



FULL COUNCIL MEETING

Minutes of the Additional Full Council Meeting of Newhaven Town Council
held at Meeching Hall, 2 Fort Road, Newhaven
on **Tuesday January 14th 2025 at 7.15pm**

PRESENT: Councillors: Pinky McLean-Knight (Chair & Town Mayor)
Lesley Boniface (Chair of Environment & Amenities)
Mark Wardle (Chair of Promotion Partnership & Finance)
Shaun Boniface (Chair of Strategy & Regeneration)
Steve Saunders
Kim Bishop
Graham Amy
Corinna Watts
Jessa Chapman
Jan Woodling
Julie Carr
James Harrison
Linda Thomas

ALSO ATTENDING: Ken Dry, Town Clerk
Stephen Honey, Executive Officer
Laurie Marsden, Communications & Events Officer
Ms. G. Cutler
Mr. D. Nash

C078/25 The Chairman opened the meeting and stated that the meeting was being recorded and that the recording would be made publicly available on the Newhaven Town Council website for 28 days followed by its removal and deletion.

C079/25 **APOLOGIES FOR ABSENCE**

Cllrs, Taylor and Macleod. (note For Town Clerk – Apologies received from Cllr. Cook via email rec'd 17:24Hrs).

Absent: Cllr Von Kurthy.

C080/25 **DECLARATIONS OF INTEREST - DISCLOSURE BY COUNCILLORS OF PERSONAL INTERESTS IN MATTERS ON THE AGENDA, AND WHETHER THE COUNCILLOR REGARDS THEIR INTEREST AS PREJUDICIAL UNDER THE TERMS OF THE CODE OF CONDUCT.**

None declared.

C081/25 **TO CONSIDER WHETHER THE MINUTES OF THE ADDITIONAL FULL COUNCIL HELD ON WEDNESDAY NOVEMBER 13TH 2024 ARE AN ACCURATE RECORD OF THE MEETING.**

RESOLVED:

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

C082/25 PETITIONS AND PUBLIC QUESTIONS.

The Town Clerk alerted the Chair to the presence of Mr. D. Nash who asked the council to consider if the anecdotal narrative that Newhaven Town was an unpleasant place to live was/is correct?

Following discussion of this and associated points, the response to Mr. Nash was that whilst there are certain aspects of the Town that can, could and are being improved, the views he has referred to remain subjective to the individual making them.

C083/25 TO RECEIVE AN ORAL REPORT/UPDATE FROM OFFICERS OF SUSSEX POLICE.

The Town Clerk informed the meeting that Sussex Police had been invited, and whilst WPC Nicholson indicated she was unavailable she anticipated that one of her colleagues would try and attend.

No Sussex Police Officers were in attendance and no written report had been received.

C084/25 TO RECEIVE A PRESENTATION FROM MS. GEORGINA CUTLER ON BEHALF OF 'PLASTIC FREE'.

Ms. Cutler delivered her presentation which was well received and discussed by councillors.

The Chair thanked Ms. Cutler on behalf of the council for her attendance and presentation.

C085/25 TO NOTE THE ACTS AND PROCEEDINGS OF THE FOLLOWING COMMITTEE MEETINGS:

Planning & Development	24th September 2024 22nd October 2024 26th November 2024 17th December 2024
Environment & Amenities	24th September 2024 17th December 2024
Promotion, Partnership & Finance	22nd October 2024 10th December 2024
Regeneration & Strategic Development	26th November 2024
Personnel	10th December 2024

All noted.

C086/25 TO RECEIVE A REPORT FROM THE OFFICE OF THE RT. HON., JAMES MACCLEARY MP.

Cllr. L. Boniface read the following report to the meeting.

Christmas and New Year in Sussex

I hope everyone in our part of Sussex had a wonderful Christmas and New Year. It was a quieter period politically, but I had the chance to enjoy some fantastic local events,

including carol concerts in several parts of our constituency. Thank you to everyone who helped organise local celebrations, ensuring we ended the year on a high note.

Local Government Reorganisation

Significant changes are on the horizon with the government's push for local government reorganisation. This could mean the abolition of all district and borough councils, with a move to a single unitary authority for East Sussex. There has also been a bid from Brighton and Hove, West Sussex and East Sussex Councils to form a "strategic authority". Such a shift would have far-reaching implications, particularly for our town and parish councils, which play a crucial role in supporting our rural communities and understanding the issues affecting people's lives day to day. Local government reform must empower communities, not undermine them. I will continue to argue for a thoughtful, inclusive process that prioritizes the voices of residents.

May Elections Debate

The Conservative leadership of East Sussex County Council has proposed postponing May's County Council elections, citing the ongoing reorganisation. However, I strongly oppose this undemocratic move, which would deny residents their right to hold the council accountable. After losing their majority, the Conservatives are clinging to power by avoiding the judgment of voters. I've spoken out on this issue, urging the minister to reject the proposal and allow elections to proceed as planned. The people of East Sussex deserve a say in who represents them, especially during this period of major change. Suspending elections risks undermining trust in local democracy. I have written to the government to make this case.

National Insurance Contribution Rise

The proposed national insurance rise has serious implications for individuals, businesses, and essential services. I recently spoke in the House of Commons to highlight the economic risks of this policy, particularly for sectors like healthcare and social care. For example, local GP practices in our area could face significant additional costs, with one practice estimating an increase of £60,000 a year. This threatens vital services and places further strain on our overstretched NHS.

I called for exemptions for groups such as GPs, dentists, and local councils, who cannot absorb these additional costs without cutting essential services. Social care providers, like St. Peter and St. James Hospice, are already under immense financial pressure, and this rise could push some to the brink. I will continue to press the government to reconsider this policy and protect the vital services our community depends on.

Lewes Local Plan

The next stage of the Lewes Local Plan is now underway, and this is a critical moment for our district. The Local Plan will determine where and how future development takes place, from new housing to business growth. It's essential that the plan reflects the needs and aspirations of our communities while protecting our beautiful green spaces.

I urge residents to participate in the upcoming consultations and drop-in events, which provide an opportunity to share your views and shape the future of our area. This is your chance to have a say in decisions that will affect our district for decades to come. Let's work together to ensure sustainable, community-led development.

You can find the consultation events here: <https://www.lewes-eastbourne.gov.uk/Lewes-Local-Plan>

Opposition to Booking System for Waste Sites

A petition launched by Lewes Liberal Democrats against East Sussex County Council's proposal to introduce a booking system for waste recycling sites has now been signed by over 2,000 residents. Many locals are concerned that the new system will make

waste disposal more difficult, particularly for those without internet access or in urgent need of disposal.

Similar systems in other regions have been unpopular, and residents fear it could lead to increased fly-tipping. Additionally, the council's consultation process has been criticised for not reflecting community concerns.

The petition remains open, and support continues to grow for keeping the current walk-in system. You can view the petition and add your support here:
<https://www.leweslibdems.org.uk/tipbooking>

Newhaven Traffic Crisis

Traffic congestion in Newhaven has reached crisis levels. Long tailbacks and constant queuing throughout the day are causing frustration and delays for residents and businesses. Newhaven is an important transport hub, with the A259 and A26 intersecting in the town, in addition to a busy port with daily ferry crossings to France. However, this vital infrastructure is being hampered by worsening traffic conditions, which are stifling business growth, damaging air quality, and negatively impacting the quality of life for residents.

I've spoken out about this issue, calling for urgent intervention. While Newhaven's busy town centre is a positive indicator of its growing importance, the chronic congestion is damaging both businesses and the environment. We've made great strides in improving the town with projects like the new health hub, a refurbished Fort opening in February, and ongoing discussions about regaining public access to the West Beach. However, all these efforts risk being overshadowed by traffic chaos on the A259.

There isn't an easy solution, but recent news about the Department of Transport potentially not funding even modest improvements is deeply concerning. I am calling for urgent, substantial action to improve the traffic situation before it worsens any further. As a local resident, I see this every day, and we need a clear, effective plan to address overloaded roundabouts and the congestion around the swing bridge. I am writing to the Transport Minister and the County Council, urging them to take immediate action and find a solution to this growing crisis.

Looking Ahead

In the next month we have several key votes in Westminster, and in my diary I have several events on an environmental theme. Two Lib Dem sponsored bills will be voted on which I am supporting, the Climate and Nature bill and the "sunshine" bill which looks to include solar panels on new build houses. I have also secured a meeting with the Chief Executive of Southern Water where I'll be raising the sewage dumping scandal around our seas and rivers.

As we begin 2025, I remain committed to working hard for all the communities in our part of Sussex. There are many challenges ahead, but by working together, we can continue to make progress and tackle the issues that matter most. If your parish has any concerns or projects that need my support, please don't hesitate to get in touch. I look forward to engaging with you and making a real difference in the year ahead.

C087/25 TO RECEIVE REPORTS FROM DISTRICT AND COUNTY COUNCILLORS.

Cllr G Amy - Outline planning application for Harbour Heights had been approved.

C088/25 REPRESENTATIVES ON OUTSIDE BODIES – TO RECEIVE UPDATES FROM MEMBERS WHO HAVE ATTENDED MEETINGS OF OUTSIDE BODIES AS REPRESENTATIVES OF THE TOWN COUNCIL SINCE THE LAST REGULAR MEETING OF THE COUNCIL ON 17TH SEPTEMBER 2024.

Cllr S Saunders informed the meeting that as part of the Southern Rail Partnership he has been made aware that 2025 is the 200th anniversary of passenger rail, and Stations can get £200 grant for an artist to participate in celebrations.

On the matter of CTLA, Cllr. Saunders informed the meeting that Cllr P McLean-Knight is now a trustee, and with a couple more added, the Board was now at full strength. He also informed the meeting that the current Transport Manager was standing down due to ill-health. Overall CTLA is doing well but will be affected by the latest changes in Employers National Insurance. They hope to be applying for a grant from NTC to help

Cllr J Woodling informed the meeting that the Hillcrest Centre have recently held their AGM and appointed some new trustees, and a new Chair. At their most recent meeting they discussed their rental rates and how to mitigate rises in utilities costs with a 3.5% rise in fees for hirers.

As well as the ongoing Issues with walls, roof general infrastructure etc., they were now bringing their AGM forward to September of each year. Cllr Woodling had advised them regarding the current NTC Grant Window. NTC grant window opening.

Cllr L Boniface informed the meeting that there was nothing further to report regarding the Egrets Way Charity nothing to report, and that she had been asked to join the Safer C7 Project Steering Group who have their first meeting on February 11th 2025.

C089/25 TO CONSIDER THE COUNCILS ONGOING RELATIONSHIP WITH THE VIETNAMESE EMBASSY – DISCUSSION ITEM (COVERING REPORT BY THE TOWN CLERK).

The Town Clerk summarised his report, and following discussion it was unanimously

RESOLVED,

That the Town Council should remain the key point of contact for the Town, specifically the Communications & Events Officer, and that they should work closely with the Newhaven Chamber of Commerce and Lewes District Council to co-ordinate their future visits.

C090/25 TO CONFIRM A TOWN COUNCILLORS VACATION OF OFFICE BY FAILURE TO ATTEND MEETINGS.

The Town Clerk summarised his report, and following Discussion it was unanimously,

RESOLVED,

That the council confirms that Cllr. Browne has vacated his office by a failure to attend meetings and that the Town Clerk informs the Monitoring Officer accordingly.

C091/25 RECRUITMENT OF A TOWN CRIER – ORAL UPDATE BY THE EXECUTIVE OFFICER.

The Executive Officer informed the meeting, that despite a widespread advertisement using various communication channels that there had been no applicants for this voluntary role.

Following discussion it was unanimously,

RESOLVED,

That the current recruitment drive be continued.

C092/25 NOTICE OF MOTION BY CLLR. L. BONIFACE; THAT NEWHAVEN TOWN COUNCIL

a) supports plastic free coastlines by committing to plastic free alternatives and supporting plastic free initiatives within the town of newhaven, and

b) appoints a councillor representative on the plastic free newhaven steering group.

Referring back to the presentation by Ms. Cutler, Cllr. L. Boniface presented this Notice of Motion for the council's consideration, and following further discussion it was,

PROPOSED by Cllr. Saunders that this Notice of Motion be supported and that Cllr. L. Boniface be the Councils representative on the Plastic Free Newhaven Steering Group.

SECONDED by Cllr. Thomas, who, as a local business owner, also offered to join the Plastic Free Newhaven Steering Group.

Following a unanimous vote, it was,

RESOLVED,

That Newhaven Town Council,

a) Supports Plastic Free Coastlines by committing to plastic free alternatives and supporting plastic free initiatives within the Town of Newhaven, and

b) Appoints a Cllr. L. Boniface as the Councils representative on the Plastic Free Newhaven Steering Group.

C093/25 DRAFT EVENTS STRATEGY – EVENTS & COMMUNICATIONS OFFICER.

The Comms., & Events Officer delivered a presentation of the Draft Strategy to date which was followed by discussion and a general consensus on the following type of events wherever feasible;

- Vietnamese Street Food Market
- Open Air Large Screen Cinema
- Dry Ice Rink at the Sidings at Christmas
- Lammas Festival
- Bonfire Society – Bonfire and Fireworks
- HMS Brazen Memorial
- Possibility of NTC opening the RNLI Lifeboat Fete
- Raft Race
- Invitation to the Vietnamese Embassy Ambassador/President to NTC civic events

C094/25 AUTHORISATION OF EXPENDITURE OVER £7500 – MAINTENANCE OF HIGHWAYS VERGES AND REED MANAGEMENT AT VALLEY PONDS, AND RECOMMENDED TREE MAINTENANCE – REPORT BY THE TOWN CLERK.

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

PROPOSED by Cllr. Saunders,

That the Council notes the recommendations of the Environment & Amenities Committee and authorises the following expenditure;

- a) Provision of Reed clearance by Bonny's Wood contractor at Valley Road Ponds for the year 2025/26 totalling **£7560+VAT**.
- b) Provision of Tree Maintenance works by Bonny's Wood contractor totalling **£4100+VAT**.
(Combined total of **£11,661+VAT** to Bonny's Wood contractor).
- c) 12-month extension of Highways Verges contract by Countryman's contractor, totalling **£15,781+VAT**.

SECONDED by Cllr. Wardle, after which it was unanimously,

RESOLVED,

That the Council notes the recommendations of the Environment & Amenities Committee and authorises the following expenditure;

- a) Provision of Reed clearance by Bonny's Wood contractor at Valley Road Ponds for the year 2025/26 totalling **£7560+VAT**.
- b) Provision of Tree Maintenance works by Bonny's Wood contractor totalling **£4100+VAT**.
(Combined total of £11,661+VAT to Bonny's Wood contractor).
- c) 12-month extension of Highways Verges contract by Countryman's contractor, totalling **£15,781+VAT**.

C095/25 TO CONSIDER AND ADOPT THE TOWN COUNCIL BUDGET & PRECEPT FOR 2025-26 – REPORT BY THE TOWN CLERK.

The Town Clerk summarised his report and also drew the meetings attention to the request from the Newhaven Tree Wardens to carry forward any unspent expenditure into the FY 25/26.

Following discussion, it was,

PROPOSED by Cllr. L. Boniface,

That the council adopts this budget of **£723,962** for the Financial Year 2025/26 and informs Lewes District Council accordingly, and that any unspent FY24/25 budget for Newhaven Tree Wardens be carried forward into the next FY 25/26.

SECONDED by Cllr. Saunders, after which it was unanimously,

RESOLVED,

That the council adopts this budget of **£723,962** for the Financial Year 2025/26 and informs Lewes District Council accordingly, and that any unspent FY24/25 budget for Newhaven Tree Wardens be carried forward into the next FY 25/26.

C096/25 TO RATIFY AND ADOPT A RANGE OF NEW AND REVIEWED COUNCIL POLICIES – REPORT BY THE EXECUTIVE OFFICER.

The Executive Officer summarised his report and indicated that the 'Sickness & Absence' Policy had been withdrawn from the list of those for ratification for additional review by officers.

Following discussion it was unanimously,

RESOLVED,

That all those listed Policies, Procedures, Strategy Handbook and Rules & Regulations (with the exception of the Sickness & Absence Policy) appended to the report, be adopted by the Council.

C097/25 TO CONSIDER ADDITIONAL PROPOSALS FROM ES HIGHWAYS REGARDING BUS SHELTERS – REPORT BY THE EXECUTIVE OFFICER.

The Executive Officer summarised his report, and following discussion it was,

PROPOSED by Cllr. Saunders that in respect of 'The Fairway' (Brighton Road) Bus Shelters, the council reject those proposals made by ES Highways Officers.

SECONDED, by Cllr. Watts, following which it was unanimously,

RESOLVED,

That in respect of 'The Fairway' (Brighton Road) Bus Shelters, the council rejects those proposals made by ES Highways Officers.

C098/25 FINANCIAL REPORTS:

- a. **Bank Reconciliations for 1st September to 31st December 2024**
- b. **Lists of Payments made for 1st September to 31st December 2024**
- c. **List of NTC Credit Card transactions for 1st September to 31st December 2024**
- d. **Income and expenditure by committee headings up to 31st December 2024**

All noted and adopted.

There being no further business, the Meeting closed at 21:25Hrs.

Date:

Town Mayor



NEWHAVEN TOWN COUNCIL

Ken Dry
Town Clerk

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To: Additional Council Meeting **Agenda Item 5.**

Date: 18th February 2025

Report Contact: Town Clerk

Subject: **Bestowal of Honorary Freedom of Newhaven**

1. The purpose of this report is to ask the Council to consider Juliet Olsworth-Peter JP DL for admission as Honorary Freedom of Newhaven.
2. Mrs. Olsworth-Peter is well known by councillors for her significant work for the town and the district and is now set to retire as Deputy Lieutenant on June 23rd 2025.
3. Section 249 of The Local Government Act 1972 confers a power on a local council to admit to be Honorary Freemen or Honorary Freewomen of its area, persons of distinction and persons who have rendered eminent service to that place or area.
4. A specially convened meeting of the council must be held and a resolution to confer the honour must be passed by not less than two thirds of the members present and voting.
5. Granting this status is a means of paying tribute to the recipient. It confers no material honours or special privileges, nor does it entitle the person to participate in the proceedings of the council meetings or in any ceremonial events.
6. Having resolved to bestow such an award, the council may wish to mark the event with a special council meeting or event at which the Chairman/Town Mayor would make the presentation of an illuminated address or scroll as a permanent record of the award.
7. Should the council resolution prove in favour of Mrs. Olsworth-Peter, presentation of a framed scroll is being scheduled for the Dieppe Raid Commemoration 2025 of which The Lord Lieutenant is aware of and has duly authorised the same.

Finance

8. Section 249(9) of the 1972 Act (as amended) enables the council to spend reasonable sums of money in the exercise of its powers in this context.
9. The cost of x2 individual scrolls will be £218 plus the cost (circa £65) of framing one of these for presentation.

Recommendation

That the council resolves to bestow the honour of Honorary Freedom of Newhaven on Mrs. Juliet Olsworth-Peter JP DL and authorise the cost for the scrolls and framing.



NEWHAVEN TOWN COUNCIL

Ken Dry
Town Clerk

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To: Additional Council Meeting **Agenda Item 6.**

Date: 11th February 2025

Report Contact: Town Clerk

Subject: **Execution of a Grant Agreement for CIL Project Monies.**

1. The purpose of this report is to seek a Council resolution to execute a Grant Agreement between NTC and Lewes District Council in regard to CIL match-funded project monies.
2. The council will be well aware that the Denton Play Area project has now been completed and opened to the public (utilising NTC financial reserves alone to date) at a total cost of £101,748.86 ex VAT.
3. The delivery of this project was on the basis of a 50/50 match-funding from Lewes District Council CIL monies, and it is now necessary to execute this Grant Agreement in order to benefit from the same (£50,874.43) ideally in the current Financial Year 24/25.
4. To mitigate significant printing costs a copy of the Grant Agreement can be found in the 'councillors folder' on-line.

Recommendations

That the council resolves that the Chair and one other councillor execute this agreement by signature to release funding of £50,874.43.



NEWHAVEN TOWN COUNCIL

Stephen Honey
Executive Officer

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To: Additional Full Council **Agenda Item 7**

Date: 11th February 2025

Report Contact: Executive Officer

Subject: Policies and Procedures

1. The purpose of this report is to request the Full Council's consideration of the following draft documents and recommendation that they adopt the same:
 - DBS Policy & Procedure
 - Document Retention & Disposal Policy
 - Dignity at Work Policy & procedure
 - Data Protection Policy
 - Sickness Absence Policy*
2. 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).
3. 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.
4. 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.
5. There are no known budgetary or financial implications should the Members decide to adopt these documents.

Recommendation

That the Full Council adopts the Policies and Procedures noted herein and the documents in Appendix A



Newhaven Town Council

DISCLOSURE AND BARRING SERVICE POLICY & PROCEDURE

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Purpose of this policy & procedure

This policy is designed to ensure that Newhaven Town Council (NTC) has a system in place for the safe storage, handling, use, retention and disposal of Disclosure and Barring Service (DBS) (formally known as CRB) disclosures and disclosure information.

The scope of this policy

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

POLICY

- As an organisation using the DBS disclosure service to help assess the suitability of applicants for positions of trust, NTC complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of DBS disclosures and disclosure information.
- NTC complies fully with obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention, and disposal of disclosure information.

PROCEDURE

Receipt of DBS Disclosure

DBS disclosure information is handled only by those who jobs deem it essential, and who are authorised to receive it in the course of their duties. It is treated with all due confidentiality and discretion, in accordance with the Data Protection Act 1998.

Storage & Access

Disclosure information is kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

- In accordance with section 124 of the Police Act 1997, disclosure information is only passed to those who are authorised to receive it in the course of their duties. NTC maintains a record of all those to whom disclosures or disclosure information has been revealed and it is a criminal offence to pass this information to anyone else who is not entitled to receive it. Failure to comply with this could result in disciplinary action and/or criminal proceedings.
- In instances where employees supply a copy of their DBS disclosure certificate to their Line Manager for purposes of proving that they have a valid DBS check the DBS certificate will be handled, stored, disclosed, and destroyed in line with this policy. Any queries relating to the DBS disclosure will be directed to the Town Clerk.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

- Once a recruitment (or other relevant) decision has been made, NTC will not keep disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep disclosure information for longer than six months, the Council will consult the DBS about this and will consider the data protection and human rights of the individual before doing so.

- Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail. Regarding the retention of DBS disclosures for employees in social care services, NTC will need to retain a copy of these DBS disclosures for twelve months from the date the disclosure certificate is received, after which the certificate will be shredded.

Disposal

- Once the retention period has elapsed, NTC will ensure that any disclosure information is immediately destroyed securely by shredding. Whilst awaiting destruction, disclosure information will not be kept in any insecure receptacle (e.g., waste bin or confidential waste sack). NTC will not keep any photocopy or other image of the disclosure or any copy or representation of the contents of a disclosure.
- However, notwithstanding, the above, NTC will keep a record of the date of issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the details of the recruitment decision taken.

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

Date of policy & procedure:	24/01/2025
Approving committee:	Full Council
Date of committee meeting:	
Supersedes (name of old policy and reference):	DBS Policy v1
Policy & procedure version reference:	AUDBS02
Policy & procedure adopted by Full Council on:	
Date for next review:	Annually



Newhaven Town Council

Document Retention and Disposal Policy

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Purpose of this policy

Newhaven Town Council (NTC) accumulates a vast amount of information and data during its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various types of documents.

Records created and maintained by NTC are an important asset and as such, measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of NTC's transactions and are necessary to ensure it can demonstrate accountability.

Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.

It is imperative that documents are retained for an adequate period. If documents are destroyed prematurely NTC and individual officers concerned could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage, and difficulty in defending any claim brought against NTC.

In contrast to the above NTC should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the UK General Data Protection Regulations (UKGDPR) so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

Scope of this policy

It applies to all staff, whether full-time, part-time or temporary workers and also Councillors.

POLICY

Objectives of the policy

The aim of this document is to provide a working framework to determine which documents are:

- Retained – and for how long; and/or
- Disposed of – and if so by what method.

There are some records that do not need to be kept at all or that are routinely destroyed in the course of business. This usually applies to information that is duplicated, unimportant or only of a short-term value.

Unimportant records of information include:

- 'With compliments' slips.
- Catalogues and trade journals.
- Non-acceptance of invitations.
- Trivial electronic mail messages that are not related to Council business.
- Requests for information such as maps, plans, or advertising material.
- Out of date distribution lists.

Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.

Records should not be destroyed if the information can be used as evidence.

to prove that something has happened. If destroyed the disposal needs to be disposed of under the UKGDPR.

Roles and Responsibilities for Document Retention and Disposal

NTC are responsible for determining whether to retain or dispose of documents and should undertake a review of documentation at least on an annual basis to ensure that any unnecessary documentation being held is disposed of under the UKGDPR.

NTC will ensure that all employees are aware of the retention/disposal schedule.

Document Retention Protocol

NTC has in place, an adequate system for documenting the activities of their service. This system should consider the legislative and regulatory environments to which they work. Records of each activity are complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:

- Facilitate an audit or examination of the business by anyone so authorised.
- Protect the legal and other rights of NTC, its clients and any other persons affected by its actions.
- Verify individual consent to record, manage and record disposal of their personal data.
- Provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.

To facilitate this the following principles should be adopted:

- Records created and maintained are arranged in a record-keeping system that will enable quick and easy retrieval of information under the UKGDPR
- Documents that are no longer required for operational purposes but need retaining will be placed at the records office.

The retention schedules in Appendix A: List of Documents for Retention or Disposal provide the recommended minimum retention periods for specific classes of documents and records. These schedules have been compiled from recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.

Whenever there is a possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.

Document Disposal Protocol

Documents should only be disposed of if reviewed in accordance with the following:

- Is retention required to fulfil statutory or other regulatory requirements?
- Is retention required to meet the operational needs of the service?
- Is retention required to evidence events in the case of dispute?
- Is retention required because the document or record is of historic interest or intrinsic value?

When documents are scheduled for disposal the method of disposal should be appropriate to the nature & sensitivity of the documents concerned. A record of the disposal will be kept to comply with the UKGDPR.

Documents can be disposed of by any of the following methods:

- Non-confidential records: place in wastepaper bin for disposal.
- Confidential records or records giving personal information: shred documents.
- Deletion of computer records.
- Transmission of records to an external body such as the County Records Office.

The following principles should be followed when disposing of records:

- All records containing personal or confidential information should be destroyed at the end of the retention period. Failure to do so could lead to NTC being prosecuted under the UKGDPR.
- the Freedom of Information Act or cause reputational damage.
- Where computer records are deleted, steps should be taken to ensure that data is 'virtually' impossible to retrieve' as advised by the Information Commissioner.
- Where documents are of historical interest it may be appropriate that they are transmitted to the County Records Office.
- Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).

Records should be maintained of appropriate disposals. These records should contain the following information:

- The name of the document destroyed
- The date the document was destroyed
- The method of disposal.

Data Protection Act 2018 – Obligation to Dispose of Certain Data

The Data Protection Act 2018 ('Fifth Principle') requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal information as:

Data that relates to a living individual who can be identified:

1. from the data, or
2. from those data and other information, which is in the possession of, or is likely to come into the possession of the data controller.

It includes any expression of opinion about the individual and any indication of the intentions of NTC or other person in respect of the individual. The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely provided that the specific requirements are met. NTC is responsible for ensuring that they comply with the principles of the UKGDPR namely:

- Personal data is processed fairly and lawfully and shall not be processed unless specific conditions are met.
- Personal data shall only be obtained for specific purposes and processed in a compatible manner.
- Personal data shall be adequate, relevant, but not excessive.
- Personal data shall be accurate and up to date.
- Personal data shall not be kept for longer than is necessary.
- Personal data shall be processed in accordance with the rights of the data subject.
- Personal data shall be kept secure.

External storage providers or archivists that hold NTC documents must also comply with the above principles of the UKGDPR.

Scanning of Documents

In general, once a document has been scanned on to a document image system the original becomes redundant. There is no specific legislation covering the format for which local government records are retained following electronic storage, except for those prescribed by HM Revenue and Customs.

As a general rule hard copy of scanned documents should be retained for three months after scanning. Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

List of Documents

The full list of NTC's documents and the procedures for retention or disposal can be found in Appendix A: List of Documents for Retention and Disposal. This is updated regularly in accordance with any changes to legal requirements.

Date of policy:	24/01/2025
Approving committee:	Full Council
Date of committee meeting:	
Supersedes (name of old policy and reference):	Document retention & disposal policy v1
Policy version reference:	AUDRD02
Policy adopted by Full Council on:	
Date for next review:	Annually

Appendix A: List of Documents for Retention or Disposal

Document	Minimum Retention Period	Reason	Disposal
Minutes	Indefinite	Archive	Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage. At regular intervals of not more than 5 years they must be archived and deposited with the Higher Authority
Agendas	5 years	Management	Bin (shred confidential waste)
Accident/incident reports	20 years	Potential claims	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the UK GDPR regulations.
Scales of fees and charges	6 years	Management	Bin
Receipt and payment accounts	Indefinite	Archive	N/A
Receipt books of all kinds	6 years	VAT	Bin
Bank statements including deposit/savings accounts	Last completed audit year	Audit	Confidential waste
Bank paying-in books	Last completed audit year	Audit	Confidential waste
Cheque book stubs	Last completed audit year	Audit	Confidential waste
Quotations and tenders	6 years	Limitation Act 1980 (as amended)	Confidential waste A list will be kept of those documents disposed of to meet the requirements of the UK GDPR regulations.
Paid invoices	6 years	VAT	Confidential waste
Paid cheques	6 years	Limitation Act 1980 (as amended)	Confidential waste

Document	Minimum Retention Period	Reason	Disposal
VAT records	6 years generally but 20 years for VAT on rents	VAT	Confidential waste
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)	Confidential waste
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)	Bin
Wages books/payroll	12 years	Superannuation	Confidential waste
Insurance policies	While valid (but see next two items below)	Management	Bin
Insurance company names and policy numbers	Indefinite	Management	N/A
Certificates for insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management	Bin
Play area equipment inspection reports	21 years		
Investments	Indefinite	Audit, Management	N/A
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	N/A
Members' allowances register	6 years	Tax, Limitation Act 1980 (as amended)	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the UK GDPR regulations.
Information from other bodies e.g. circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant		Bin
Local/historical information	Indefinite – to be securely kept for benefit of the Parish	Councils may acquire records of local interest and accept gifts or records of general and local interest in order to promote the	N/A

Document	Minimum Retention Period	Reason	Disposal
		use for such records (defined as materials in written or other form setting out facts or events or otherwise recording information).	
Magazines and journals	Council may wish to keep its own publications For others retain for as long as they are useful and relevant.	The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council which after 1 st February 2004 has published works in print (this includes a pamphlet, magazine or newspaper, a map, plan, chart or table) to deliver, at its own expense, a copy of them to the British Library Board (which manages and controls the British Library). Printed works as defined by the 2003 Act published by a local council therefore constitute materials which the British Library holds.	Bin if applicable
Record-keeping			
To ensure records are easily accessible it is necessary to comply with the following: <ul style="list-style-type: none"> • A list of files stored in cabinets will be kept • Electronic files will be saved using relevant file names 	The electronic files will be backed up periodically in the cloud-based programme supplied by the Council's IT company.	Management	Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste. A list will be kept of those documents disposed of to meet the requirements of the UK GDPR regulations.

Document	Minimum Retention Period	Reason	Disposal
General correspondence	Unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic, should be kept. Records should be kept for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.	Management	Bin (shred confidential waste). A list will be kept of those documents disposed of to meet the requirements of the UK GDPR regulations.
Correspondence relating to staff	If related to Audit, see relevant sections above. Should be kept securely and personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. Likely time limits for tribunal claims between 3–6 months Recommend this period be for 3 years.	After an employment relationship has ended, a council may need to retain and access staff records for former staff for the purpose of giving references, payment of tax, national insurance contributions and pensions, and in respect of any related legal claims made against the council.	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the UK GDPR regulations.

Documents from legal matters, negligence and other torts

Most legal proceedings are governed by the Limitation Act 1980 (as amended). This provides that legal claims may not be commenced after a specified period. Where the limitation periods are longer than other periods specified, the documentation should be kept for the longer period. Some types of legal proceedings may fall within two or more categories. If in doubt, keep for the longest of the three limitation periods

Document	Minimum Retention Period	Reason	Disposal
Negligence	6 years		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the UK GDPR regulations.
Defamation	1 year		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the UK GDPR regulations.
Contract	6 years		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the UK GDPR regulations.
Leases	12 years		Confidential waste.
Sums recoverable by statute	6 years		Confidential waste.
Personal injury	3 years		Confidential waste.
To recover land	12 years		Confidential waste.
Rent	6 years		Confidential waste.
Breach of trust	None		Confidential waste.
Trust deeds	Indefinite		N/A
For Halls, Centres, Recreation Grounds			
<ul style="list-style-type: none"> • Application to hire • Invoices • Record of tickets issued 	6 years	VAT	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the UK GDPR regulations.
Lettings diaries	Electronic files linked to accounts	VAT	N/A
Terms and Conditions	6 years	Management	Bin

Document	Minimum Retention Period	Reason	Disposal
Event Monitoring Forms	6 years unless required for claims, insurance or legal purposes	Management	Bin. A list will be kept of those documents disposed of to meet the requirements of the UK GDPR regulations.
For Allotments			
Register and plans	Indefinite	Audit, Management	N/A
Minutes	Indefinite	Audit, Management	N/A
Legal papers	Indefinite	Audit, Management	N/A
For Burial Grounds			
<ul style="list-style-type: none"> • Register of fees collected • Register of burials • Register of purchased graves • Register/plan of grave spaces • Register of memorials • Applications for interment • Applications for right to erect memorials • Disposal certificates • Copy certificates of grant of exclusive right of burial 	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI 204)	N/A
Planning Papers			
Applications	1 year	Management	Bin
Appeals	1 year unless significant development	Management	Bin
Trees	1 year	Management	Bin
Local Development Plans	Retained as long as in force	Reference	Bin
Local Plans	Retained as long as in force	Reference	Bin
Town/Neighbourhood Plans	Indefinite – final adopted plans	Historical purposes	N/A

Document	Minimum Retention Period	Reason	Disposal
Stats	3 years	Data protection	Confidential waste
Signing in sheets	3 years	Management	Confidential waste
Review requests	3 years	Data protection	Confidential waste
Discs – master and working	For as long as required	Data protection	Confidential waste
Internal Operations Procedure Manual	Destroy on renewal review annually	Management	Confidential waste
Code of Practice	Destroy on renewal review annually	Management	Confidential waste
Photographs/digital prints	31 days	Data protection	Confidential waste



Newhaven Town Council

DIGNITY AT WORK POLICY & PROCEDURE

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Purpose of this policy and procedure

Newhaven Town Council (NTC) is committed to creating a working environment where all council employees, councillors, contractors and others who meet with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying.

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment
- ensures that we respond sensitively and promptly; and
- supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

The scope of this policy & procedure

This policy covers bullying and harassment of and by clerks and all employees engaged to work at NTC. Should agency staff, or contractors, have a complaint connected to their engagement with NTC this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance. Should the complaint be about the chair of the council the complaint should be raised to the deputy chair.

Agency staff, or contractors are equally expected to treat NTC colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under NTC's grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

Policy

The position on bullying and harassment

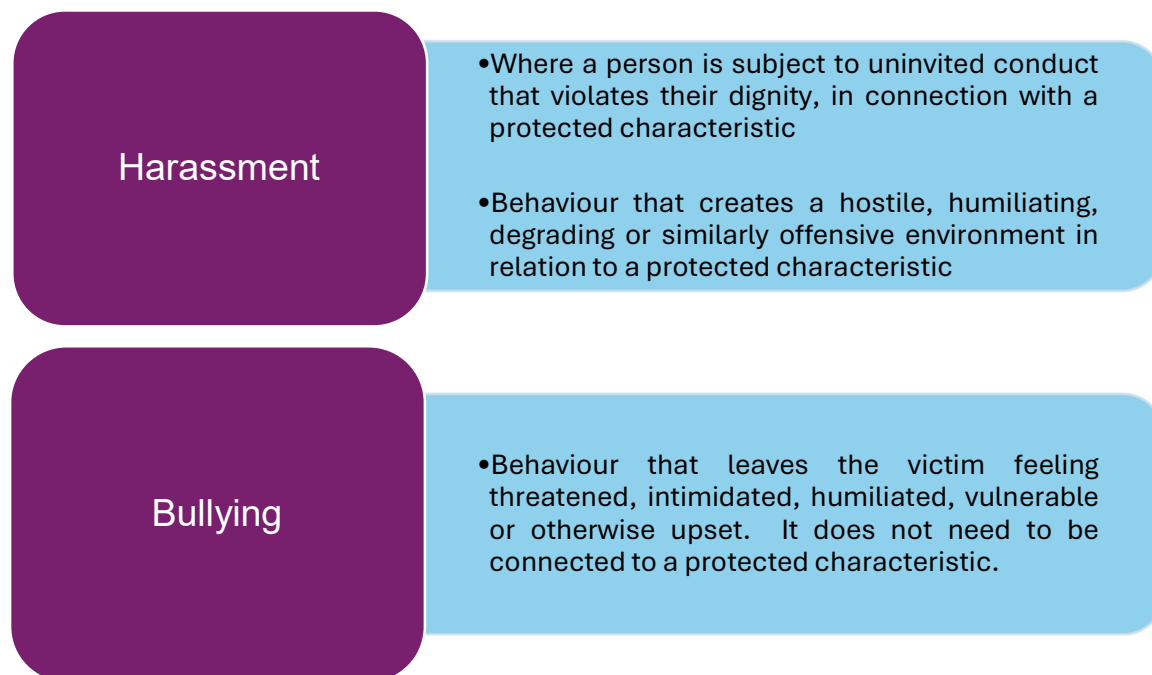
All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. NTC will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, civility and respect pledge, equality opportunities policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.



What Type of Treatment amounts to Bullying or Harassment?

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information that a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work

- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable, and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear; however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example). See the council's equality and diversity Policy.

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines and should not be interpreted as anything different.

Victimisation

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

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

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

PROCEDURE

Reporting Concerns

What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague): If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the clerk/or a councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being bullied or harassed by a councillor: If you are being bullied or harassed by a councillor, please raise this with the clerk/chief officer or the chair of the council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

What you should do if you witness an incident you believe to harassment or bullying: If you witness such behaviour, you should report the incident in confidence to the clerk/chief officer or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you are being bullied or harassed by another member of staff: If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council's policy and must stop. Alternatively, you may wish to ask the clerk/chief officer, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the chair of the council. (If your concern relates to the chair, you should raise it with the chair of the personnel/staffing committee). The chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council's grievance procedure. You should raise your complaint to the clerk/chief officer or the chair of the council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The clerk/chief officer or the chair of NTC will appoint someone to investigate your complaint in line with the grievance policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by you to resolve the matter informally.
-

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

NTC will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your complaint (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the grievance procedure.

The use of the Disciplinary Procedure

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

Date of policy & procedure:	24/01/2025
Approving committee:	Full Council
Date of committee meeting:	
Supersedes (name of old policy and reference):	Dignity at Work v4
Policy & procedure version reference:	AUDWP05
Policy & procedure adopted by Full Council on:	
Date for next review:	Annually



Newhaven Town Council

DATA PROTECTION POLICY

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Purpose of this policy

Newhaven Town Council (NTC) is committed to being transparent about how it collects and uses the personal data of staff, and to meeting our data protection obligations. This policy sets out the council's commitment to data protection, and your rights and obligations in relation to personal data in line with the UK General Data Protection Regulation (UKGDPR) and the Data Protection Act 2018 (DPA).

This policy applies to the personal data of current and former job applicants, employees, workers, contractors, and former employees, referred to as HR-related personal data. This policy does not apply to the personal data relating to members of the public or other personal data processed for council business.

NTC has appointed Ken Dry, Town Clerk as the person with responsibility for data protection compliance within the council. Questions about this policy, or requests for further information, should be directed to them.

The scope of this policy

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

Definitions

- "Personal data" is any information that relates to a living person who can be identified from that data (a 'data subject') on its own, or when taken together with other information. It includes both automated personal data and manual filing systems where personal data are accessible according to specific criteria. It does not include anonymised data.
- "Processing" is any use that is made of data, including collecting, recording, organising, consulting, storing, amending, disclosing or destroying it.
- "Special categories of personal data" means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic or biometric data as well as criminal convictions and offences.
- "Criminal records data" means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

POLICY

Data protection principles

NTC processes HR-related personal data in accordance with the following data protection principles the council:

- processes personal data lawfully, fairly and in a transparent manner
- collects personal data only for specified, explicit and legitimate purposes
- processes personal data only where it is adequate, relevant and limited to what is necessary for the purposes of processing
- keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay
- keeps personal data only for the period necessary for processing
- adopts appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

NTC will tell you of the personal data it processes, the reasons for processing your personal data, how we use such data, how long we retain the data, and the legal basis for processing in our privacy notices.

NTC will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it. The council will not process your personal data if it does not have a legal basis for processing.

NTC keeps a record of our processing activities in respect of HR-related personal data in accordance with the requirements of the UK General Data Protection Regulation (UKGDPR).

Processing

Personal data

NTC will process your personal data (that is not classed as special categories of personal data) for one or more of the following reasons:

- it is necessary for the performance of a contract, e.g., your contract of employment (or services); and/or
- it is necessary to comply with any legal obligation; and/or
- it is necessary for the council's legitimate interests (or for the legitimate interests of a third party), unless there is a good reason to protect your personal data which overrides those legitimate interests; and/or
- it is necessary to protect the vital interests of a data subject or another person; and/or
- it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

If NTC processes your personal data (excluding special categories of personal data) in line with one of the above bases, it does not require your consent. Otherwise, the council is required to gain your consent to process your personal data. If the council asks for your consent to process personal data, then we will explain the reason for the request. You do not need to consent or can withdraw consent later.

NTC will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

Personal data gathered during the employment is held in your personnel file in hard copy and electronic format on HR and IT systems and servers. The periods for which the council holds your HR-related personal data are contained in our Document Retention and Disposal Policy.

Sometimes the council will share your personal data with contractors and agents to carry out our obligations under a contract with the individual or for our legitimate interests. We require those individuals or companies to keep your personal data confidential and secure and to protect it in accordance with Data Protection law and our policies. They are only permitted to process that data for the lawful purpose for which it has been shared and in accordance with our instructions. NTC will update HR-related personal data promptly if you advise that your information has changed or is inaccurate. You may be required to provide documentary evidence in some circumstances.

NTC keeps a record of our processing activities in respect of HR-related personal data in accordance with the requirements of the UK General Data Protection Regulation (UKGDPR).

Special categories of data

NTC will only process special categories of your personal data (see above) on the following basis in accordance with legislation:

- where it is necessary for carrying out rights and obligations under employment law or a collective agreement
- where it is necessary to protect your vital interests or those of another person where you are physically or legally incapable of giving consent
- where you have made the data public
- where it is necessary for the establishment, exercise or defence of legal claims
- where it is necessary for the purposes of occupational medicine or for the assessment of your working capacity
- where it is carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates to only members or former members provided there is no disclosure to a third party without consent
- where it is necessary for reasons of substantial public interest on the basis of law which is proportionate to the aim pursued and which contains appropriate safeguards
- where it is necessary for reasons of public interest in the area of public health; and
- where it is necessary for archiving purposes in the public interest or scientific and historical research purposes.

If NTC processes special categories of your personal data in line with one of the above bases, it does not require your consent. In other cases, the council is required to gain your consent to process your special categories of personal data. If NTC asks for your consent to process a special category of personal data, then we will explain the reason for the request. You do not have to consent or can withdraw consent later.

Individual rights

As a data subject, employees, councillors and residents have several rights in relation to their personal data.

Subject access requests

You have the right to make a subject access request. If you make a subject access request, the council will tell you:

- whether or not your data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from yourself
- to whom your data is or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers
- for how long your personal data is stored (or how that period is decided)
- your rights to rectification or erasure of data, or to restrict or object to processing
- your right to complain to the Information Commissioner if you think the council has failed to comply with your data protection rights
- whether or not the council carries out automated decision-making and the logic involved in any such decision-making.

NTC will also provide you with a copy of your personal data undergoing processing. This will normally be in electronic form if you have made a request electronically, unless you agree otherwise. If you want additional copies, NTC may charge a fee, which will be based on the administrative cost to the council of providing the additional copies.

To make a subject access request, you should send the request to the Clerk or Chairman of the Council. NTC will require proof of identification before the request can be processed and accepts the following forms of identification (documents marked * must be dated in the past 12 months; documents marked ** must be dated in the past 3 months):

- Current UK/EEA Passport (current or expired)
- UK Photocard Driving Licence (Full or Provisional)
- Firearms Licence / Shotgun Certificate
- EEA National Identity Card
- Full UK Paper Driving Licence
- State Benefits Entitlement Document*
- State Pension Entitlement Document*
- HMRC Tax Credit Document*
- Local Authority Benefit Document*
- State/Local Authority Educational Grant Document*
- HMRC Tax Notification Document
- Disabled Driver's Pass
- Financial Statement issued by bank, building society or credit card company**
- Judiciary Document such as a Notice of Hearing, Summons or Court Order
- Utility bill for supply of gas, electric, water or telephone landline**
- Most recent Mortgage Statement
- Most recent council Tax Bill/Demand or Statement
- Tenancy Agreement
- Building Society Passbook which shows a transaction in the last 3 months and your current address.

The Town Clerk will ask relevant members of staff and/or councillors to locate and supply personal data relating to the Subject Access Request. All members of staff and councillors receiving such a request from the Town Clerk must make a full exhaustive search of the records to which they have access. As appropriate, this search will include emails (including archived emails and those that have been deleted but are still recoverable), Word documents, spreadsheets, databases, systems, removable media (for example memory sticks, CDs), tape recordings, paper records in relevant filing systems etc.

NTC will redact any exempt personal data from the released documents and explain why that personal data is being withheld.

NTC will normally respond to a request within a period of one month from the date it is received. Where the council processes large amounts of your data, this may not be possible within one month. NTC will write to you within one month of receiving the original request to tell you if this is the case.

All responses will include the following information:

- the purposes of the processing
- the categories of personal data concerned
- the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules or EU model clauses
- where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period
- the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing
- the right to lodge a complaint with the Information Commissioners Office (“ICO”)
- if the data has not been collected from the data subject: the source of such data
- the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

If a subject access request is manifestly unfounded or excessive, NTC is not obliged to comply with it. Alternatively, the council can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which the council has already responded. If you submit a request that is unfounded or excessive, NTC will notify you that this is the case and whether we will respond to it.

Other rights

You have a number of other rights in relation to your personal data. You can require NTC to:

- rectify inaccurate data
- stop processing or erase data that is no longer necessary for the purposes of processing
- stop processing or erase data if your interests override the council's legitimate grounds for processing data (where the council relies on our legitimate interests as a reason for processing data)
- stop processing or erase data if processing is unlawful and
- stop processing data for a period if data is inaccurate or if there is a dispute about whether your interests override the council's legitimate grounds for processing data.

To ask NTC to take any of these steps, you should send the request to the Clerk or Chairman of the Council.

You can also complain to the Information Commissioner if you remain unhappy with the outcome of the request. You can do this by contacting the Information Commissioner’s Office directly. Full contact details including a helpline number can be found on the Information Commissioner’s Office website (www.ico.org.uk).

Data security

NTC takes the security of HR-related personal data seriously. The council has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.

Where NTC engages third parties to process personal data on our behalf, such parties do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

Impact assessments

Some of the processing that NTC carries out could result in risks to privacy (such as monitoring of public areas via CCTV). If the Council were to carry out processing that would result in a high risk to your rights and freedoms, the council will carry out a data protection impact assessment (DPIA) to determine the necessity and proportionality of processing. This will include considering the purposes for which the activity is carried out, the risks for yourself and the measures that can be put in place to mitigate those risks.

Data breaches

NTC has robust measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur the council must take notes and keep evidence of that breach.

If you are aware of a data breach you must contact the Clerk or Chairman of the Council immediately and keep any evidence, you have in relation to the breach.

If NTC discovers that there has been a breach of HR-related personal data that poses a risk to the rights and freedoms of anyone, we will report it to the Information Commissioner within 72 hours of discovery. The council will record all data breaches regardless of their effect.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, we will tell you that there has been a breach and provide you with information about its likely consequences and the mitigation measures we have taken.

International data transfers

NTC will not transfer HR-related personal data to countries outside the EEA.

Individual responsibilities

You are responsible for helping NTC keep your personal data up to date. You should let the council know if data provided to the council changes, for example if you move to a new house or change your bank details.

Everyone who works for, or on behalf of, NTC has some responsibility for ensuring data is collected, stored and handled appropriately, in line with the council's policies.

You may have access to the personal data of other individuals and of members of the public in the course of your work with the council. Where this is the case, NTC relies on you to help meet our data protection obligations to staff and members of the public. Individuals who have access to personal data are required:

- to access only data that you have authority to access and only for authorised purposes
- not to disclose data except to individuals (whether inside or outside the council) who have appropriate authorisation
- to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, locking computer screens when away from desk, and secure file storage and destruction including locking drawers and cabinets, not leaving documents on desk whilst unattended)
- not to remove personal data, or devices containing or that can be used to access personal data, from the council's premises without prior authorisation and without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device

- not to store personal data on local drives or on personal devices that are used for work purposes
- to never transfer personal data outside the European Economic Area except in compliance with the law and with express authorisation from the Clerk or Chair of NTC
- to ask for help from the council's data protection lead if unsure about data protection or if you notice a potential breach or any areas of data protection or security that can be improved upon.

Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with under NTC's Disciplinary Procedure. Significant or deliberate breaches of this policy, such as accessing personal data without authorisation or a legitimate reason to do so or concealing or destroying personal data as part of a subject access request, may constitute gross misconduct and could lead to dismissal without notice.

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

Date of policy:	24/01/2025
Approving committee:	Full Council
Date of committee meeting:	
Supersedes (name of old policy and reference):	Data Protection policy v1
Policy version reference:	AUDPP02
Policy adopted by Full Council on:	
Date for next review:	Annually



Newhaven Town Council

SICKNESS ABSENCE POLICY AND PROCEDURE

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Purpose of this policy and procedure

Newhaven Town Council (NTC) encourage its employees to maximise health and wellbeing. NTC want to deal fairly with employees who are absent from work due to ill-health which includes either short or extended periods. This is in line with good practice shared by the Advisory Conciliation and Arbitration Service (ACAS).

This policy aims to strike a balance between:

- the pursuit of our operational needs, and
- the genuine need of NTC employees to take time off work due to ill-health

NTC want to raise awareness and increase the understanding of mental health conditions; in supporting employees with health issues, we comply with the Equality Act 2010.

The scope of this policy & procedure

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

POLICY

- NTC will treat employees fairly and sensitively during times of sickness and ill-health
- Employees are responsible for actions to improve attendance and support their return to work. We advise you to:
 - obtain and follow medical advice and treatment as quickly as possible
 - avoid activities which could hinder or affect a prompt return to work
- NTC uses 'trigger points' to decide when we need to act over your sickness absence record.
- When NTC applies trigger points, consideration will be given to absences related to:
 - pregnancy
 - disability
 - ill-health retirement
 - terminal illness
- NTC will use this policy in line with data protection legislation and the Access to Medical Reports Act 1988
- NTC will manage information about your health and wellbeing sensitively. We will keep it as confidential as far as reasonably possible
- Twelve months refers to a rolling 12-month period. For example, on the first day of an absence, count back 12 months. NTC Uses this to calculate how many days' absence the employee has had in a 12-month period. This will determine if the current absence results in a trigger point
- Long-term sickness absence usually refers to a continued absence of 28 calendar days or more
- Line Managers will decide whether meetings should be held in person or virtually or as a hybrid of both.

PROCEDURE

Absence reporting

Regular and punctual attendance at work is essential. If you are absent, you must follow NTC procedure by contacting your Line Manager or alternative designated contact:

1. You must report sickness absence to your Line Manager on the first day of absence. You must do this as early as possible and before your contractual (or normal start time for work)
2. You must make personal contact by telephone. Text, email, or any other form of messaging, is not acceptable except for exceptional circumstances

3. If you are unable to speak to your Line Manager, leave a message and a contact phone number. Ask for someone to pass it on to your Line Manager as soon as possible. You should expect and be available to receive a return phone call
4. There may be times when you are unable to contact your Line Manager personally. For example, on admittance to hospital. The person who contacts the Line Manager on your behalf must leave a contact name and number
5. If you fail to make contact to report an absence, your Line Manager will contact you. You must have a justifiable reason for failing to make contact. If not, your Line Manager may record your absence as unauthorised. They may refer you to the NTC disciplinary policy
6. When reporting your absence from work, you should tell your Line Manager:
 - i when the illness started
 - ii the broad nature of the illness
 - iii if the illness is work-related
 - iv if you are seeking medical attention
 - v the likely date of return, if known
7. Your Line Manager will advise you how and when they want you to make contact again, at which point, you must update them on your absence and your expected return to work date
8. You must provide NTC with a Statement of Fitness to Work (Fit Note) from your doctor and give this to your Line Manager on the eighth day of absence
9. You must keep managers advised of your health and progress towards returning to work. If you do not return to work, you must send your Line Manager a new Fit Note upon expiry of the current one
10. You may return to work early before the expiry of a Fit Note, if your doctor indicates that you may be fit to work with adjustments. Your Line Manager may not agree to an early return if they cannot give you the support you require
11. If a Fit Note states that you are not fit to return to work, you cannot return early.

Medical evidence

A sickness of seven calendar days or fewer is self-certified.

All sickness that lasts for eight days or more requires you to provide us with a Fit Note.

The Fit Note will state the period that it covers. It may say that you:

- are not fit for work, in which case you should remain off work, or
- may be fit for work if you can follow your doctor's advice.

Your doctor's advice may include:

- a phased return
- amended job duties
- altered hours of work
- workplace adaptations

To support you and plan for your return to the workplace, your Line Manager may:

- seek information and advice from occupational health advisors and/or our external HR partners (Worknest)
- discuss with you what adjustments or support you need for any ongoing health issues.

If your Fit Note states that you may be fit for work, your Line Manager may contact you to:

- involve an occupational health advisor and/or Worknest
- discuss what adjustments might help you return to work
- clearly explain if we are unable to make certain adjustments.

If we cannot make the adjustments you need, we will continue to treat you as 'not fit for work'. This is in line with the Department for Work and Pensions' guidance for employers.

In such cases, you should:

- only return to work when recovered and can perform your regular duties
- discuss and agree on a plan to keep in touch with your Line Manager during your extended absence
- discuss any actions with your Line Manager that may help you to return to your regular duties
- agree to review these actions regularly.

Keeping in touch

Your Line Manager will keep in touch with you when you are not fit for work, and they will contact you as early as possible to maintain regular contact through your absence.

Return to work meetings

Your Line Manager will hold return-to-work meetings when you return from any period of absence. They will use these meetings to:

- provide an opportunity for managers to discuss any underlying issues with you
- consider any relevant adjustments they can make to support you
- help identify absence problems at an early stage.

Your Line Manager will monitor absence levels and discuss these with you. Where possible, this will take place on the day you return to work. They will identify when you have reached, or are close to reaching, a trigger point.

When you return to work, it does not always mean that your health and wellbeing has entirely improved. A return-to-work meeting is an opportunity to discuss these matters with your manager. They will try to provide any appropriate support for when you return.

Short-term sickness absence

We review and take relevant action in stages when an employee hits specific absence trigger points. These are:

- four or more episodes of absence in a rolling 12-month period
- nine working days of absence in a rolling 12-month period
- absences in a brief period warranting immediate action. For example, three episodes or six working days in six months
- a pattern of absence causing concern, for example:
 - regular Fridays or Mondays
 - absences regularly occurring on a particular day
 - pre or post annual leave
 - school holidays
 - public holidays
 - payday.

Trigger points for employees working fewer than five days in a week will be pro-rata. The number of days will be pro-rata, but not the number of occasions. We calculate this using nine days divided by five, multiplied by the number of working days (rounded to the nearest half day). When necessary, we use the average working days. For example, employees working:

- One day per week = trigger point is two working days' absence
- Two days per week = trigger point is 3.5 working days' absence
- Five days per week = trigger point is nine working days' absence.

We apply this formula irrespective of the number of hours an employee works in a day. This is important if you condense your working weeks. For example, if you worked 37 hours over four days, the trigger point would be seven working days' absence.

There may be many reasons why you are hitting trigger points:

- Absences may be related or unrelated
- There is an underlying cause or illness, which is not known
- You have family or caring issues and are reporting sick rather than requesting time off
- There is a reliability issue.

Your Line Manager will explain NTC's expectations about attendance and will help you to achieve them. We will use return-to-work meetings to:

- provide support
- discuss any underlying causes of absence
- encourage employees to improve attendance levels
- ensure you understand that we may invoke sickness absence procedure if absence levels are unsatisfactory.

At all times, managers will collaborate with you to make improvements and help you to sustain them.

Long-term sickness absence

Long-term sickness is an absence lasting a continuous period of 28 calendar days or more. Our underlying principles are to:

- recognise that the matters relating to your absence will vary. You may need different responses and actions at different points in time
- balance our needs against your circumstances.

Your Line Manager will maintain contact with you during a long-term absence. They will start absence review meetings after four weeks of absence, or before if appropriate. These will continue throughout the period of long-term absence.

Your Line Manager must consider the circumstances regarding your absence. They should base absence management meetings on a particular set of facts.

If you know the expected duration of the absence, there may be no need to hold absence management meetings, e.g. planned surgery. Your Line Manager should, however, keep regular contact with you throughout the period of absence.

If you do not return on the expected date or extend your absence, your Line Manager may:

- insist upon review meetings
- invoke the sickness absence procedure.

Your Line Manager must maintain contact with you to:

- monitor your progress and return to health
- support you and keep you informed about events in the workplace
- provide information so that you may make informed decisions. For example, concerning sick pay entitlement
- seek advice and guidance from an occupational health advisor and/or Worknest
- encourage a return to work as early as possible
- facilitate a phased return to work if required, by making appropriate adjustments.

If you return to work for short periods, your manager will continue to use the long-term absence approach. They do not have to switch between long and short-term sickness absence approaches.

You can move to a long-term absence after the sickness absence procedure. In this case, your manager will continue with the next stage of the sickness absence procedure. It will not restart from the beginning.

Sickness absence procedure

Your Line Manager will review your absence information when you hit a trigger point for short or long-term absence. You may have to attend absence management meetings with your Line Manager.

For a short-term absence trigger, your Line Manager will refer you to this sickness absence procedure. There can be circumstances when this may not apply.

For a long-term sickness trigger, managers will review the information first. They will decide whether it is appropriate to invoke the formal sickness absence procedure.

If your Line Manager does not invoke the procedure, they must

- maintain contact with you
- update you on any arrangements
- advise you that they may invoke it at a point in the future.

Throughout this procedure, you may bring a companion to any meeting who is either:

- a trade union representative
- a work colleague
- an official employed by a trade union.

Your Line Manager should make a reasonable adjustment if you have a disability. They may permit an alternative companion. You should discuss this with your manager.

You must tell your Line Manager who your chosen companion is, at least 24 hours before the meeting. Your Line Manager may request an HR representative from Worknest at formal meetings and will arrange a note-taker.

You can request to reschedule a meeting if you or your companion cannot attend. It will take place within the following five days or as soon as practicable. Employees must not fail to attend the re-arranged meeting without justification. Line Managers can consider your case in your absence based upon written submissions.

In cases of long-term absence, you may require a meeting venue away from your place of work. You can request an external venue, or it could be your home. Your Line Manager will be sympathetic. They will carefully consider, in such cases, any request for a family member to be present.

Your Line Manager will document all actions in this procedure. They will include reasons for taking or not taking action, such as:

- a referral to an occupational health advisor for an assessment
- signposting an employee to counselling
- implementing of reasonable adjustments.

Stage 1

Your Line Manager will arrange a Stage 1 absence management meeting. They will give you a minimum of five working days' notice in writing. They will include any documents relevant to your case, such as:

- your absence record form
- any letters or correspondence previously sent to you
- notes of discussions with you about your absence levels
- any medical evidence.

Your Line Manager will advise you that:

- the purpose of the meeting is to review your unsatisfactory attendance level
- a possible outcome of the meeting is to move to a formal review period.

If you are on long-term absence, your Line Manager will contact you to agree on a date, time, and location for the meeting. They will confirm this in writing. If you do not respond or cooperate, your manager may arrange the meeting without your agreement.

The meeting aims to:

- establish how your health is and the likely length of your absence
- consider the advice in your Fit Note or medical report
- discuss what steps we can take to assist you in returning to work, such as:

- a phased return
- amending your job duties
- altering your hours of work
- workplace adaptations
- explain your sick pay entitlements
- confirm when the next contact will take place.

Stage 1 outcome

After the meeting, your Line Manager will confirm all agreed decisions in writing. Possible outcomes may be:

- no further action
- a referral to an occupational health advisor and a follow-up meeting with the manager
- adjustments to your role, hours, duties, work, or location. We will consider reasonable adjustments if you have a disability, as defined by the Equality Act 2010. We may also refer you to an occupational health advisor
- your Line Manager sets a review period and defines the required level of improvement. This is usually two months, but they may extend it for up to four. Throughout the review period, your manager will monitor your absence levels.

Usually, your manager will set you a formal review period to improve your absence levels. They will confirm this formal review period in writing. At the end of the review period that is set, your Line Manager will review your absence levels.

However, your Line Manager could decide not to move you to a formal review period. For example, if there are extenuating reasons for the absences. If your manager decides to take no further action, they will confirm this in writing. They will provide you with an explanation for the decision.

If they have improved to the satisfaction of the manager, they may take no further action. They will confirm this in writing. If you have not made a satisfactory improvement, your manager will move to Stage 2. They will send a written notification of your Stage 2 absence management meeting.

In cases of long-term absence, the appropriateness and length of a review period will depend on:

- individual circumstances
- the reasons for absence
- likely return to work
- medical advice
- available support.

Stage 2

Your manager will arrange a Stage 2 absence management meeting. They will give you a minimum of five working days' notice in writing. They will include any documents relevant to your case. Please note the following:

- Stage 2 follows the same steps, outcomes, and written notifications as Stage 1.
- At the end of any review period that is set, your manager will review your absence levels.
- If they have improved to the satisfaction of the manager, they may take no further action. They will confirm this in writing.
- If you have not made a satisfactory improvement, your manager will move to Stage 3. They will send a written notification of your Stage 3 absence management hearing.

Stage 3

A senior manager with authority to dismiss will arrange your Stage 3 absence management hearing. At the meeting will be:

- the chair of the Personnel committee
- if requested by the chair, a second senior manager or Personnel committee member
- an HR representative from Worknest to provide advice on policy and procedure (to the panel members)

The panel will be supported by:

- a note-taker or MS Teams recording facility, to be determined by the chair

The Line Manager who attended stage 1 and 2 meetings will attend the hearing to:

- provide evidence of actions taken to date
- describe previous discussions
- describe support provided

As previously advised, you may bring a companion who is:

- a trade union representative
- a work colleague
- an official employed by a trade union

The senior manager will:

- provide ten calendar days' notice of the hearing
- provide you with all relevant documentation for consideration

The panel will consider:

- all the facts concerning your absence record
- actions taken to date to improve these levels
- any information you submit
- any relevant and up-to-date advice from occupational health advisors or other medical advisers.

In long-term absence cases, a senior manager will arrange a Stage 3 hearing when:

- an occupational health advisor's advice is that you are unable to return for a prolonged period
- an occupational health advisor's advice does not recommend redeployment
- they explore all reasonable steps to assist you in returning to work. For example:
 - a phased return
 - amending your job duties
 - altering your hours of work
 - workplace adaptations
- they discuss with you the possibility of dismissal on the grounds of ill-health capability or ill-health retirement.

The senior manager will consider all reasonable steps in managing your absence. Only then will they start the processes of dismissing you while you are on long-term absence.

These could include:

- consulting with you
- seeking medical advice
- considering redeployment
- retirement due to ill-health

The possible outcomes of a Stage 3 hearing are:

- a further review period, usually for two months but no more than four
- reasonable adjustments with a further review period
- redeployment
- dismissal on the grounds of ill-health capability
- ill-health retirement.

The panel will reconvene a hearing at the end of any new review period. It will determine if absence levels have improved and whether to take further action.

Escalation to stage 3 hearing

Occupational health advisors may advise that you are:

- eligible for ill-health retirement
- unfit to return to your post for a prolonged period due to an underlying health condition
- not suitable for redeployment.

In such cases, your Line Manager may escalate to a Stage 3 hearing without the need for a Stage 1 or 2 meeting. They will get advice from Worknest before considering this.

12-months' live' monitoring period

If your absences improve to the required level, your Line Manager may take no further action. They will encourage you to sustain this. You will enter a 12-month 'live' monitoring period, starting when the review period ends.

Your Line Manager will review your absence record if:

- you have further absences within 12 months, and
- on a 12-month rolling basis, your absences hit our trigger points.

Your Line Manager will decide whether you re-join the procedure at the stage you were at when the action ceased to apply a further review period or start afresh.

Appeals

You have the right to appeal against dismissal under this procedure. NTC must receive this within five calendar days from the date you are deemed to have received the letter confirming outcomes from the stage 3 hearing. Additionally, confirmation of the intent to appeal must confirm the grounds of appeal. The employee will then have a further five calendar days to:

- submit documentation
- identify who, if anyone, will represent them at the hearing and provide their contact details.

MANAGING ABSENCE AND ATTENDANCE

Occupational health advisor's referrals

Your Line Manager may want advice about your fitness for work from an occupational health advisor. They may seek this advice at various stages of managing your sickness absence or health issues. Your Line Manager might refer you to an occupational health advisor:

- to seek advice when:
 - you have a health concern or condition and is continuing to work
 - you are absent
 - there is the possibility of absence
- if you are absent, to establish when you might be able to return to work
- ask for guidance on your condition. For example, if it is possible that you have a disability or you are not clear about your ability to work
- to discuss any adjustments that they could make to help your return to work
- to discuss redeployment on medical grounds
- to discuss ill-health retirement.

Report from a medical practitioner

Occupational health advisors may request a report from your doctor or consultant. They will seek your permission first. They will inform you of your rights under the Access to Medical Reports Act 1988. You have the right to access the report first. You must tell the occupational health advisor if you wish to do this so that they can inform your doctor or consultant.

Your Line Manager can make decisions about your employment without your medical information, if:

- you do not allow an occupational health advisor to contact your doctor or consultant, or
- you do not allow an occupational health advisor to access your report.

Your Line Manager will tell you if this is the case.

Other absences

Pregnancy-related absences

If you are pregnant and absent from work due to pregnancy-related ill-health, you must follow our:

- absence reporting procedure
- return to work arrangements.

Your Line Manager will decide if there is a need for formal action under our sickness absence procedures. They will not take pregnancy-related sickness absence into account when making their decision. Your Line Manager may contact Worknest and an occupational health advisor for advice.

Disability-related absences

Your reason for absence with an underlying health issue could be a disability under the Equality Act 2010. If so, NTC will consider disability-related absences in relation to trigger points.

Line Managers will:

- take advice and provide support to help you to manage any periods of absence
- make reasonable adjustments, including adjusting trigger points where appropriate.

Your Line Manager may seek advice from Worknest and/or an occupational health advisor.

Work-related absence

Line Managers will have regular discussions with you if you are absent due to a work-related issue. For example, an accident or injury at work or work-related stress. They will support you in your period of rehabilitation and your return to work. The same sickness absence procedures apply to support and manage any resulting absence.

Medical suspension

There may be times when you are:

- confirmed fit for work but your Line Manager does not think that you are
- advised by a doctor to refrain from work but you disregard this.

If either of these happen, your Line Manager may invoke a period of medical suspension. This will allow them to seek further advice. You will remain on full pay and your Line Manager will not record this period as sickness absence.

Transmission of illness

Some disease and illness, whilst not making the employee unfit for duty, would be dangerous to health if transmitted to colleagues or visitors. For example:

- Rubella or German Measles (where the employee may encounter pregnant women)
- diarrhoea and/or vomiting.

In these circumstances, the sick employee must be sent home immediately and urged to visit their GP at the earliest opportunity. It may be necessary to obtain a Fit Note before a return to work is permitted.

Any doubts regarding fitness for work should be referred to your Line Manager.

Return to work arrangements

If you have been on long-term sickness absence, we would like you to return to your previous post and way of working. However, we recognise that this is not always possible.

We see the value of:

- phasing you back to work
- temporarily adjusting your duties
- temporarily reassigning you to an alternative role
- considering redeployment opportunities.

if your Line Manager reassigns you to another role, they will agree a plan and timescale to move you back. They will also consider medical advice as part of the arrangements. Your manager will monitor your progress and take medical advice, where appropriate. When you return to work, your Line Manager will arrange to reintroduce you back into the workplace. They will ensure that we plan to support you on your return.

These should include any agreed adjustments and, where necessary, completion of risk assessments.

Managers will consider:

- modifying or acquiring equipment
- making adjustments to premises
- assigning to a different place of work
- car parking arrangements
- access and egress routes
- accessibility of toilet and welfare arrangements
- workstation design (e.g. seating arrangements via a DSE assessment)
- explaining systems which have been introduced during the period of sickness absence, such as latest information technology, new evacuation procedures
- inform colleagues and first aiders regarding any action to take in an emergency, for example a Personal Emergency Evacuation Plan (PEEP).

Phased return

An occupational health advisor or your doctor may recommend a phased return to work. A phased return is usually no more than four weeks. You will remain on full pay but with reduced hours. A phased return aims to help deliver a gradual, successful return to work. An occupational health advisor may recommend a phased return of more than four weeks. Your Line Manager should consider whether they can accommodate this on full pay. They may ask you to use annual leave, flexitime, time off in lieu or disability leave, if applicable.

Making workplace adjustments

Occupational health advisors or your Line Manager (in consultation with Worknest) may recommend workplace adjustments to support you in work. These may help to reduce your absences and contribute to you being able to perform your role effectively.

Your Line Manager may also:

- arrange risk assessments including stress risk assessments for mental health related absences, if needed.
- decide whether to inform colleagues to help them understand the need for the adjustments. They will do this without breaking confidentiality and discuss any concerns that colleagues may have
- record any workplace adjustments you have agreed to and how long you expect them to last

- monitor any workplace adjustments to see if they are meeting your needs and NTC's. Your Line Manager will arrange regular reviews agreed with you in a return-to-work plan
- encourage you to raise any issues related to the workplace adjustments
- ensure you are aware of other interventions that may support you in the workplace

We will try to respond sensitively to the needs of employees who may be:

- at particular risk of stress caused by work and working conditions
- experiencing mental health problems for other reasons.

This policy helps us to identify employees who are experiencing stress early. We will offer them support, such as counselling or stress risk assessments.

Redeployment

Your Line Manager may discuss with you a move to a more suitable role if one is available. They might do this at any point in the return-to-work procedure.

They will seek the appropriate advice and help you to understand the impact of making such a decision.

If you have a disability under the Equality Act 2010, you will have 'at risk' status. This means you will have priority when we consider you for an alternative role with us. We will take a positive approach to redeploy you. A trial period for alternative roles on a four-week basis will be offered where a role has been identified. The trial allows the employee and the new Line Manager to assess whether the job is suitable.

Your manager will be aware of:

- the requirements of the Equality Act 2010
- the need to make reasonable adjustments to assist you to continue in work.

Ill-health retirement

You may have to retire on the grounds of ill-health when medical advice suggests you are unlikely to return from long-term sickness.

It is also possible if you continue to work and:

- you experience significant difficulties
- long-term absence is likely.

Your Line Manager will submit a referral to an occupational health advisor if ill-health retirement is an option. They will explore whether you are eligible or not. They will look at the impact of this upon your pension and any other relevant financial arrangements.

Occupational health advisors may advise that you are:

- eligible for ill-health retirement, or
- unfit to return to your role due to an underlying medical condition and do not recommend redeployment.

Your Line Manager may escalate to a Stage 3 absence management hearing without the need for a Stage 1 or Stage 2 meeting.

Terminal illness

NTC want to support you if you are suffering from a terminal illness. We will try to accommodate your wishes and provide the best financial arrangements for you and your family. This includes:

- considering ill-health retirement, or
- a death in service payment if you are a member of a relevant pension scheme.

Your managers will support you if you wish to continue working with a terminal illness. However, we are mindful that there may come a time when you will be unable to continue. In this case, your Line Manager will discuss the options with you, with the support of Worknest and/or an occupational health advisor. Counselling may also be available.

ENTITLEMENTS

Annual leave entitlement concerning sickness absence

If you are absent on sick leave, you will continue to accrue holiday entitlement. You can take this at a later date, in the current or following leave year. This will follow normal annual leave booking arrangements.

You may wish to use annual leave to support your gradual return to work following a period of absence. Your Line Manager will seek to accommodate any requests where possible.

If you are absent due to sickness, you may request to take annual leave during a period of sickness absence. You must request this from your Line Manager in writing.

If you fall sick before the start of pre-booked annual or flexi leave, you can reclaim it. You must still follow the sickness reporting procedure. You must provide a way for your Line Manager to contact you and attend absence management meetings when absent. You must supply a Fit Note to cover the period you wish to reclaim.

If you fall sick while on leave, you can reclaim a proportion of your leave. You must still follow the sickness absence reporting procedure. You must supply a Fit Note to cover the period you wish to reclaim.

Occupational Sick Pay

It is NTC's policy to pay 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 Statutory Sick Pay.

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 Fit Note when requested. We may also ask you to attend an interview/examination with a nominated registered healthcare professional at the request of NTC.

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.

A third party may have to pay damages if you are absent from work because of an accident. If this is the case, you are not entitled to sick pay. Your Line Manager may, at their discretion, advance you an allowance. You must agree to refund the amount advanced from any damages awarded.

Sickness during the working day

If you leave work during the working day due to illness:

- you must report this to your Line Manager
- your manager will class you as absent for sick pay and recording purposes
- you must self-certify and attend a return-to-work meeting.

Your Line Manager will decide whether to record a full or half day's sickness absence. If you work flexitime, your manager will credit you with the time you worked.

Your Line Manager will record absences of half a day or more on the sickness system. They will count towards your trigger points.

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