examples of misconduct (however, this list is not exhaustive):

- Poor timekeeping
- Unauthorised absence
- Minor damage to Newhaven Town Council's property
- Minor breach of Newhaven Town Council's Rules and Procedures
- Abusive behaviour
- Poor standard of work

Gross Misconduct

The following are examples of gross misconduct (however, this list is not exhaustive):

- Theft or unauthorised possession of any property belonging to Newhaven Town Council
- Serious damage to Newhaven Town Council's property
- Fraud, falsification of reports, accounts, expense claims or self-certification forms, bribery, corruption
- Unauthorised entry to computer records
- Serious act of insubordination
- Serious incapability whilst on duty by reason of alcohol or illegal drugs
- Illegal drugs in the employee's possession, custody or control on Newhaven Town Council premises
- Violent, dangerous or intimidatory conduct
- Sexual, racial, serious bullying or other harassment of a fellow employee
- Serious negligence which causes or might cause unacceptable loss, damage, or injury
- Serious infringement of health and safety rules
- Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)

Formal Disciplinary Procedure – Stage 1 – Improvement Note – Unsatisfactory Performance

- If performance does not meet acceptable standards, notification will be given by the Chair of the Personnel Committee or Chair of the Council following a disciplinary meeting (as referred to in *Formal Procedures* above).
- The employee will be informed of the formal nature of the warning by way of an improvement note. This will set out the performance problem, the improvement that is required, the timescale and any help that may be given. The employee will be advised that it constitutes the first stage of the disciplinary procedures and that failure to improve could lead to a final written warning.

- A copy of the improvement note will be kept on the employee's personnel file for six months but will then be considered spent subject to achievement and sustainment of satisfactory performance
- The employee will be informed that they may appeal.

Formal Disciplinary Procedure – Stage 1 – First Warning – Misconduct

- If conduct does not meet acceptable standards, notification will be given by the Chair of the Personnel Committee or Chair of the Council following a disciplinary meeting (as referred to in *Formal Procedures* above)
- The employee will be given a written warning setting out the nature of the misconduct and the change in behaviour required. The written warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change
- A copy of the warning will be kept on the employee's personnel file but will be disregarded for disciplinary purposes after a period of six months
- The employee will be informed that they may appeal.

Formal Disciplinary Procedure – Stage 2 – Final Written Warning

- If the employee has a current warning about conduct or performance, then further misconduct or unsatisfactory performance (whichever is relevant) may warrant a final written warning. It may also be warranted where 'first offence' misconduct is sufficiently serious but would not justify dismissal
- This will normally be given by the Chair of the Personnel Committee or Chair of the Council and confirmed to the employee in writing following a disciplinary meeting (as referred to in *Formal Procedures* above)
- The written warning will contain a summary of the complaint, the improvement required and the timescale. It will also specify the duration of the warning and that failure to improve may lead to Stage 3 (dismissal or some other action short of dismissal)
- A copy of the warning will be kept in the employee's personnel file but will be disregarded for disciplinary purposes after twelve months subject to the achievement and sustainment of satisfactory conduct or performance
- The employee will be informed that they may appeal.

Formal Disciplinary Procedure – Stage 3 – Dismissal or other sanction

- Dismissal may result from a serious first act of gross misconduct or from any further misconduct (of the same or another type) during the currency of an earlier warning, or failure to meet acceptable standards of performance. Such dismissal may be with or without notice or pay in lieu of notice
- The decision to dismiss the employee will not be taken without the authority of the Council. The decision to dismiss will be confirmed in a letter signed by the Chair of the Council
- If some sanction short of dismissal is imposed, the employee will receive details in writing of the complaint, will be warned that dismissal could result if there is not satisfactory improvement. A copy of the warning will be kept in the employee's personnel file but will be disregarded for disciplinary purposes after twelve months subject to the achievement and sustainment of satisfactory conduct or performance
- The employee will be informed that they may appeal.

Suspension during investigation

- If appropriate, Newhaven Town Council may, by written notice suspend the employee for as brief a period as possible while any investigation into an allegation of gross misconduct is carried out. The decision to suspend the employee can only be taken by a properly convened meeting of the Personnel Committee. Except when necessary or in exceptional circumstances, any such suspension will be limited to two weeks. The suspension itself is not seen as disciplinary action
- If the employee is suspended the terms and conditions of employment will continue together with all their rights under the terms and conditions, including the payment of salary
- During the period of suspension, the employee will not be entitled to access any of Newhaven Town Council's premises except at the prior request or with the prior consent of Newhaven Town Council and subject to such conditions as Newhaven Town Council may impose.

Appeals Procedure

- An employee may appeal against all disciplinary/dismissal decisions arising from the formal procedure
- The request for an appeal should be put in writing and set out the grounds of appeal, within five working days, to the Chair of the Council, who will call a meeting of the Town Council's Appeals Panel, consisting of three council members who have not been involved so far
- The appeal will be heard by the Appeals Panel and the employee has the right to be accompanied by a fellow employee (or union representative).
- The appeal hearing will be conducted within a reasonable period of the appeal being lodged and wherever possible within five working days of the appeal being lodged
- Where new evidence arises during the appeal, the employee and their companion should be given the opportunity to comment before any action is taken. If necessary, the appeal will be adjourned
- The employee will be informed of the results of the appeal and the reasons for the decision. This will be confirmed in writing within five to ten working days, and it will be made clear, if this is the case, that the decision is final. If it is not possible to respond within five to ten working days, the employee will be given an explanation for the delay and advised when a response may be expected.

Grievance during disciplinary action

Should an employee raise a grievance during the course of disciplinary procedures, it may be appropriate to suspend the disciplinary procedure for a short period until the grievance can be properly considered. The Town Council may consider seeking external advice as appropriate.

Records

Full records should be kept including details of the nature of any breach of disciplinary rules or unsatisfactory performances, the employee's response, the action taken and the reasons for it, whether an appeal was made and, if so, its outcome and any subsequent developments. All records will be kept confidential and retained in accordance with the Data Protection Act 1998.

This is a non-contractual procedure which will be reviewed from time to time.

Date of procedure: **21/112024**
Approving committee:
Date of committee meeting:
Supersedes (name of old procedure & ref): **Disciplinary procedure for Town Clerk v2**
Procedure version reference: **PSDPT03**
Procedure effective from:
Date for next review:



Newhaven Town Council

Equality and Diversity Policy

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PURPOSE OF THIS POLICY

- i) Newhaven Town Council (NTC) is an equal opportunities employer. We are committed to equality of opportunity and to providing a service and following practices which are free from unfair and unlawful discrimination. The aim of this policy is to ensure that no applicant or member of staff receives less favourable treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation, or is disadvantaged by conditions or requirements which cannot be shown to be relevant to performance. It seeks also to ensure that no person is victimised or subjected to any form of bullying or harassment.
- ii) We value people as individuals with diverse opinions, cultures, lifestyles and circumstances. All employees are covered by this policy, and it applies to all areas of employment including recruitment, selection, training, deployment, career development, and promotion. These areas are monitored, and policies and practices are amended if necessary to ensure that no unfair or unlawful discrimination, intentional, unintentional, direct or indirect, overt or latent exists.
- iii) The Town Clerk has particular responsibility for implementing and monitoring the Equality and Diversity in Employment Policy and, as part of this process, all personnel policies and procedures are administered with the objective of promoting equality of opportunity and eliminating unfair or unlawful discrimination.
- iv) All employees, workers, self-employed contractors and Councillors whether part time, full-time or temporary will be treated fairly and with respect. Selection for employment, promotion, training, or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential, and the talents and resources of the workforce will be fully utilised to maximise the efficiency of NTC.
- v) Equality of opportunity, valuing diversity and compliance with the law is to the benefit of all individuals at NTC as it seeks to develop the skills and abilities of its people. While specific responsibility for eliminating discrimination and providing equality of opportunity lies with the senior management team, individuals at all levels have a responsibility to treat others with dignity and respect. The personal commitment of every employee to this policy and application of its principles are essential to eliminate discrimination and provide equality throughout NTC.

THE SCOPE OF THIS POLICY

It applies to all staff, whether full time, part time, temporary workers and Councillors

POLICY

Our Commitment as an Employer

- i) To create an environment in which individual differences and the contributions of our staff are recognised and valued.
- ii) Every employee, worker, self-employed contractor and Councillor is entitled to a working environment that promotes dignity and respect for all. No form of intimidation, bullying or harassment will be tolerated.
- iii) Training, development and progression opportunities are available to all.
- iv) Equality in the workplace is good management practice and makes sound business sense.
- v) We will continually review all our employment practices and procedures to ensure fairness.

Our Commitment as a Service Provider

- i) We aim to provide services to which everyone is entitled regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation, offending past, caring responsibilities or social class.
- ii) We will make sure that our services are delivered equitably and meet the needs of our service users and clients by assessing and meeting their diverse needs

- iii) This policy is fully supported by the senior management team.
- iv) This policy will be monitored and reviewed annually.
- v) We have clear procedures that enable our clients, candidates for jobs and employees to raise a grievance or make a complaint if they feel they have been unfairly treated.
- vi) Breaches of our equality and diversity policy will be regarded as misconduct and could lead to disciplinary proceedings.

EQUAL OPPORTUNITY POLICY STATEMENTS

AGE

We will:

- ensure that people of all ages are treated with respect and dignity
- ensure that people of working age are given equal access to our employment, training, development and promotion opportunities; and
- challenge discriminatory assumptions about younger and older people.

DISABILITY

We will:

- provide any reasonable adjustments to ensure disabled people have access to our services and employment opportunities
- challenge discriminatory assumptions about disabled people; and
- seek to continue to improve access to information by ensuring availability of loop systems, Braille facilities, alternative formatting and sign language interpretation.

RACE

We will:

- challenge racism wherever it occurs
- respond swiftly and sensitively to racist incidents; and
- actively promote race equality in NTC.

GENDER

We will:

- challenge discriminatory assumptions about women and men
- take positive action to redress the negative effects of discrimination against women and men
- offer equal access for women and men to representation, services, employment, training and pay and encourage other organisations to do the same; and
- provide support to prevent discrimination against transsexual people who have or who are about to undergo gender reassignment.
- We recognise that individuals can identify with a range of different gender identities, and that gender identity may or may not be associated with the sex assigned at birth and gender presentation. We provide a supportive environment to recognise an individual's gender identity, and for staff to share their gender identity or trans status if they wish. However, it is the right of an individual to decide what they want to share about their gender identity and when. To 'out' someone without their permission is a form of harassment, could be a criminal offence, and will not be tolerated by NTC.

SEXUAL ORIENTATION

We will:

- ensure that we take account of the needs of lesbians and gay men; and
- promote positive images of lesbians, gay men and bisexuals.

RELIGION OR BELIEF

We will:

- ensure that employees' religion or beliefs and related observances are respected and accommodated wherever possible; and
- respect people's beliefs where the expression of those beliefs does not impinge on the legitimate rights of others.

PREGNANCY OR MATERNITY

We will:

- ensure that people are treated with respect and dignity and that a positive image is promoted regardless of pregnancy or maternity
- challenge discriminatory assumptions about the pregnancy or maternity of our employees; and
- ensure that no individual is disadvantaged and that we take account of the needs of our employees' pregnancy or maternity.

MARRIAGE OR CIVIL PARTNERSHIP

We will:

- ensure that people are treated with respect and dignity and that a positive image is promoted regardless of marriage or civil partnership
- challenge discriminatory assumptions about the marriage or civil partnership of our employees; and
- ensure that no individual is disadvantaged and that we take account of the needs of our employees' marriage or civil partnership.

EX-OFFENDERS

We will:

- prevent discrimination against our employees regardless of their offending background (except where there is a known risk to children or vulnerable adults).

EQUAL PAY

We will:

- ensure that all employees, of whatever gender, have the right to the same contractual pay and benefits for carrying out the same work, work rated as equivalent work or work of equal value.

Date of policy: **21/11/2024**

Approving committee:

Date of committee meeting:

Supersedes (name of old policy and reference): **Equality & Diversity at Work v3**

Policy version reference: **PSEDP04**

Policy effective from:

Date for next review:



Newhaven Town Council

FLEXIBLE WORKING POLICY AND PROCEDURE

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Purpose of this policy and procedure

Every employee of Newhaven Town Council (NTC) has a contract of employment that sets out their working hours. A request to work flexibly is a request from the employee to change either the number of working hours, when or where they are worked. Flexible working does not mean a member of staff can work the hours they wish from day-to-day, week-to-week.

Flexible working arrangements take account of employees' preferences, interests and non-work responsibilities whilst also meeting the needs of NTC. Common examples of flexible working include part-time working; zero-hours / casual working; variable hours; flexitime; job-sharing; term-time working; compressed hours; career breaks; and sabbaticals.

This policy has been written to explain the process which we will use to respond to requests by staff to vary hours, pattern or place of work.

The scope of this policy and procedure

It applies to all staff, whether full time, part time or temporary workers. It does not apply to councillors.

Statutory rights

You have a statutory right to request a change to your contractual terms and conditions of employment to work flexibly from the first day of your employment, regardless of whether you work full or part-time or have a temporary contract of employment. It does not apply to agency staff. You also have the right to make two requests in any 12-month rolling period.

Policy

Our policy is to comply with both the spirit and the letter of the law on the right to request flexible working. To this end its aim is to inform all staff of their right to request flexible working and to ensure those rights are understood and that staff feel confident any decisions regarding their requests will be handled objectively, fairly, free from discrimination, and that staff will not be treated detrimentally because they have asked for flexible working arrangements.

NTC has due regard for the need to eliminate unlawful discrimination and promoting equality of opportunity. In doing so, the Town Clerk receiving flexible working requests will ensure that all staff making requests for any type of flexible working are treated fairly and equitably and will not unlawfully discriminate against any individual on the grounds of a protected characteristic covered by the provisions of the Equality Act 2010.

Procedure

Making the request

To apply for flexible working, please complete the Application form at Appendix 1

Please also let us know if you are making the request because you consider the change could be a reasonable adjustment to support a disability.

If you are not sure whether a proposed working pattern will work, NTC may agree to a trial period to test it out. If this is the case, we will include this in the decision letter and be clear about the duration of the trial and that the working pattern will automatically revert to the previous arrangements unless NTC agrees to the contrary.

Responding to your request

Once we receive your written request, we will arrange a meeting with you as soon as possible and send you a confirmation of receipt unless we agree immediately to your request. It may be that we need to ask you to supply further details before the meeting. If there is likely to be a delay in discussing your request, we will inform you. You may be accompanied at the meeting by a work colleague.

Having the right to request a change to your working arrangements does not necessarily mean that your request will be accepted. Your request will be fully discussed at the meeting. We will carefully consider your request looking at the benefits of the requested changes on working conditions for you as an employee and NTC and weighing these against any adverse impact of implementing the changes.

Having considered the changes, you are requesting and weighing up the advantages, possible costs and potential logistical implications of granting the request, we will write to you with the decision by way of the form found at Appendix 2. The decision will be either:

- To accept the request and establish a start date, with or without a trial period and review date. Where the request is granted, we will set out what changes will be made to your terms and conditions of employment, or,
- To propose an alternative, which may require further discussion, or,
- To confirm a compromise agreed at the discussion, or,
- To reject the request, setting out the reasons, how these apply to the application and the appeal process.

Requests to work flexibly will be considered objectively, however we may not always be able to grant a request to work flexibly if it cannot be accommodated. If we turn down your request, it will be because of one, or a combination of the following reasons, and we will explain why.

- The burden of additional costs is unacceptable to NTC
- Detrimental effect on NTC's ability to deliver for the community
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes to NTC

If you are only looking for an informal change for a short period to your working hours or conditions, for instance to pursue a short course of study, we may consider allowing you to revert back to your previous conditions after a specified period, e.g. three months, or after the occurrence of a specific event, such as the end of a course of study.

You must be aware that if your request is approved, as previously mentioned, you only have the statutory right to make two requests in a 12-month period, although you may still ask without the statutory right.

Timeframe for dealing with requests

We will do what we can to respond to your request as soon as possible although the law requires the consideration process to be complete within two months of first receiving a request, including any appeal. If the request cannot be dealt with within two months, we may ask to extend the consideration process, provided you agree to the extension.

Handling requests in a fair way

We may receive more than one request to work flexibly closely together from different employees and it may or may not be possible to accept all requests. If we agree to a request for flexible working arrangements this does not mean that we can also agree to a similar change for another employee. Each case will be considered on its merits looking at the business case in the order they have been received. We may need to take others' contractual terms into account, and we may ask you if there is any room for adjustment or compromise before coming to a decision.

Appealing the decision

If we decline your request and you wish to appeal, you must do so, in writing, within 5 days of receiving the letter informing you of the outcome. We will then write to you to arrange a meeting to discuss your appeal. This meeting will be held as soon as reasonably possible and will normally be with a sub-committee of councillors. You may wish to be accompanied at that meeting by a work colleague.

There may be circumstances when NTC is unable to meet within the required timeframes, in which case a meeting will be held as soon as is practically possible.

The effect on your contract of employment

Any change in your hours or pattern of work will normally be a permanent change to your contractual terms and conditions. This means that you will not automatically be able to revert to the previous working pattern (unless otherwise agreed). So, for example, if your new flexible working pattern involves working reduced hours, you will not automatically be able to revert to working full time hours.

Changes to your working pattern may affect other terms and conditions of employment. For example, reducing your hours of work will mean that your pay and leave will be pro-rated accordingly. Your pension may also be affected.

Any changes to your terms and conditions because of a change to your working pattern will be confirmed in your decision letter, however if you have further queries about how a proposed change to your pattern of work might affect your terms and conditions please speak to the Clerk or Chair of NTC in the first instance.

Data protection

When managing a flexible working request, we will process personal data collected in accordance with the data protection policy. Data collected from the point at which we receive a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual procedure which will be reviewed from time to time.

Date of policy:

Approving committee:

Date of committee meeting:

Supersedes (name of old policy and reference):

Policy version reference:

Policy effective from:

Date for next review:



Newhaven Town Council

APPENDIX 1 (FLEXIBLE WORKING APPLICATION FORM)

Name:

Payroll Number

Job Title:

Date:

This is a formal application for flexible working under Newhaven Town Council's Flexible Working Policy which accommodates the legal right to apply for flexible working and the duty of employer to consider applications seriously.

Please detail how you would like to work flexibly and when you want to start:

How do you think flexible working might affect the council and how this could be dealt with, e.g. if you're not at work on certain days.

Have you made a previous application to work Flexibly (Y / N)

If Yes, when:



Newhaven Town Council

APPENDIX 1 (CONFIRMATION OF RECEIPT OF F.W. APPLICATION FORM)

Dear **[insert name]**

I confirm that I have received your request to change your working pattern on **[insert date]**

A meeting has been arranged for **[Within 14 calendar days of receipt of request]** to discuss this. You may be accompanied at the meeting by a work colleague.

Signed:

Name:

Date:



Newhaven Town Council

APPENDIX 2 (FLEXIBLE WORKING APPLICATION FORM – ACCEPTANCE)

Name: _____ Payroll Number _____

Job Title: _____ Date: _____

Dear **[insert name]**

Following receipt of your application on **[inset date]** and our meeting on **[inset date]** we have considered your request for a new flexible working pattern in relation to:

[State reason for request]

We are pleased to confirm that we can accommodate your request

We are unable to accommodate your original request, however, we can offer an alternative flexible working arrangement that we have discussed and has been agreed

Your new working pattern will be as follows:

Trial Periods

Your flexible working trial period will start on:

Your flexible working trial period will end on:

Your flexible working trial period review will be on:

If trial period is successful, your new working arrangements will commence on:

Town Clerk Signature: _____

Town Clerk Name: _____

Date: _____

Employee Signature: _____

Employee Name: _____

Date: _____



Newhaven Town Council

APPENDIX 2 (FLEXIBLE WORKING APPLICATION FORM – DECLINE)

Name: _____ Payroll Number _____

Job Title: _____ Date: _____

Dear **[insert name]**

Following receipt of your application and our meeting(s) on **[Insert Date]**, I am sorry, but we are unable to accommodate your request on the following business grounds:

- The operational reasons for declining a flexible working request
- The burden of additional costs is unacceptable to the council
- An inability to reorganise work amongst existing staff
- Inability to source additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- The change would have a detrimental effect on the council's ability to meet customer demand
- Insufficiency of work for the proposed change
- Planned structural changes to the organisation

The following alternative patterns were also considered but cannot be accommodated or are not suitable to you:

You have the right to appeal against this decision as outlined in the Flexible Working Policy.

Town Clerk Signature: _____

Town Clerk Name: _____

Date: _____

Employee Signature: _____

Employee Name: _____

Date: _____



Newhaven Town Council

GRIEVANCE POLICY & PROCEDURE

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Purpose of this policy and procedure

This policy is based on and complies with the ACAS Code of Practice on disciplinary and grievance procedures (2015) and takes account of the ACAS guide on discipline and grievances at work (2020) as well as any relevant law affecting Councils.

The scope of this policy and procedure

It applies to all staff, whether full time, part time or temporary workers. It does not apply to councillors.

Policy

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

This policy confirms:

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

- Employees can only use all stages of the grievance procedure if the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of NTC's grievance procedure to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of NTC's grievance procedure for a code of conduct complaint about a councillor. If the complaint about NTC is not resolved at the informal stage, the employee can contact the monitoring officer of Lewes District council who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under NTC's grievance procedure
- NTC may engage external investigators, grievance or appeal panels for the purposes of the process.
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of NTC's grievance procedure. However, whatever the complaint, NTC has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination.

If an employee considers that the grievance concerns their safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with their line manager at the informal stage of the grievance procedure. NTC will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime

Procedure

Informal grievance procedure

NTC and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with their manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with their manager (for example, because it concerns the manager), the employee should contact the Chair of the Personnel committee or, if appropriate, another member of the Personnel committee. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employees' and the councillor's consent.

Formal grievance procedure

If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chair of the Personnel committee. The Personnel committee will appoint a sub-committee of 3 members to hear the grievance in the event that the grievance is raised by or relates to the Clerk. Where the grievance is not raised by or relates to the Clerk, the Personnel committee may appoint the Clerk to hear the Grievance. The sub-committee will appoint a Chair from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

Investigation

If the sub-committee decides that it is appropriate, (e.g. if the grievance is complex), it may appoint an investigator to carry out an investigation before the grievance meeting to establish the facts of the case. The investigator may be an appropriate employee, Councillor or external party. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, councillors or members of the public). The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee.

Notification

Within 14 calendar days of NTC receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:

- the names of its Chair and other members
- the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 35 calendar days of when NTC received the grievance
- the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
- a copy of NTC's grievance policy
- confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of their witnesses as soon as possible before the meeting
- confirmation that the employee will provide NTC with any supporting evidence in advance of the meeting, usually with at least two days' notice
- findings of the investigation if there has been an investigation
- an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The grievance meeting

At the grievance meeting:

- the Chair will introduce the members of the sub-committee to the employee
- the employee (or companion) will set out the grievance and present the evidence
- the Chair will ask the employee questions about the information presented and will want to understand what actions they want NTC to take
- any member of the sub-committee and the employee (or the companion) may question any witness
- the employee (or companion) will have the opportunity to sum up the case
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

The Chair will provide the employee with the sub-committee's decision, in writing, usually within 7 calendar days of the meeting, though may be longer e.g. where further investigations are required. The letter will notify the employee of the action, if any, that NTC will take and of the employee's right to appeal.

The appeal

If an employee decides that their grievance has not been satisfactorily resolved by the sub-committee, they may submit a written appeal to the Personnel committee. An appeal must be received by the Council within 7 calendar days of the employee receiving the sub-committee's decision and must specify the grounds of appeal. Appeals may be raised on several grounds, e.g.:

- a failure by NTC to follow its grievance policy
- the decision was not supported by the evidence
- the action proposed by the sub-committee was inadequate/inappropriate
- new evidence has become known since the grievance meeting.

The appeal will be heard by a panel of three members of the Personnel committee who have not previously been involved in the case. There may be insufficient members of the Personnel committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the Personnel committee. NTC may engage external parties if there are insufficient councillors to form the panel. The appeal panel will appoint a Chair from one of its members.

The employee will be notified, in writing, usually within fourteen calendar days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within thirty-five calendar days of NTC's receipt of the appeal. The employee will be advised that they may be accompanied by a workplace colleague, a trade union representative or a trade union official.

At the appeal meeting, the Chair will:

- introduce the panel members to the employee
- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Personnel sub-committee
- explain the action that the appeal panel may take.

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

The Chair will inform the employee that they will receive the decision and the panel's reasons, in writing, and when they are likely to receive the letter. This may be within fourteen calendar days of the appeal meeting, however, may be longer where further investigations are required.

The appeal panel may decide to uphold the decision of the Personnel committee or substitute its own decision. The decision of the appeal panel is final.

This is a non-contractual policy and procedure which will be reviewed from time to time.

Date of policy & procedure:

21/11/2024

Approving committee:

Date of committee meeting:

Supersedes (name of old policy & procedure and ref):

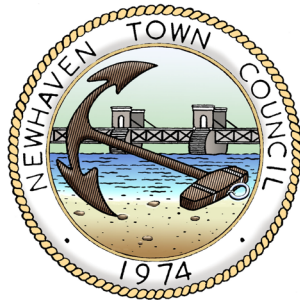
Grievance policy & procedure v3

Policy and procedure version reference:

PSGPP04

Policy & procedure effective from:

Date for next review:



NEWHAVEN TOWN COUNCIL

LOCAL GOVERNMENT PENSIONS SCHEME DISCRETIONS POLICY

Purpose of this policy and procedure	2
The scope of this policy	2
Policy	2

Purpose of this policy and procedure.

To specify the discretions that are available to Newhaven Town Council (NTC) under The Local Government Pension Scheme Regulations 2013 and The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014

The scope of this policy.

It applies to all staff, whether full-time, part-time or temporary workers. It does not apply to councillors.

Policy.

NTC will not have a general policy on the exercise of the following discretions but may decide to do so where a sound case can be made for exercising this discretion. Each case will be considered on its individual merits.

Regulation	Discretion
The Local Government Pension Scheme Regulations 2013	
R16(2)(d) & (e)	Where Additional Pension Contribution (APC) are to be paid by regular contributions or a lump sum, whether to fund in whole or in part a members APC's. The maximum additional pension which can be purchased from 1 st April 2024 is £8,344.
R30(6) & TP11(2)	Whether to allow an active member who has attained the age of 55 or over who reduces their working hours or grade to receive immediate payment of all or part of their retirement pension to which the member is entitled to in respect of that employment subject to an actuarial reduction.
R30(8)	Whether to waive in whole or in part any reduction in a member's pension benefits as a result of a member who has not attained normal pension age but who has attained the age of 55 or over and has elected to receive immediate payment of a retirement pension.
R31	Whether to award additional pension up to a maximum of £8,344 to an active member or a member who was an active member who was dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency within 6 months of the date the members employment ended.
The Local Government Pension Scheme (Transitional Provisions, Savings & Amendment) Regulations 2014	
TPSch2, 2(2)	Whether to "switch on" the 85 Year Rule for a member voluntarily drawing benefits on or after age 55 and before age 60.
TPSch2, 2(3)	Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits from pre 01/04/2014 membership where the employer has "switched-on" the 85 Year Rule for a member voluntarily drawing benefits on or after age 55 and before age 60.

Date of policy: **20/11/2024**

Approving committee:

Date of committee meeting:

Supersedes (name of old policy and reference): **L.G. Pensions Scheme Discretions Policy v2**

Policy version reference: **PSLGP03**

Policy effective from:

Date for next review:



Newhaven Town Council

LONE WORKING POLICY

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Purpose of this policy and procedure

The council recognises that some of our staff work alone, and where this is the case, seeks to ensure the health and safety of all lone workers. This document:

- Raises awareness of the safety issues relating to lone working,
- Identifies and assesses potential risks to an individual working alone,
- Explains the importance of reasonable and practicable precautions to minimise potential risk,
- Provides appropriate support to lone workers, and,
- Encourages reporting of all incidents associated with lone working so that they can be adequately managed and used to help reduce risks and improve working arrangements for the future.

The scope of this policy

It applies to all staff, whether full time, part time or temporary workers. It does not apply to councillors.

Policy

We will protect staff from the risks of lone working, as far as is reasonably practicable. Working alone is not in itself against the law, and it is often safe to do so. However, the council's policy is to consider carefully and deal with any health and safety risks for those who work alone.

Definition

'Lone Worker' refers to people who work by themselves without work colleagues either during or outside normal working hours. Examples include:

- A caretaker who opens and closes a hall either early in the morning or late at night
- A groundsman tending to green space
- Office workers who work alone in the premises
- Homeworkers.

Any worker under the age of 18 years, or anyone working in confined spaces is not permitted to work on their own.

Responsibilities

All staff have a responsibility for the health and safety of work colleagues. The key responsibilities are as follows:

Managers/Supervisors

- Will try to avoid the need for lone working as far as is reasonably practicable
- Ensure that the worker is competent to work alone
- Ensure that all lone working activities must be formally risk assessed. This should identify the risk to lone workers; any control measures necessary to minimise those risks; and emergency procedures
- Arrangements for lone working must be made clear to staff and the details of what can or cannot be done while working alone explained
- Lone workers must be informed of the hazards and understand the necessary control measures that need to be put in place and have the opportunity to contribute to the risk assessment
- Must raise the alarm if staff cannot be contacted or do not return as anticipated
- Must ensure that all staff are aware of this lone working policy and procedure and provide appropriate levels of training and guidance on lone working.

Lone workers

- Take reasonable care of themselves and others who may be affected by their work
- To follow any instruction given by management or the council
- Raise with their line manager any concerns they have in relation to lone working
- Not to work alone where there is inadequate information to undertake a risk assessment
- Inform their line manager at the earliest opportunity in the event of an accident, incident of violence or aggression whilst working alone

Staff

- To be aware of colleagues working on their own and alert to unexpected changes of routine, unanticipated periods where there is no communication
- Have on your person and switched on with enough power their personal emergency FOB or alternatively the mobile version of the emergency FOB on their mobile phone. (The latter requires manual updating or time-alarm setting)

Risk Assessments

Managers/supervisors must complete (or ensure the completion of) a Lone Working Risk Assessment prior to every lone working activity and update it as appropriate. The risk assessment should be reviewed by the lone worker before undertaking the work and communicated to all relevant staff or councillors.

People who work alone will of course face the same risks in their work as those doing similar roles/tasks. However, they may additionally encounter hazards such as:

- Sudden illness
- Faulty equipment
- Travelling alone
- Remote locations
- Abuse from members of the public
- Animal attacks

Ways in which lone working risks can be reduced

Every lone working environment and situation is different, and therefore it is not possible to implement a 'one size fits all' approach. Where there is regular or anticipated lone working, the council will devise and implement a lone working plan that meets the needs and risks of their particular circumstances. The plan should be proportionate to any risks that are identified from the risk assessment.

Health and wellbeing

In order to ensure your personal safety, it is important that you share any details of any aspects of your health that could lead to increased risk with your line manager or specific councillors. This includes pregnancy. You can then jointly plan to mitigate any potential risks caused by your circumstances. This information will be treated on a strict 'need to know' basis with your confidentiality of the utmost importance.

Reporting incidents

Any incidents or perceived risks encountered while lone working should be recorded, reviewed and acted upon. The report should include:

- A brief note of what happened, when, and who was involved
- For any work-related aggression (verbal or physical) including threatening behaviour, all the details of the incident and of the perpetrator should be captured, which could then be used if the police take any formal prosecution action. This might be particularly important for more serious incidents of work-related violence

- In either instance, this might also include recording details of any circumstances you think might have contributed to the incident, e.g. the context of the interaction, perceptions about the condition of the perpetrator, or any environmental circumstances. This information would then support us to review our risk assessment process and see if any additional measures are needed.

If you feel unsafe, unwell, or become injured activate your emergency FOB and/or call the emergency services if you need immediate assistance. If possible, call your line manager colleague or councillor to let them know (or ask someone to do so on your behalf).

Call your manager if your plans change because you feel unwell or if you have a domestic emergency when working alone.

This is a non-contractual procedure which will be reviewed from time to time.

Date of policy: **20/11/2024**

Approving committee:

Date of committee meeting:

Supersedes (name of old policy and reference): **N/A**

Policy version reference: **PSLWP01**

Policy effective from:

Date for next review: **Annually**



Newhaven Town Council

MATERNITY LEAVE AND PAY POLICY & PROCEDURE

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Purpose of this policy and procedure

The purpose of this policy and procedure is to provide clear information about our maternity provisions. This document sets out our policy on maternity leave, pay, and arrangements surrounding returning to work after maternity leave. It also sets out the procedures which we need to follow at various stages, before, during and after maternity leave.

This document provides basic guidance on the health and safety aspects of working whilst pregnant.

The scope of this policy and procedure

It applies to all staff, whether full time, part time or temporary workers. It does not apply to councillors.

Procedure

Telling your manager that you are pregnant

As soon as you know that you are pregnant, you are encouraged to let us know. This is in your own interests and ensures that we can take any necessary steps to look after your health and safety and that of your baby.

As soon as you tell us that you are pregnant, we will assess any health and safety risks to you or your baby. Early notice also allows us to let you know what your rights will be to maternity leave and pay. However, you do have the right to wait until the 15th week before you expect the baby before telling us that you are pregnant. Either way, you are required to confirm in writing the fact that you are pregnant, attaching a copy of your MAT B1 and indicating when you expect to start your maternity leave. You should note that you have the right to change the start date of your maternity leave provided that you give at least 28 days written notice of the change.

Note on the MAT B1 certificate

The MAT B1 is a form signed by a doctor/midwife confirming your expected week of childbirth (EWC). Hospitals and GP surgeries have different policies regarding when the MAT B1 should be signed and by whom. The MAT B1 is not always issued automatically, and you may have to ask your doctor/midwife for a copy.

Entitlements

Ante-natal care

During your pregnancy, your doctor/midwife will make regular appointments with you for ante-natal checks, scans, tests etc. You are entitled to take reasonable time off work to attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid, and you will not be expected to make up the time. You should however give us as much notice as possible of your appointments and, after the first one, should present the appointment card from the hospital or clinic.

Maternity leave

You are entitled to take up to 52 weeks' maternity leave. This is made up of 26 weeks of ordinary maternity leave (OML) plus 26 weeks' additional maternity leave (AML). You also have the right to return to work after the end of your OML or AML. This right applies to all female employees regardless of length of service or the number of hours worked per week.

You can choose when to start your maternity leave. This can be any date from the beginning of the 11th week before the week the baby is due. The law requires that an employee take a minimum of two weeks maternity leave immediately following the birth.

Sick leave during your pregnancy or maternity leave

If you are off sick due to a pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), then your maternity leave period will begin straight away.

If you are off sick due to a non-pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), it will be treated as sick leave in the usual way.

Any pregnancy related sick leave taken before the start of the fourth week will be treated as sick leave in the usual way.

Early births

If the birth of your baby occurs before the 11th week before the EWC or your planned date of leaving, your maternity leave will commence the day after your baby is born.

Maternity pay [NALC recommends that Green Book terms are adopted – see note 1]

You are eligible to receive 39 weeks statutory maternity pay (SMP) if:

- You have at least 26 weeks' continuous service with the council by the end of the 15th week before the expected week of childbirth (EWC) ("the qualifying week"), and,
- You have average weekly earnings in the eight weeks up to and including the qualifying week of at least the lower earnings limit for Class 1 National Insurance contributions.

If you qualify for SMP, it will usually be paid for a period of up to 39 weeks. Rates are fixed by law and are subject to tax and National Insurance deductions. During the first 6 weeks of this 39-week period, SMP is paid at 90% of your average weekly earnings; thereafter you will receive the weekly lower statutory maternity rate or 90% of your weekly earnings, whichever is the lesser amount. Your average weekly earnings are calculated over the 8 weeks prior to the end of your qualifying week (15th week before the EWC) (see here for details of statutory rates - www.gov.uk/maternity-pay-leave/pay).

If you do not qualify for SMP you may be eligible to receive Maternity Allowance. If you are not entitled to statutory maternity pay, we will issue you an SMP1 form to allow you to claim the Maternity Allowance.

Shared Parental Leave (SPL)

You are entitled to curtail your maternity leave and pay and instead take SPL and pay with your partner/the father of the child, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. See the Shared Parental Leave Policy.

The effect of maternity leave on contractual benefits

During your maternity leave you will be entitled to receive the contractual benefits that you would normally receive if you were at work except for cash benefits (e.g. remuneration and allowances). On return to work following OML and AML you are entitled to benefit from any general improvements to the rate of pay (or other terms and conditions) that you would have received had you been at work. This may also lead to a re-calculation of your SMP Entitlements.

Annual leave

Your contractual annual leave entitlement continues to accrue during your maternity leave. You can choose to take any leave accrued, as a block, either before you commence maternity leave, immediately upon your return to work or a combination of the two. You should be aware that if you take the annual leave before starting maternity leave and then leave employment mid-way through the maternity leave, the usual deductions will apply from your final salary, or we may ask for an appropriate refund.

Pension scheme

Occupational pension contributions continue during OML and during any period of paid maternity absence.

Maintaining contact during maternity leave

Some people choose to have little if any contact with work during their maternity leave while others want to maintain a high level of contact. Before you start your maternity leave, we will meet with you to discuss reasonable contact arrangements during your maternity leave. Below is a list of the sorts of information you may want to be kept informed about:

- Notes of important meetings or announcements affecting staff
- Details of internal vacancies which arise
- Details of significant developments to working practices
- Details of any training courses which are offered to the team

There may be occasions when we need to contact you even if you have indicated that you do not wish to be contacted. In these circumstances contact will only be made when there is significant information which might affect you. For example, where there are changes proposed to the job you are expected to return to.

Keep in Touch (KIT) Days

You may work for up to 10 days during your maternity leave. KIT days can only be worked by mutual agreement; that is to say both you and the council must agree to the work / training taking place. When agreeing KIT days, we will agree the type of work to be carried out and the duration in advance. Particular care should be taken when agreeing a rate of pay because payment for KIT days is off set against Statutory Maternity Pay and not in addition to it. Therefore, we should agree a rate for that week which must be equal to or more than the rate of SMP.

Returning to work

We will assume that you will take your full maternity leave entitlement and intend to return to work doing the same job (see paragraph below regarding entitlement to return to the same job after maternity leave), with the same hours, unless you notify us, in writing, or request otherwise. In other words, you do not have to notify us if you intend to return to work at the end of your AML.

If you want to return to work before the end of your maternity leave, you will need to notify us in writing giving at least eight weeks' notice of your intended return date. If you do not give at least eight weeks' notice, we may delay your return to work by up to a further eight weeks where there is good reason.

You have the right to resume working in the same job if returning to work from OML. If you return to work after a period of AML, you 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.

If you decide not to return to work after your maternity leave, you will need to resign giving the appropriate notice as specified in your contract of employment.

Requesting a change to your pattern of work

You have the right to request that we consider changing your pattern of work (subject to eligibility criteria). See the Flexible Working Policy.

Your health and safety

Risk assessment

Whilst most women can work normally during pregnancy there are some duties which are best avoided or minimised. We may be able to reorganise your work to avoid/minimise such duties or may arrange different work for you for health and safety reasons. Only in exceptional cases would other action be required e.g. suspension on medical grounds or other appropriate action.

Once you tell us of your pregnancy, we will hold a meeting with you to discuss health and safety issues. In consultation with you, we will complete a risk assessment, agreeing with you any measures to be taken. We will hold regular meetings with you throughout your pregnancy to review the initial assessment. If you have any concerns, please raise these directly with the council.

Redundancy

We fully support you to make the most of your family leave related rights and encourage you to do so. We recognise that it is important you are confident that you take your statutory entitlements without the worry you may be treated detrimentally for doing so.

You should be assured that in the event a redundancy situation should arise, you will not be dismissed or selected for redundancy for reasons related to pregnancy, nor because they intended to take or took, maternity or shared parental leave in accordance with this policy. It is however lawful to dismiss or select employees for redundancy on unrelated grounds if these are fair. In this situation, our normal redundancy consultation procedure would be followed.

If the role of an employee who is either pregnant, is on maternity, or shared parental leave is proposed to be made redundant, the employee will be included in the applicable redundancy consultation process. In some cases, it may be appropriate to extend consultation periods for employees on family leave.

Furthermore, if an employee's role becomes redundant during a protected period of pregnancy, or whilst taking maternity leave or shared parental leave, they will be offered a suitable alternative vacancy in preference to other employees if one is available.

Employees who are made redundant at or following the 15th week prior to the expected week of childbirth, and who are eligible for SMP, and those who are on shared parental leave and eligible for ShPP will still receive the full entitlement to statutory pay. In these circumstances, SMP, or ShPP may be paid weekly or as one lump sum. Any other benefits such as holiday entitlement would only be provided or accrued to the end of the notice period.

Data protection

When managing your maternity leave and pay, we will process personal data collected in accordance with the data protection policy. Personal and or sensitive information is held securely and accessed by, and disclosed to, those who need to manage maternity leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual procedure which will be reviewed from time to time.

Date of policy & procedure: **20/11/2024**

Approving committee:

Date of committee meeting:

Supersedes (name of old policy & procedure and ref): **Maternity Policy v2**

Policy & procedure version reference: **PSMPO03**

Policy & procedure effective from:

Date for next review:



Newhaven Town Council

PATERNITY & PARENTAL LEAVE AND PAY POLICY & PROCEDURE

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Purpose and scope

The purpose of this policy and procedure is to provide clear information about our paternity and parental provisions and applies to all staff, whether full time, part time or temporary workers. It does not apply to councillors. This document sets out our policy on paternity/parental leave and pay.

Policy

Immediately you discover your partner is pregnant, you should make the council aware so that you can be briefed on your entitlements. Ordinary paternity leave is also available to adoptive parents (either the adoptive father or the adoptive mother) where a child is matched or newly placed with them for adoption. It is the council's policy to respect the statutory rights of employees regarding paternity and parental leave. This document sets out those rights.

Eligibility

To qualify for ordinary paternity leave and pay, you will need to have at least 26 weeks service by the end of the 15th week before the expected week of childbirth (EWC) or ending with the week in which you were notified of having been matched with the child. You must also have, or expect to have, responsibility for the upbringing of the child. Parental leave is a form of statutory unpaid leave, available to some working parents in addition to statutory maternity, paternity and adoption leave. To qualify for parental leave, employees must have been continuously employed for a period of not less than one year.

Ante-natal appointments

An expectant father or the partner ("Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. The time off is capped at six and a half hours for each appointment. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions, and intend to apply, for a Parental Order for the child born through that arrangement.

Employees who are adopting a child are entitled to take time off to attend adoption appointments. Please see the Adoption Policy for full details.

You should endeavour to give the council as much notice as possible of when you need the time off for the antenatal appointment. We may ask you for a declaration stating the date and time of the appointment and that you qualify for the unpaid time off through your relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

Ordinary Paternity Leave (OPL)

An employee whose partner gives birth to a child, or who is the biological father or either adoptive parent of the child, is entitled to two weeks' ordinary paternity leave. OPL can commence from the date of the child's birth, or child's placement with the adopter, or within 52 weeks after the birth or date of placement

Ordinary Paternity Leave may be taken as either, one week, or two weeks in one consecutive block or two weeks in two one week non consecutive blocks.

If you choose to start your OPL on a fixed and predetermined date and the child is not born or placed for adoption by that date, you must change the date you want to start your leave and notify

us in writing as soon as you reasonably can. If you take both OPL and shared parental leave you must take ordinary paternity leave first.

Notification of Ordinary Paternity Leave

You must inform the council in writing, of your eligibility and intention to take paternity leave in or before the 15th week before the EWC.

You must then provide us with at least 28 days notice before the dates upon which they intend to take each period of leave, unless this is not reasonably practicable (in which case as soon as it is reasonably practicable).

The notification should specify:

- the week the baby is due
- the date of starting the leave
- that you are taking leave for the purpose of taking time off to look after your child in line with your entitlement to paternity leave
- How you wish to take the leave
- You can choose to take two one-week non-consecutive blocks of leave may inform us of when you want each block of leave to begin in one notification, or you may choose to provide us with a separate notification later once you have made a decision. However, as above, you must ensure that a minimum of 28 days' notice is provided before the beginning of each period of leave.

In the case of an adopted child, you must give notice of your 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 you intend to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

You can change your mind about the date on which you want the leave to start providing you tell your manager at least 28 days in advance (unless this is not reasonably practicable).

Ordinary Statutory Paternity Pay (OSPP)

You will qualify for OSPP if your weekly earnings in the 8 weeks up to and including the Qualifying Week (QW) are not less than the lower earnings limit for the payment of National Insurance contributions. The QW is 15 weeks before the baby is due or the week during which you are notified of being matched with a child for adoption.

Paternity leave will be paid at the prevailing rate of SPP or 90% of average weekly earnings if this figure is less than OSPP.

Parental Leave

A total of up to 18 weeks' parental leave for each child may be taken for the purpose of caring for that child.

Parental leave must be taken before the child's eighteenth birthday, or before the eighteenth anniversary of the date of the placement in the case of an adopted child (or eighteenth birthday if sooner).

Up to 4 weeks' parental leave may be taken in any one year but must be taken in one week blocks. Where the child is entitled to Disability Living Allowance, parental leave need not be taken in one-week blocks.

Leave must only be used for the purpose of caring for a child. If the leave is used for a purpose other than caring for a child, the application for parental leave will have been made dishonestly and the employee will be subject to disciplinary procedures.

Employees must give 21 days' notice of intention to take parental leave, setting out the dates on which the period of leave is to begin and end. We may postpone parental leave for up to 6 months, where the request for leave would unduly disrupt the business.

The taking of parental leave in previous employments counts towards the employee's entitlement.

Shared Parental Leave (SPL)

The birth mother or primary adopter is entitled to curtail their maternity/adoption leave and pay and instead take SPL and pay in conjunction with the child's father (in the case of birth) or the spouse, civil partner or partner of the child's mother/adopter, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. See the Shared Parental Leave Policy.

Pay increases awarded during paternity leave

We will ensure that whilst you are on PL you are not left out of a pay award which you would ordinarily have been entitled to. This means that if we make a pay award which takes effect during your PL, then when you return to work, you will return to the 'new' rate of pay that applies to the job you are returning to.

Returning to work

On resuming work after PL, you are entitled to return to the same job as you occupied before commencing paternity leave on the same terms and conditions of employment as if you had not been absent.

Requesting a change to your pattern of work

You have the right to request that the organisation considers changing your pattern of work (subject to eligibility criteria). See the Flexible Working Policy.

Additional paternity leave

Additional paternity leave is available to eligible employees who may take up to 26 weeks' unpaid additional paternity leave within the first year of their child's life provided that the mother has returned to work.

Data protection

When managing your paternity leave and pay, we will process personal data collected in accordance with the Data Protection Policy. Personal and or sensitive information is held securely and accessed by, and disclosed to, staff who need to manage paternity/parental leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual policy which will be reviewed from time to time.

Date of policy & procedure: **20/11/2024**

Approving committee:

Date of committee meeting:

Supersedes (name of old policy & procedure ref): **Paternity & parental Leave & pay policy v1**

Policy & procedure version reference: **PSPPL02**

Policy & procedure effective from:

Date for next review:



Newhaven Town Council

PERSONAL RELATIONSHIPS AT WORK POLICY

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Purpose of this policy and procedure

Newhaven Town Council (NTC) recognises that, from time to time, close personal relationships may develop between members of staff and/or constituents, councillors or suppliers etc. Whilst we realise that employees have a right to a private life and therefore do not discourage relationships between employees, such relationships can cause issues where employees are unable to draw an important distinction between private and professional life.

This policy outlines NTC's position on personal relationships between employees to ensure NTC's interests are always maintained, whilst at the same time balancing the interests of employees. The policy places certain expectations on employees and their managers to ensure that no blurring of judgement or conflict of interest arises. It also seeks to protect NTC and you to avoid any allegations of improper professional behaviour or harassment.

The scope of this policy and procedure

It applies to all staff, whether full time, part time or temporary workers as well as Councillors.

Definition

In the context of this policy, a personal relationship is defined as a romantic/sexual relationship. This policy applies to all NTC's employees and Councillors, regardless of gender or sexual orientation.

Your Responsibilities

To ensure potential conflicts of interest are avoided, employees are required to inform their line manager of any personal relationship which may affect their work or compromise NTC 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. The following points should be observed:

- where the relationship exists between a member of staff and their line manager, it is the responsibility of both to inform a more senior manager
- if the Town Clerk needs to declare a relationship, this should be declared to the Mayor
- if an employee is applying for a role in an area of NTC in which an individual works with whom they have a personal relationship, this must be declared during the recruitment process to ensure a fair and impartial recruitment exercise
- professionalism must always be maintained both at the workplace and any work-related events which are attended by employees who have a personal relationship
- consistency of treatment is paramount and no preferential or unfavourable treatment of those in the personal relationship or any other person is permitted as a result of the relationship.

Managers Responsibilities

It is the responsibility of the manager of a team within which employees are in a personal relationship to take action to ensure the relationship is not the cause of a conflict of interest. Confidentiality must be always maintained if the employees do not wish their relationship to be disclosed. Specifically, the manager should:

- consider alternative roles when an employee applies for a role in the same team as their partner and valid concerns are raised regarding the feasibility of this arrangement. This may include consideration of an equivalent role in a different team
- take action where complaints are received from other team members if tensions are caused by the relationship, howsoever they may arise. This may include reorganising working patterns or moving one or both employees to another department or area of NTC. Care should be taken in these circumstances not to make a decision on who is to be moved based on any discriminatory grounds. The manager should seek advice from the Town Clerk before confirming any moves
- report suspicions of fraudulent activity to the Responsible Financial Officer
- take advice from the Town Clerk if a personal relationship breaks down to avoid allegations of sexual harassment.

Restricted activities

A more senior manager will be responsible for the conduct of operational matters when a personal relationship exists between a line manager and a person for whom the line manager has responsibility. 'Operational matters' include but is not limited to:

- dealing with any disciplinary or performance concerns, whether routine or caused by specific incidents
- dealing with any allegations of harassment, including sexual harassment
- signing off any hours worked above normal working hours
- authorising leave of any kind
- confirming any payment arrangements to be made
- involvement in reorganisation of the area of NTC in which the employees work.

Annual Leave Requests

Annual leave requests from all employees will be dealt with consistently. The authorisation of any requests from employees in personal relationships to take time off at the same time will be made in consideration with the needs of NTC at the time, in the same way as requests from other employees.

Policy breaches

We will deal with any difficulties caused by personal relationships in the workplace in a sensitive manner and an informal method will always be used in the first instance. However, where this does not bring about a satisfactory resolution, recourse to formal procedures, such as the disciplinary procedure or anti-harassment policy, may be required. We may deem the following to be disciplinary offences:

- the failure of an employee to declare their personal relationship in accordance with this policy
- actions of a line manager who is in a personal relationship with an employee which are prohibited by this policy
- Inappropriate and/or excessive use of NTC's IT or telephony systems, including email and instant messaging, such as (but not limited to) Microsoft Teams, for personal communication between those involved in personal relationships at work
- The sharing of inappropriate or offensive content using NTC's systems
- Inappropriate physical interactions whilst working or on works premises or other sites
- Harassment of any kind, related or unrelated to a personal relationship and including but not limited to sexual harassment.

Employees who are subject to disciplinary action may lodge an appeal against any sanction applied that they are dissatisfied with.

Employees who feel they have been treated unfairly in some way in connection with a personal relationship may raise a grievance in line with the NTC grievance policy if initial attempts at an informal resolution have not produced a satisfactory outcome for them.

Employees who feel they have been subjected to harassment of any kind, including sexual harassment, should raise this in line with the NTC anti-harassment policy.

Date of policy & procedure: **22/11/2024**
Approving committee:
Date of committee meeting:
Supersedes (name of old policy and reference): **N/A**
Policy & procedure version reference: **PSPRW01**
Policy & procedure effective from:
Date for next review:



Newhaven Town Council

RECRUITMENT OF EX-OFFENDERS POLICY

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Purpose of this policy

The purpose of this policy is to ensure that that Newhaven Town Council (NTC) treats applicants who have a criminal record fairly and does not discriminate because of a conviction or other information revealed through the Disclosure and Barring Service (DBS).

NTC is committed to the fair treatment of its staff, potential staff, or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for age, dependants, physical/mental disability, or offending background.

The Council actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates. NTC selects all candidates for interview based on their skills, qualifications, and experience.

The scope of this policy

It applies to all staff, whether full time, part time or temporary workers as well as Councillors.

Policy

Disclosures

- A DBS Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS Disclosure is required, all application forms and recruitment briefs will contain a statement that a DBS Disclosure will be requested in the event of the individual being offered the position.
- Where a DBS Disclosure is to form part of the recruitment process, NTC encourages all applicants called for interview to provide details of their criminal record at an early stage in the application process. This information can either be stated in the relevant section of the application form or can be sent with the application in a sealed envelope marked 'strictly confidential,' where it will be processed with appropriate discretion by the assigned Personnel officer.

Previous Offences

- NTC requires all applicants to disclose criminal convictions. Some posts require information relating to both "spent" and "unspent" convictions whereas other posts require "unspent" information only. The information provided will be treated strictly confidentially. Applicants who have been shortlisted for posts involving regular contact with children or vulnerable adults will be required to apply for either a standard or enhanced disclosure from the DBS.
- NTC ensures that all those in the Council who are involved in the recruitment process are suitably advised to identify and assess the relevance and circumstances of offences.
- At interview or in a separate discussion, NTC ensures that an open and measured discussion takes place about any offences or other matter that might be relevant to the position.

Withdrawal of an Offer of Employment

- Failure to reveal information that is directly relevant to the position sought, could lead to withdrawal of an offer of employment.
- Having a criminal record will not necessarily bar an applicant from working with NTC. This will depend on the nature of the position and the circumstances and background of the offences.

This is a non-contractual procedure which will be reviewed from time to time.

Date of policy: **21/11/2024**

Approving committee:

Date of committee meeting:

Supersedes (name of old policy and reference): **Recruitment of Ex-Offenders Policy v3**

Policy version reference: **PSREO04**

Policy effective from:

Date for next review:



Newhaven Town Council

SAFEGUARDING POLICY

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Purpose of this policy

Newhaven Town Council (NTC) believes that everyone, including children, young people and vulnerable adults, has the right not to be abused. We recognise the need to ensure their welfare when they come into contact with the services we provide. We will outline how NTC will protect individuals from harm, abuse, or neglect. This includes defining what safeguarding means and the responsibilities of staff and councillors to ensure that everyone knows how to act if they suspect abuse or neglect.

We intend to demonstrate NTC's commitment to safeguarding, establishing a culture of safety and vigilance. This is crucial for building trust with the community we serve. We believe this will serve as a framework for training staff and councillors, ensuring they understand their roles in safeguarding and are equipped to handle concerns appropriately

The scope of this policy

It applies to all staff, whether full time, part time or temporary workers as well as Councillors.

Policy

Definitions

- Children and young people are defined as those aged under 18

A vulnerable adult is someone aged 18 or over:

- Who is, or may be, in need of community services due to age, illness or a mental or physical disability
- Who is, or may be, unable to take care of themselves, or unable to protect themselves against significant harm or exploitation e.g.:
 - is frail due to age
 - has drug or alcohol problems
 - has a learning disability
 - has mental or physical ill health or disability.

Vulnerability is related to how able an adult is to make and exercise their own informed choice, free from duress or undue influence, and to protect themselves from abuse, neglect and exploitation. There is no hard and fast rule: an adult should be assumed to be covered by this policy unless there is information to indicate that they are not.

Types of abuse

- **Physical:** causing physical harm, including hitting, shaking, biting, grabbing, withholding food or drink, force-feeding, wrongly administering medicine, unnecessary restraint, failing to provide physical care and aids to living
- **Sexual:** including sexual assault, rape, inappropriate touching/molesting, forcing or enticing someone into sexual acts they don't understand or feel powerless to refuse; grooming a child or young person in preparation for abuse.
- **Emotional or psychological:** persistent emotional ill treatment or rejection, including verbal abuse, shouting, swearing, threatening abandonment or harm, isolating, taking away privacy or other rights, bullying/intimidation, blaming, belittling, silencing, controlling or humiliating
- **Financial or material:** illegal or improper use of an adult's property, money or other assets without their informed consent or where the consent is obtained by fraud. It can include withholding money or possessions, theft of money or property, fraud, intentionally mismanaging finances, borrowing money and not repaying

- **Neglect:** persistent or severe failure to meet a person's basic physical and psychological needs. It will result in serious impairment of their health or development, and can include withholding shelter, food, drink, heating and clothing, failing to provide access to health, social and educational services, ignoring physical care needs, exposing a person to unacceptable risk, failing to ensure adequate supervision or unresponsiveness to the basic emotional needs of a child
- **Discriminatory abuse:** including slurs, harassment and maltreatment due to a protected characteristic (Equality Act 2010)
- **Institutional abuse:** including the use of systems and routines which neglect a person receiving formal care e.g. in a children's home.

Signs of abuse

There are many possible signs of abuse, none being conclusive on their own. Examples include:

- Unexplained injury / weight loss / cuts and bruises / dirtiness
- Changes in behaviour
- Depression / low self-esteem
- Lack of self-care / dehydration / abnormal eating pattern
- Harm to self
- Obsessive behaviour
- Bills not being paid
- An overly critical or disrespectful carer who may bully or undermine
- Isolation from usual network of friends, family or community

Safeguarding

Safeguarding children from abuse and promoting their welfare means:

- protecting children from maltreatment
- preventing impairment of children's health or development
- ensuring children are growing up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best outcomes.

Safeguarding vulnerable adults means protecting them from maltreatment and preventing injury or significant harm. Abuse violates an adult's human and civil rights. It can vary from treating someone with disrespect in a way which significantly affects the person's quality of life, to causing actual physical suffering.

A safeguarding concern arises if abuse is suspected or disclosed. Abuse can happen anywhere – at home, in a residential or nursing home, a hospital, in the workplace, at a day centre, an educational establishment or in the street.

Reporting safeguarding concerns

We all have a responsibility to report any safeguarding concerns over the welfare of children, young people or vulnerable adults. This extends to the identification of signs of abuse; poor practice by staff, councillors and others acting for or on behalf of the council, and allegations brought to our attention by a member of the public. Reporting safeguarding concerns can prevent serious abuse or harm from happening, or from escalating.

Staff and councillors must not attempt to investigate abuse themselves; neither must they confront anyone who is allegedly responsible for abuse nor tell them that allegations have been made about them.

The officer responsible for receipt of concerns and forwarding them on is the Clerk or their deputy. If the Clerk is absent, do not wait for them to return to work.

Report safeguarding allegations or concerns to East Sussex County Council (ESCC) Children's or Adults Services at the earliest possible opportunity, and at least within 24 hours. If it is outside working hours contact the ESCC Emergency Duty Team on 01273 335905/6 for concerns about a child or 01323 636399 if it is an adult.

Dial 999 if a child, young person or vulnerable adult may be in imminent danger or a criminal offence may have been committed.

ESCC or the Police should be given as much factual information as possible. For example: The child, young person or vulnerable adult's name and address (and parents'/carers' address if different):

- The reason for concern – a note of significant events or conversations should be made as promptly as possible to assist with any referral and subsequent investigation. Evidence such as texts or Facebook entries should be preserved
- Any other known factors which may be contributing to the problem
- Additional information such as age (or date of birth), ethnicity, religion, language and disabilities / specific needs.

However, the safeguarding concern should still be reported whether or not the information is complete.

Confidentiality, record keeping and sharing information

Information about safeguarding concerns should be regarded as confidential. The information is not secret, however, and NTC will co-operate with investigations by ESCC Children's, Adults services, or the Police as applicable, and follow their advice to ensure that any risk to the safety of children, young people and vulnerable adults is addressed.

Where a disclosure is made it is important that the staff member does not promise the child/young person/vulnerable adult to keep the information secret but says that they will only disclose it to someone who can help them.

Allegations against a councillor or member of staff

If someone witnesses behaviour by a councillor, member of staff, contractor, partner, or an allegation is made about them that indicates that they have, or may have:

- harmed a child, young person or vulnerable adult, or put them at risk of harm
- possibly committed a criminal offence against or related to a child, young person or vulnerable adult or
- behaved in a way that indicates they may pose a risk of harm to children, young people or vulnerable adults

they must report it as a safeguarding concern to the Police and/or ESCC Children's or Adults Services at the earliest possible opportunity.

A councillor or member of staff must report any allegation made against them to the Clerk or Chair of the Council.

Safeguarding concerns and allegations relating to staff will be dealt with in accordance with the Disciplinary Procedure (including in instances where the member of staff resigns or leaves). However, investigations by the responsible authorities will take precedence over internal council procedures relating to conduct. The Clerk or Chair of the Council will liaise with the responsible authorities to agree the appropriate course of action.

The Clerk or Chair of the Council will seek advice from the ESCC Children's or Adults Services or Police prior to informing a member of staff of an allegation against them. The Clerk or Chair of the Council will offer appropriate welfare support to the member of staff and ensure that they are kept appropriately informed during any investigation process.

In accordance with the law, the council will refer to the Disclosure and Barring Service (DBS) any member of staff:

- who was dismissed because they harmed a child or adult
- who was dismissed or removed from working in a regulated activity because they might have harmed a child or adult otherwise
- who would have been dismissed for either of these reasons, but they resigned first; or
- who works with children or vulnerable adults in regulated activity and has been cautioned or convicted for a relevant offence.

Safeguarding concerns and allegations relating to councillors will be referred to the Monitoring Officer and dealt with in accordance with the NTC Code of Conduct.

Recruitment and Selection

Criminal record checks will be made where appropriate. Roles that involve “regulated activities,” such as caring for, supervising or being in sole charge of children or vulnerable adults, require an Enhanced Disclosure and Barring Service (DBS) Check. This may include checking whether someone is included in the two DBS ‘barred lists’ of individuals who are unsuitable for working with children and adults. DBS Checks must be obtained for staff and volunteers undertaking these roles, and they will not be permitted to commence unaccompanied work until they have been received. It is against the law for employers to employ someone, or allow them to volunteer for, this kind of work if they know they are on one of the barred lists.

Information and Training

Appropriate information will be made available to staff and councillors in the form of this policy and any necessary training

External organisations licensed by, or working with, for or on behalf of the council

The council works with and through several external organisations such as charities, contractors, other public sector bodies etc. Where these external organisations are likely to have significant contact with children, young people or vulnerable adults as a direct result of their work for, on behalf of, or in partnership with the council, they are required to have safeguarding procedures, such as safe recruitment and selection processes, in place. They must be made aware of this policy and must provide the council with a copy of their safeguarding procedure.

This is a non-contractual policy which will be reviewed from time to time.

Date of policy:	21/11/2024
Approving committee:	
Date of committee meeting:	
Supersedes (name of old policy and reference):	Safeguarding Policy (2) – 03/04/2014
Policy version reference:	PSSPO03
Policy effective from:	
Date for next review:	



Newhaven Town Council

MANAGING SICKNESS ABSENCE POLICY

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Purpose of this policy and procedure

This policy and procedure outlines what the employee and Newhaven Town Council (NTC) need to do should an employee be unable to work due to sickness.

The scope of this policy

It applies to all staff, whether full time, part time or temporary workers. It does not apply to councillors.

What to do if you are unwell

If you are away from work because of sickness you must:

- Telephone your Line Manager, before your contractual (or normal start time for work) on the first day of absence providing details and how long you expect to be off. If you are unable to call personally, someone else may call for you. It is your responsibility to ensure that NTC is notified. You must then telephone again each day (unless otherwise agreed with the Clerk).
- If you are away for seven days or less (including weekends and other non-working days), you must complete a self-certification form and provide it to the council when you are back at work.
- If you are away for more than seven days (including weekends and other non-working days), you must send in a statement of fitness for work from a registered healthcare professional and continue to do so as each new certificate is issued to you. This certificate gives details as to whether you are too ill to work or whether you are well enough to work with suitable support from NTC. This gives you and the Council the opportunity to discuss suitable arrangements which will support your return to work. The form also gives more space for the registered healthcare professional to provide information about your condition and helpful tick boxes to suggest common ways to help you return to work.
- All sickness or injury absence will be entered on your employment record and will be monitored from time-to-time.

Return-to-work meetings

On the first day back at work after a period of sickness absence your Line Manager may want to meet informally. If this is not possible on your first day back, the meeting may take place later. The return-to-work meeting should take place in a private place, and all discussions should be private and confidential. The meeting would normally include

- a welcome back to work
- outline the purpose of the return-to-work meeting which is to manage and monitor absence and attendance to identify any problem areas and offer support where appropriate
- a discussion about the reasons for absence, in a supportive way and to understand whether NTC can take any steps to help the employee's attendance
- explain that the absence will be recorded
- establish if medical advice has been sought (if appropriate)
- ensure the self-certification form has been completed or a statement of fitness for work from the registered healthcare professional has been provided
- a discussion on absence over the last 52 weeks, the impact on pay and any next steps
- a handover of work where appropriate.

Medical appointments

NTC recognises that employees will, from time to time, need to attend medical appointments. Please try to arrange medical appointments in your own time or, if this is not possible, at times that will cause the minimum amount of absence from work or inconvenience to the council. NTC will allow reasonable time off work with pay for such appointments.

Occupational Sick Pay

It is NTC's policy to pay you your normal basic rate of pay exclusive of overtime/allowances during periods of sickness absence as follows:

During 1st year of service

1 month's full pay and (after completing 4 months service)
2 months half pay

During 2nd year of service

2 months full pay and
2 months half pay

During 3rd year of service

4 months full pay and
4 months half pay

During 4th and 5th year of service

5 months full pay and
5 months half pay

After 5 years' service

6 months full pay and
6 months half pay

This occupational sick pay will be for absences due to sickness calculated over the previous 52 weeks and will include your entitlement to SSP.

Payment is, however, conditional upon you complying with NTC's procedure for notifying your Line Manager of the absence, attending an interview with your Line Manager on request to discuss the absence, and completing a self-certification form on return to work or providing a statement of fitness for work when requested. We may also ask you to attend an interview/examination with a nominated registered healthcare professional at the request of the Council.

We may not pay you occupational sick pay where:

- you have failed to comply with NTC's sickness absence notification and evidence requirements
- you unreasonably refuse to attend a sickness absence meeting with NTC on request
- you are unable to work because you hurt yourself in dangerous sports / activities or any other occupation you have
- you have misled NTC about your fitness to work
- you have resigned
- where disciplinary proceedings are pending against you.

Medical advice

NTC may want to obtain advice on your fitness for work from occupational health advisers or medical practitioners. Examples of when the Council might refer to occupational health or a medical practitioner include the following:

- to seek a medical report on your illness or injury
- to establish when you might be able to return to work
- to understand when you are likely to be fully fit to resume your normal duties
- to understand what alternative duties you might be fit to undertake if you are unfit to resume your normal duties
- to understand when you are likely to be fit to undertake any alternative duties
- to ask for guidance on your condition, for example if there is a possibility that you are disabled or ambiguity as to the exact nature of the condition

- to ask what reasonable adjustments could be made to working conditions or premises to facilitate a return to work
- to understand the likely recurrence of the illness or injury once you have returned to work and
- to discuss any adjustments that could be made to accommodate your disability, if you are disabled.

NTC will pay the cost of the report, and you will have the right to see it. The Council will also be provided with a copy of the report and once we have seen it, we will want to meet you to discuss the findings and consider options available to you.

If you choose not to consent to an Occupational Health referral, any decisions in relation to your employment may be made without the benefit of access to medical reports.

Persistent short-term absence

Persistent short-term absence is where an employee is frequently absent from work for relatively short periods due to sickness. We understand most employees will have some short-term sickness absence from time to time. However, if you are frequently and persistently absent from work, this can damage efficiency and productivity as well as place an additional burden of work on your colleagues and councillors.

Therefore, it is essential that frequent absence is dealt with promptly and consistently and in some circumstances, NTC may begin a capability or disciplinary procedure as part of the absence management process. If we do so, we will meet with you to set attendance targets. Following a review meeting we may issue a formal warning if those targets are not met. You will be given written notice in advance of any formal meeting, and you can be accompanied by a work colleague or trade union representative. You may appeal against a formal warning. If your absence remains unacceptable after a second formal warning, the council may bring your employment to an end following consultation with you.

If frequent absence is due to an underlying long-term health condition, then we will also request, with consent, a medical report either from an Occupational Health Physician or your G.P. or a registered healthcare professional to establish further information about your health and how the NTC can support your attendance.

When considering the reasons for absence, and deciding on whether a formal meeting is appropriate, NTC will not consider any pregnancy related absence. The council will also make adjustments where absences are related to a disability by allowing a higher level of absence before considering whether disciplinary action is appropriate.

NTC will consider any alternative employment options before making any decision about ending employment. You will have the right to be accompanied by a work colleague or trade union representative at formal meetings and a right of appeal against a formal warning or dismissal sanction. The monitoring of absence operates on a rolling 52-week period.

Where it appears that there is no acceptable reason for an absence or if you have not followed the correct absence notification procedure, the matter should be treated as a conduct issue and dealt with under the disciplinary procedure.

Long-term absence

As a guide, long term absence is any absence which lasts or is expected to last over 4 weeks. In all cases of long-term absence, it is essential for NTC to maintain contact with you. In cases where the return date is less certain, this will take the form of consultation and will include:

- Discussions at the start of the absence and periodically throughout
- Obtaining better information on your health and likely prognosis, ideally through an Occupational Health Physician

- Where appropriate alerting you to the fact that your absence is becoming a problem, and
- Allowing you the opportunity to state your opinion of your condition and considering that opinion

Where ill-health means that you are unlikely to return to work for a long period of time, NTC may need to consider bringing your employment to an end. In these circumstances, the council will:

- Consult with you
- Review your absence record to assess whether or not it is sufficient to justify dismissal
- Obtain up-to-date medical advice
- Advise you in writing as soon as it is established that termination of employment has become a possibility
- Discuss whether you may be able to access benefits from the Local Government Pension Scheme (where appropriate)
- Meet with you to discuss the options and consider your views on continuing employment before any decisions are made, allowing you to be accompanied by a work colleague or trade union representative
- Review if there are any alternative jobs that you could do prior to taking any decision on whether or not to dismiss
- Allow a right of appeal against any decision to dismiss you on grounds of long-term ill health
- Following this meeting, inform you of the final decision.

Absence as a result of disability

Where you experience sickness absence as a result of a disability it will be treated in line with the provisions contained within the Equality Act 2010. This will include considering whether any reasonable adjustments can be made.

Data protection

NTC will treat personal data collected during the absence management process in accordance with its data protection policy on processing special categories of personal data. Information about how your data is used and the basis for processing your data will be provided in our employee privacy notice. When relying on legitimate interests as the legal ground for processing your data, you can object to the processing.

This is a non-contractual procedure which will be reviewed from time to time.

Date of policy & procedure: **22/11/2024**

Approving committee:

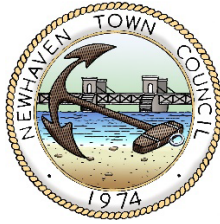
Date of committee meeting:

Supersedes (name of old policy and reference): **N/A**

Policy & procedure version reference: **PSSAB01**

Policy & procedure effective from:

Date for next review:



Newhaven Town Council

STAFF APPRAISAL POLICY

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Purpose of this policy

Newhaven Town Council's (NTC) Appraisal Policy is designed to promote both the development needs of the Council and its employees, in the context of reviewing past priorities and achievements. In addition, it allows employees to consider obstacles to success and helps them to find ways of removing them.

All performance and development appraisal procedures must ensure that NTC's vision, values and objectives are translated into personal, and, where relevant, team objectives to ensure that employees at all levels of the Council can see and understand that the objectives they are set contribute to the Council's success as a whole.

Appraisers must ensure that all appraisal processes are fair and equitable for all appraisees and that they are applied in line with the NTC's Equality and Diversity Policy. Formal disciplinary and grievance issues are not to be part of any performance and development appraisal procedure and will be dealt with separately under the relevant policies. It is important that any issue concerning poor performance is recorded in the appraisal meeting documentation in order that any separate, formal monitoring of performance is not undermined by contradictory messages being given to the employee.

The Appraisal Policy assesses an employee's contributions to NTC's day-to-day activities. It seeks to ensure that all employees:

- Have an annual face to face performance and development appraisal meeting which is reviewed a minimum of every six months
- Receive regular meetings with their line manager to discuss their performance during the year and discuss work activity, learning, development and review the set objectives
- Know what is expected of them in terms of the standard of their performance from the beginning of their employment
- Are set appropriate and SMART objectives with their appraiser to achieve over the following year
- Are made aware of any areas in their work which are not to the required standard
- Receive recognition for their achievements
- Receive feedback on a regular basis which aims to improve and develop their performance
- Identify their learning and development needs and aspirations

The scope of this policy

It applies to all staff, whether full time, part time or temporary workers. It does not apply to councillors.

Policy

New Starters

All new employees will have an appraisal after their probation period.

Temporary And Fixed-Term Contracts

All employees on temporary and fixed-term contracts will be set objectives and a development plan which will be reviewed through performance and development appraisal meetings and which will be appropriate to the length of their employment.

Long Term Absences Including Maternity/Adoption Leave

If employees are absent during an appraisal year, objectives and timescales should be reviewed to accommodate the absence where possible. Absences due to a disability, long term illness, or maternity/adoption should not affect the overall outcome of the appraisal.

Long term planned absences will be factored into the objective setting timescales and, where appropriate, a performance and development appraisal will be held before the absence starts.

Mitigating Circumstances

There may be occasions where an employee is unable to achieve objectives due to unexpected issues or circumstances outside of their control. Where this is the case, the employee should highlight this with the appraiser as soon as possible. Managers should take this into account and make appropriate allowances, which may involve modify objectives, extending timescales, or disregarding objectives.

Arrangements

Appendix 1 will be used as the basis for all appraisals which will take place annually on the anniversary the staff members employment. The appraisal will review the achievements of the past year and set objectives for the following year.

Appraisal and supervision meetings are a two-way communication process, the details of which will remain confidential between line management and appraisee.

The Town Clerk's Appraisal will be carried out by two nominated members of the Personnel Committee and will usually include the Chairman of the Personnel Committee. The outcome of the Town Clerk's appraisal will be shared with the Personnel Committee once completed, but not the final appraisal form, or any detail of the appraisal content. For other members of staff, the appraisal will be carried out by their line manager and a member of the Personnel Committee.

At least 14 days in advance of the appraisal meeting, the member of staff will be given the appraisal form (see Appendix A). They will be asked to complete their sections in advance of the appraisal meeting, and to share this with the appraiser at least 7 days before the appraisal.

Preparation for the Appraisal (for the member of staff)

When completing the form, you should consider following factors:

- a. Knowledge of duties
- b. Quality of work
- c. Relationships with others
- d. Communication skills
- e. Manual/numeric/operational skills
- f. Supervision/oversight of staff (if applicable)
- g. IT skills
- h. Managing resources

Make a note of any difficulties you have experienced or concerns you have, so that a constructive way to overcome them can be considered.

Consider any comments, questions or suggestions you may wish to make and be prepared to discuss these with your manager at the appraisal meeting.

The Appraisal Interview

The appraisal interview is a review of the past year, including an overall assessment of whether the previous year's objectives, and the requirements of the job description have been met.

It is an opportunity to review the challenges of the year, to reflect on what has gone particularly well and to celebrate success.

There may be discussions around the way in which tasks carried out can be improved and training needs may be identified, and key objectives will be set for the forthcoming year.

Objective Setting

Members of staff should normally be set between 3 and 5 annual objectives. Individual performance objectives should:

- a. relate to the overall objectives of the service area
- b. be in line with the responsibility level and scope of work outlined in the appraisee's current, up-to-date job description
- c. be assessed by objective evidence

All appraisers will ensure consistency of objectives set across their team and significant changes to objectives should be discussed with the individual employee and confirmed as and when they arise.

Objectives need to be **SMART** i.e.:

- i. **S**pecific
- ii. **M**easurable
- iii. **A**chievable
- iv. **R**elevant/Realistic
- v. **T**ime related

Recording

A record of all performance and development appraisal meetings will be kept. They can be typed into the appraisal form or written on a printed copy.

The member of staff will be given one week to review, sign and return the completed appraisal form, or to raise any issues in this time. A copy of all appraisals will be kept in the personnel files and will remain confidential.

Review

Both the appraiser and appraisee share the responsibility for monitoring progress on the agreed objectives. In addition to regular routine meetings with your line manager, there should be a review of the appraisal after six months. Any concerns or issues should be highlighted by either party at this meeting and not saved up to the end of year appraisal.

Appeals

If an agreement cannot be reached between the appraiser and the appraisee, the matter will be referred to the Town Clerk, who will agree the outcome of the appraisal.

Where an appraisal disagreement relates to the Town Clerk's, or a direct report of the Town Clerk, two members of the Personnel Committee will be nominated to consider the dispute and will agree the outcome of the appraisal. One of these members will be nominated by the Personnel Committee and one by the appraisee. They shall take representations from the original appraiser and appraisee in reaching their decision. Due to the confidential nature of appraisals, only the items of disagreement will be considered in detail by the Personnel Committee. The Committee may decide to follow the Disciplinary or Grievance Policy if necessary.

This is a non-contractual procedure which will be reviewed from time to time.

Date of policy:	21/11/2024
Approving committee:	
Date of committee meeting:	
Supersedes (name of old policy and reference):	Staff Appraisal Policy v2
Policy version reference:	PSSAP03
Policy effective from:	
Date for next review:	



Staff Appraisal Form

Name:		
Post:		
Date appointed in current post:		
Period covered by appraisal:	From:	To:
Appraiser Names:	1.	
	2.	

1. How have you met your Objectives for the past year?

Objective	Staff Comment	Manager's Comment	Outcome (achieved/partially achieved/not achieved)

2. What has gone well this year?

Staff Comment	Manager's Comment

3. Are there any parts of your job that have not gone well areas and need improvement?

Staff Comment	Manager's Comment

4. **Have you experienced any barriers/obstacles that have impacted on your ability to perform your role?**

Staff Comment	Manager's Comment

5. **What support or training do you feel would improve your performance further in the next year?**

Staff Comment	Manager's Comment

6. Are there any matters you wish to bring to the Town Councils attention?

Staff Comment	Manager's Comment

7. Agreed objectives for the next year

Objective	Proposed Actions	Target Completion Date	Manager's Comment

Objective	Proposed Actions	Target Completion Date	Manager's Comment

8. Any other comments

<p>Staff members:</p>
<p>Manager:</p>

I agree and accept the comments in this Review.

Staff Signature:

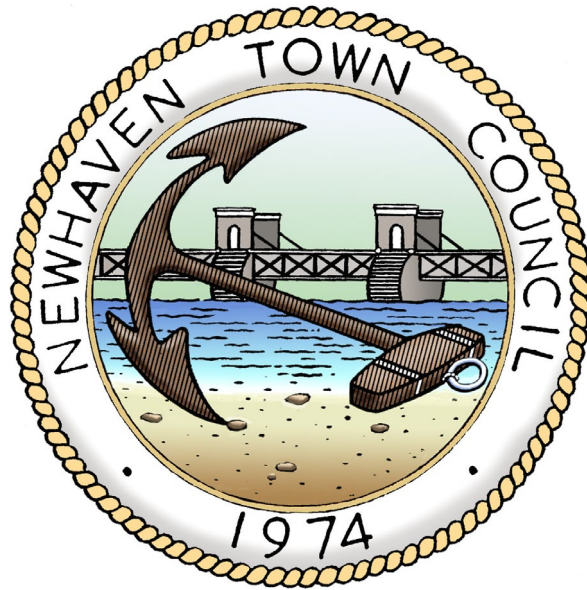
Date:

Appraiser 1 signature:

Date:

Appraiser 2 signature:

Date:



Staff Handbook 2024

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Purpose

1. This handbook has two aims:
 - To set out the basic details of benefits that staff may be entitled to while at work.
 - To set out the basic procedures that staff must follow on a range of issues.
2. Everyone is recommended to read it and to keep it updated when advised to do so.
3. Specific information relating to your job such as your start and finish times will be provided by the Clerk/Line Manager.

ABSENCE FROM WORK

Annual Leave

4. You are entitled, in addition to the normal bank and public holidays, to twenty-three working days' leave in each leave year (pro rata for part time employees). The leave year runs from 1st April to 31st March.
5. Your leave entitlement will increase to twenty-five working days per year (pro rata for part time employees) when you have completed not less than five years of continuous Local Government service immediately prior to the commencement of the leave year.
6. All requests for annual leave must be made through the Clerk/Line Manager, preferably giving at least one week's notice. Once authorised, the period of leave is to be entered onto the physical year planner and entered onto your electronic MS Outlook Diary, normally by way of a 'meeting request' to all staff/colleagues.
7. Occasionally the Clerk/Line Manager may refuse requests for annual leave where necessary in order to ensure that operational needs of the Council are met.

Compassionate Leave

8. Compassionate Leave is time taken off work to cope with exceptional personal circumstances such as the death of a member of your family.
9. The Clerk/Line Manager can give additional paid leave on compassionate grounds at their discretion. In the following situations you are automatically entitled to compassionate leave of up to two working weeks:
 - Death of a member of your immediate family, e.g. spouse, partner, child, parent, parent-in-law (or equivalent), sibling/sibling equivalent)
10. If you need further time off, please discuss this with the Clerk/Line Manager, but all such leave is entirely at their discretion.

Doctor/Dental/Hospital Appointments

11. Wherever possible, doctors' or dentists' appointments should be made out of normal working hours. Where this is not possible, you are expected to make up the lost time on another day or take leave. This does not apply to ante-natal appointments.
12. Initial hospital appointments for investigative purposes should, where possible, be made out of normal working hours. Where this is not possible, you are expected to make up the lost time on another day or take leave. Hospital appointments for a course of medical treatment may be counted as sick leave and special consideration will be given when assessing the level of sick leave taken.

Flexitime and Normal Working Hours

12. In order to ensure that the office is manned effectively between 8.30am and 3.30pm, normal working hours for office staff will be agreed between staff members and the Clerk/Line Manager and stipulated in your contract.
13. However, members of staff may accrue flexi-time credit hours if they are required to work outside of their normal hours, for example to attend meetings or events. In this case a minimum of 2 hours flexi time may be claimed.
14. You must record the hours that you work and your flexitime on the forms provided. At the end of each fortnight, they are to be signed and submitted to the Clerk/Line Manager.
15. If you work more than 6 hours on any day, there must be at least a half hour's break from work at some point.
16. If you build up a flexi-time credit, you may take time off in lieu by agreement with the Clerk/Line Manager.
17. If you want to take a whole or half day off as flexi-leave please try to give at least one week's notice.
18. Occasionally the Clerk/Line Manager may refuse requests for flexi-leave where necessary in order to ensure that operational needs of the Council are met.
19. You may not build up a flexitime credit of more than 8 hours per month without the permission of the Clerk/Line Manager. You may not go into flexitime debit without the permission of the Clerk/Line Manager.

Jury Service

20. If you are called for jury service, you must inform the Clerk/Line Manager who will grant additional leave for the period.
21. You must claim the allowance for loss of earnings and the council will deduct the value of the allowance from your pay.

Leave Banking

22. You may carry forward no more than 5 days annual leave to the next leave year, at the discretion of the Clerk/Line Manager. Where this is agreed, you will normally be expected to take these 5 days by the end of April.

Maternity

23. Maternity rights are complicated. If you become pregnant during your employment with Newhaven Town Council, please let the Clerk/Line Manager know as soon as possible so that he or she can give you up to date advice. The Town Council will always meet its legal obligations with regard to maternity rights of its staff. Further information can be found in the Maternity policy.

Parental Leave

24. Unpaid parental leave is available (under certain conditions) to employees who have a child born after 15 December 1999. The Clerk/Line Manager can obtain up to date advice for you if you wish to enquire about this. The Town Council will always meet its legal obligations with regard to parental leave for its staff. Further information can be found in the Paternity Leave and Parental Leave Policies.

Paternity Leave

25. In certain circumstances, paid paternity leave is available for the biological father of a child or the husband or partner of the child's mother where you expect to have responsibility for the child's upbringing. If your partner is expecting a baby, please let the Clerk/Line Manager know as soon as possible so that they can give you up to date advice. The Town Council will always meet its legal obligations with regard to paternity leave for its staff. Further information can be found in the Paternity Leave and Parental Leave Policies that are stored in the Company Data – Documents\Policies & Procedures folder.

Reserve forces

26. If you are a member of the Reserve forces, please let the Clerk/Line Manager know so that he or she can obtain up to date advice on both your rights and protections under employment law and the rights and obligations of the town council. The Town Council will always meet its legal obligations with regard to the Reserve forces for its staff.

Severe Weather

27. If you are unable to come to work because of severe weather or similar event, you must let the Clerk/Line Manager know as soon as possible.
28. You must either take a day's leave or make up the time lost, as agreed with the Clerk/Line Manager. In exceptional circumstances, the Clerk/Line Manager may waive the requirement to take leave or make up the time.

Sickness

29. If you are too ill to come to work, please contact the Clerk/Line Manager no later than one hour after your normal starting time on the first day of absence. You will need to give a reason for your absence and an indication of how long you expect to be off. If you do not know the likely length of absence, then you will need to contact the Clerk/Line Manager on a daily basis during your absence.
30. For absences due to sickness which last less than 7 calendar days you will be required to fill in a self-certification form on your return to work.
31. A registered healthcare professional's Statement of Fitness for Work must be provided for any absence that lasts longer than seven calendar days. This should be provided to the Clerk/Line Manager as soon as possible after the first week of absence.
32. In the event that you fall sick during the period of your annual leave you will be regarded as being on sick leave from the date of self-certification or Statement of Fitness for Work and further annual leave will be suspended from that date.
33. On your return to work you will be expected to attend a return-to-work interview.

34. Failure to comply with the above reporting procedure may lead to you being recorded as absent without permission with a deduction in pay and disciplinary action pursued for failure to follow Council procedure.

Time off for Dependants (e.g. children, elderly and disabled)

35. You have a right to take a reasonable amount of unpaid time off to deal with certain unexpected or sudden emergencies and to make any longer-term arrangements. The emergency must involve a dependant. Please contact the Clerk/Line Manager as soon as you are aware of such an emergency.

Time off for Public Duties

36. You are entitled to have reasonable time off work to perform certain public functions such as being a Justice of the Peace or a Councillor. In the case of a Councillor this means no more than eighteen occasions during a year; in the case of a Justice of the Peace it means no more than twenty-six occasions during a year. Any time off taken for these functions over and above this must be taken out of Annual Leave.

Trade Union Duties and Activities

37. Employees who are officials of recognised, independent trade unions (such as Unison) have the right to be allowed reasonable paid time off during working hours for the purposes of performing their duties.

OTHER MATTERS

Alcohol and Drugs

38. We are all aware of the problems that can be caused by alcohol or drugs. The Council will support staff wherever possible in tackling such problems, but it has also to make sure that alcohol or drug misuse does not affect performance or behaviour at work.
39. Being under the influence of alcohol or illegal drugs in the workplace is a health and safety risk, not only to yourself but to your colleagues. Employees whose performance or behaviour appears to be affected by the use of alcohol or illegal drugs during working hours will be suspended from their duties for the remainder of the day. Such suspension may result in being invited to attend a disciplinary meeting, which ultimately may lead to dismissal.
40. Employees whose duties include driving should be aware that if they are banned from driving as a result of drink driving the Council may not be in a position to allow them to continue in their job role and may not have a different role that they could undertake.

Appraisals

41. All staff (except those in their induction period) will have an annual appraisal and this will take place in February/March of each year with a six-month review meeting in September/October.

Bicycles

42. If you use a bicycle for journeys at work, you may claim cycle allowance of 5p a mile. The same principles apply as for claims for car mileage. See section below.

Car Mileage Claims

43. If you have to use your car at work, then you may claim for all journeys between work locations. A work location is your normal workplace, or any other location that you must visit as part of your duties. All authorised mileage claims will be reimbursed as part of the monthly salary run.
44. All claims must be submitted within two months on the approved form of the expense being incurred. Claims submitted late will be paid at the discretion of the Clerk/Line Manager.
45. Car Mileage claims will be paid at the rate currently published by the NJC/Green Book for all journeys and through the monthly payroll run. Transport should be shared wherever possible. Claims will be paid only to the employee providing the transport.
46. You cannot claim for journeys between your home and your first work location, unless that journey is longer than your normal home to work journey. In that case, the extra mileage can be claimed. The same applies with journeys on the way home at the end of the day where you cannot claim for journeys from your last work location to home unless the distance is greater than your normal work to home journey. In that case, the extra mileage can be claimed.
47. The principle is that you are only reimbursed for extra mileage incurred in performing your duties and not for normal mileage commuting to and from work.
48. If you are called out from home to work, outside of your normal working hours, you can claim for the mileage from home to work and return. This includes official attendance at committee and council meetings.
49. If you use your car at work, it is your responsibility to ensure that you are insured for business use. The Council's insurance does not cover you.

Councillors

50. The Town Council has a Member and Employee Protocol which sets out the roles and relationship between councillors and staff that is stored in the Company Data – Documents\Policies & Procedures folder. Please read this and familiarise yourself with it.

Data Protection (see also Freedom of Information)

51. The UK GDPR and the Data Protection Act 2018 places obligations on us to manage personal information properly, keep it secure and prevent unauthorised access. It also gives a right to individuals for them to see the personal information we hold about them.
52. If you are working with personal information, you should make sure that you understand what information you may or may not pass to others. If in doubt, raise it with the Clerk/Line Manager.

Dignity at Work

53. The Council has a Dignity at Work Policy that is stored in the Company Data - Documents\Policies and Procedures folder which is designed to help provide safe, healthy and happy working environment for all staff and to ensure that everybody is aware that bullying and harassment will not be tolerated.

Disciplinary Procedure

54. If disciplinary action is taken against you, it will be in accordance with the Town Council's Disciplinary Procedure that is stored in the Company Data - Documents\Policies and Procedures folder.

Expenses

55. If you have to work away from your normal workplace you may incur expenses for travel and subsistence. The council will reimburse the value of these provided it is approved by the Clerk/Line Manager. Where items have been purchased, a receipt should be provided with your claim.

56. An Expenses Claim Form should be completed. Pass the form to the Responsible Finance Officer who will process it. This will then be reimbursed to you through the monthly payroll run.

57. Reasonable expenses which may be authorised by the Clerk/Line Manager include:

- Travel: Car mileage (see above) or public transport
- Hotel accommodation: Reasonable costs associated with bed and breakfast accommodation.
- Meals: Costs for breakfast (up to £7.14), lunch (up to £9.86), tea (up to £3.90) and evening meals (up to £12.21)
- Costs of Car Parking

Financial regulations

58. The Council has financial regulations that are stored in the Company Data – Documents\Policies & Procedures folder, that must be followed when dealing with finance, contractors or tendering. If you are in a role that requires you to purchase anything on behalf of the council or manage budgets, then you must make yourself aware of the contents.

Flexible Working

59. From your first day of employment, you will have the right to request flexible working. That request can be for change in working hours, a change in working times or to work from home instead of the normal place of work. The Town Council will always meet its legal obligations with regard to flexible working for its staff. Further information can be found in the Flexible Working Policy that is stored in the Company Data – Documents\Policies & Procedures folder.

Freedom of Information

60. In general terms, the Council aims to be open and transparent and if you are asked for information that is held by the Council you should give it. Exceptions are:

- Confidential reports or minutes
- Legal advice given to the Council
- Personnel information
- Information that you have been told is confidential or not in the public domain

61. If you are unsure whether you should give out information, or if you receive a written request which states that it is a request under the Freedom of Information Act, please ask the Clerk/Line Manager for advice.

Grievances

62. If you have a problem or concern about your work, working conditions or relationships with other members of staff please raise this in the first instance in an informal discussion with the Clerk/Line Manager. Most issues can be sorted out easily and quickly in this way.
63. If it becomes necessary to raise a grievance in a more formal way, the town council has a Grievance Procedure that is stored in the Company Data – Documents\Policies & Procedures folder.

Health and Safety

64. Newhaven Town Council takes all reasonable precautions to provide and maintain safe and healthy working conditions which comply with duties under The Health and Safety at Work Act 1974 and The Management of Health & Safety at Work Regulations 1999. Such compliance, and how the Company manages this critical area, is contained within the Health and Safety manual located in the Council Office. Also contained within this manual is the Company's Health and Safety Statement and Policy which is stored in the Company Data – Documents\Policies & Procedures folder.
65. Upon commencement of employment, you will be trained on all Health and Safety aspects of the Company's activities, and you are asked to place Health and Safety high on the agenda. With this in mind, the following points are designed to serve as a reminder of your duties under The Health and Safety at Work Act 1974.
- Everyone has a legal duty to ensure their own safety, and the safety of others who may be affected by what they do and do not do.
 - If your job requires you to drive, you must not do so if you are given medication which restricts your ability to do so. You must inform the Clerk immediately if this occurs.
 - If you are issued with protective clothing, you must wear it when appropriate and must request replacements when damaged or misplaced.
 - All accidents and 'near misses' must be reported using the Accident Reporting Form located in the First Aid cupboard in the office kitchen at Fort Road. They must also be drawn to the attention of the Clerk.
 - If you see a situation that you think might be dangerous you should report it to the Clerk/Line Manager.

Identity Cards

66. You will be issued with an ID card which you should wear whilst at work or attending meetings on behalf of the town council.

Leaving the Town Council's Employment

67. When you leave the Town Council's employment you will be asked to complete an exit interview questionnaire and attend an interview where this will be discussed. If you prefer, the Town Council will arrange for this to be conducted by an external advisor.

Lone Working

68. When working by yourself in the council offices you are required to inform a member of your immediate family and use the available Lone-Working software of your mobile telephone and/or the Lone-Working Fob.
69. Whilst on council business, outside of council offices, and in or out of normal working hours, you are to use/carry a Lone-Working Fob at all times.

Overtime

70. Overtime is not normally paid. Time off in lieu is given for any hours worked outside your normal working hours (see Flexitime above).

Pay and Deductions

71. Salaries are paid directly into a Bank or Building Society account on the 24th day of each month, or on the nearest preceding working day. You can choose to receive payslips by email or to your home address by post.
72. If you have a query about your pay or deductions from your salary, please contact the Clerk/Line Manager who will raise it with Advo, who manage our pay roll.
73. If you change your bank account, please remember to tell the Clerk/Line Manager as soon as possible, so that arrangements can be made to pay your salary into your new account.

Pension Scheme

74. You will be automatically enrolled into the Local Government Pension Scheme. Details are sent out with your contract when you join the Town Council.
75. You have the right to opt out of the Local Government Pension Scheme in writing to the Clerk. You are allowed to opt out for three years. After three years you will be automatically enrolled in the scheme unless you opt out again in writing to the Clerk.

Personal Appearance and personal hygiene

76. You must maintain a reasonable standard of personal appearance and personal hygiene while at work, especially where you may have contact with members of the public during the course of your work.

Political views

77. All staff must treat all Members and all political groups in a fair, impartial and even-handed manner.
78. To avoid accusations of political bias, it may be advisable for members of staff to be discreet about their own political views.

Retirement Age

79. The town council has no fixed retirement age. We acknowledge that retirement is a matter of choice for individuals and will not pressurise employees into resigning because they have reached, or are approaching, a certain age.

Smoking

80. Smoking, including the use of e-cigarettes is not allowed in any Council building, or during the course of council business. e.g. smoking whilst in the company of delegates on a site visit/meeting.
81. There is no automatic right to smoking breaks.

Staff Records

82. The Clerk/Line Manager keeps a manual record for all Council's employees and also shares relevant records with Advo who manage the Council's pay roll. The type of information held about you is personal information detailed on your application form, contractual information and any other relevant information that may arise during the course of your employment.
83. If you want to see your manual personal records, please ask the Clerk/Line Manager who will make the necessary arrangements.
84. If you change address, you must let the Clerk/Line Manager now as soon as possible.

Telephones

Mobiles

85. If you are issued with a Town Council mobile, this is intended to be used for work purposes only. Please do not incur call or data charges on it which are not related to your work or take photos with it that are not work related.
86. The loss or theft of a town council mobile due to your negligence will result in the full costs of its replacement being made to you. Take care not to leave it unattended whilst visiting clients or in public places or on view in unattended vehicles.
87. On leaving the Council's employ you must return the Town Council mobile phone with all the existing numbers remaining intact. The phone's memory must not be erased. Failure to return the equipment will result in the full cost of its replacement being made to you.
88. Use of your own mobile telephone during work hours should be kept to a minimum and you should discourage friends etc., from contacting you that way during work hours.

Personal Calls

89. Use of the Town Council's landline to make personal calls is not allowed except in exceptional circumstances.

Union

90. Unison is the main Local Government trade union and is the one recognised by the Council to represent the workforce.



Newhaven Town Council

TRAINING AND DEVELOPMENT POLICY

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Purpose and scope

This purpose of this policy is to set out Newhaven Town Council's (NTC) position on the provision of training and development opportunities for staff. It applies to all staff whether full or part time, temporary or fixed term.

Identifying, Meeting and Evaluating Training and Development Needs

Training and development needs will be identified from a variety of sources:

- Induction and probationary periods
- One-to-ones
- Appraisal
- Workforce planning
- Team meetings
- Annual plan
- Change processes

In addition, NTC will encourage staff to identify their own learning styles and will seek to provide a wide variety of learning and training methods, including:

- Attendance at conferences, seminars and short courses
- Online training
- Internal coaching
- Shared in-house learning resources (books, journals, DVDs etc.)
- In house training
- Work shadowing
- Time for self-directed research and learning

Consideration

A number of factors will be taken into account when assessing a request from an individual. This policy provides one element of the decision-making process. Other factors will include availability of finance and the individual's employment record.

In order to ensure that NTC is able to consistently evaluate requests, training and development opportunities have been organised into three categories according to the degree of importance each intervention has for different roles.

Categorising training and personal development

The three categories are as follows:

1. Mandatory

Mandatory training is legally required for the post-holder, or a qualification deemed to be so fundamental to the role, that the council makes it a mandatory requirement. Any mandatory training or qualifications are to be stated on the job description. They should also be stated in the contract for new starters, along with whom is responsible for the costs of the training/qualifications. For mandatory qualifications, it is unlikely that an applicant would be recruited without having previously attained the qualification. Where a qualification becomes mandatory for the role, the council will provide reasonable assistance for the employee to attain the qualification (see the section on Guidance for Support below).

Some mandatory training may be specific to a particular job role whilst other training may be a generic requirement.

Examples of mandatory training include:

Generic training

- Health and Safety (Personal Safety, Manual handling, Display Screen equipment)

2. Desirable

Desirable training is not legally required for the post, but it is directly relevant to the individual's job. Any desirable training or qualifications are to be stated on the job description.

For desirable qualifications or training, an individual may be recruited without having previously attained the qualification or undergone the training but may be expected to attain the qualification within a defined period of time. The need for training may also be identified through one-to-one meetings or annual appraisals. A desirable qualification is likely to enhance the skills and reputation of the council. Examples may include:

Job specific

- Certificate in Local Council Administration (CiLCA)
- Cemetery Legal Compliance
- Microsoft Office

3. Optional

An optional qualification or optional training may not be directly linked to the individual's current job. Optional training or development is generally more beneficial to the individual's career than it is for NTC.

Personal development aimed at developing the skills or knowledge of an individual to provide a successor for an existing job is deemed to be optional. However, depending on the circumstances, training for succession may be 'desirable'.

Job specific

- Community Governance
- Town Planning Technical Support - Level 3 Diploma

Guidance for support

Support for qualifications, training and personal development can include financial assistance towards the cost of tuition, examinations and resource materials in addition to half / day release and time off for study leave and taking the examination. Any financial and non-financial support to training and development is entirely at the discretion of NTC.

Any financial support, including the offer of a loan, will always be conditional upon the employee's agreement to either a full or partial repayment of the financial support provided where the employee:

- Leaves the council during the duration of the course, or up-to 1 year following completion of the course.
- Fails to complete the training
- Fails to attend training without good reason

Study leave

Where individual requires study leave to undertake mandatory training, they will be able to take all the leave within normal working hours.

Where individuals require study leave to undertake study which is not mandatory but part of the individual's formal continuous professional development, the council will contribute up to 50% of study leave time, to a maximum of 3 days per annum.

Where individuals require study leave to undertake training which is not mandatory but part of the individual's desire for career development, the council will contribute up to 3 days study leave per annum for courses which are directly related to the individual's role.

Time off for study leave must be approved in advance. To make a request the individual is asked to write to the Clerk (or Chair of the Council), setting out the details of the course of study, how it relates to their work, and the time being requested.

No study leave will be granted where individuals undertake study, which is not required for their role, or not directly related to their role. However, the Clerk (or Chair of the Council) will consider requests for flexible working to allow the study to take place, if the needs of NTC can be met.

This is a non-contractual procedure which will be reviewed from time to time.

Date of policy: **20/11/2024**

Approving committee:

Date of committee meeting:

Supersedes (name of old policy and reference): **Training & Development Policy v1**

Policy version reference: **PSTDP02**

Policy effective from:

Date for next review:



Newhaven Town Council

WHISTLEBLOWING POLICY

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Purpose of this policy and procedure

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of Newhaven Town Council (NTC) is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the council. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

The scope of this policy and procedure

It applies to all staff, whether full time, part time or temporary workers as well as Councillors.

Policy

Background

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

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

is being, has been, or is likely to be, committed. It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. You have no responsibility for investigating the matter - it is NTC's responsibility to ensure that an investigation takes place.

If you make a protected disclosure, you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. We encourage you to raise your concerns under this policy & procedure in the first instance.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of NTC should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- No employee or other person working on behalf of NTC will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion and/or training of the employee will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the Clerk or the Chair of NTC.

Procedure

If you believe a Councillor has breached the councillor Code of Conduct, then raise it with the Chair of the Council. Concerns relating to an alleged breach of the councillor Code of Conduct will be referred to the Monitoring Officer for investigation.

This procedure is for disclosures about matters other than a breach of your own contract of employment, which should be raised via the Grievance Procedure.

Stage 1

In the first instance, any concerns should be raised with the Clerk, who will arrange an investigation of the matter. The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained.

The Clerk (or delegated officer) will take any necessary action, including reporting the matter to the Council, or any appropriate government department or regulatory agency. The Clerk (or delegated officer) will also invoke any disciplinary action if required. On conclusion of any investigation, insofar as confidentiality allows, you will be told the outcome and what NTC has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Stage 2

If you are concerned that the Clerk is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Chair of the Council. The Chair will arrange for a review of the investigation to be carried out, make any necessary enquiries.

Stage 3

If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014: www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

Data protection

When an individual makes a disclosure, we will process any personal data collected in accordance with the data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

This is a non-contractual procedure which will be reviewed from time to time.

Date of this policy and procedure:

22/11/2024

Approving committee:

Date of committee meeting:

Supersedes (name of old policy & procedure and ref):

Whistleblowing Policy v1

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PSWPO02

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