

AGENDA FOR THE MEETING OF COUNCIL MATTERS MONDAY 11TH OCTOBER 2021 AT 6.30PM IN THE GUILDHALL

You are hereby SUMMONED to attend the **Council Matters Committee** on **Monday 11th October 2021** at **6.30pm** in the Guildhall for the purpose of transacting the following business:

Committee Members: Councillors E Price (Chair), M Adams, J Hodgson, P Paine, B Piper, V Trow.

L. WELCOME AND APOLOGIES FOR ABSENCE

The Chair will read out the following statement:

Welcome to everyone attending and observing the meeting.

A reminder that open proceedings of this meeting will be video recorded. If members of the public make presentations, they will be deemed to have consented to being recorded. By entering the Council Chamber attendees are also consenting to being recorded.

This meeting is limited to 90 minutes and therefore members are asked to raise their points succinctly and not repeat the same view expressed by colleagues if it does not add to the debate.

To receive apologies and to confirm that any absence has the approval of the Council.

The Committee will adjourn for the following items:

PUBLIC QUESTION TIME

A period of 15 minutes will be allowed for members of the public to ask questions or make comment regarding the work of the Committee or other items that affect Totnes.

The Committee will convene to consider the following items:

2. CONFIRMATION OF MINUTES

To approve the minutes of 13th September 2021 and update on any matters arising. Document attached.

3. BUDGET MONITOR

To consider the Budget Monitor. Document to follow.

4. HUMAN RESOURCES POLICIES

To review the following human resources policies. Documents attached:

- a. Discipline Policy and Procedures.
- b. Grievance.
- c. Maternity, Paternity and Adoption Leave and Pay.
- d. Whistleblowing.
- e. Recruitment, Retention and Selection.
- f. Bullying and Harassment.

5. ARTS WORKING GROUP

To note the minutes of the Arts Working Group. Document to follow.

6. SECURITY UPGRADE

To note security upgrades of the Guildhall. Verbal update Town Clerk.

7. PUBLIC TOILETS

To note any update from South Hams District Council. Verbal update Town Clerk.

8. s137 BALANCE & ALLOCATIONS

To note the current financial year allocations. Document to follow.

9. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 8th November 2021 at 6.30pm in the Guildhall. No document.

*The Committee will be asked to **RESOLVE** to exclude the press and public “by reason of the confidential nature of the business” to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

10. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations. Documents attached.

11. STAFFING RESTRUCTURE

To consider adding capacity to the maintenance team. Document to follow.

12. STAFFING UPDATE (Standing Item)

For any general or urgent updates that required confidential sharing with Councillors. No documents.

Catherine Marlton

Town Clerk

6th October 2021

USE OF SOUND RECORDINGS AT COUNCIL & COMMITTEE MEETINGS



DRAFT MINUTES OF THE MEETING OF COUNCIL MATTERS MONDAY 13TH SEPTEMBER 2021 AT 6.30PM IN THE GUILDHALL

Present: Councillors E Price (Chair), J Hodgson (arrived 18.45), P Paine, B Piper and V Trow.

Apologies: Cllr M Adams.

In Attendance: C Marlton (Town Clerk) & C Bewley (Finance and Assets Manager).

1. APOLOGIES FOR ABSENCE

To receive apologies and to confirm that any absence has the approval of the Committee.

Cllr Price read out a statement about how the meeting would be conducted and recorded.

The apologies were accepted.

The Committee will adjourn for the following items:

PUBLIC QUESTION TIME

A period of 15 minutes will be allowed for members of the public to ask questions or make comment regarding the work of the Committee or other items that affect Totnes.

There were no members of the public in attendance.

The Committee reconvened.

2. DEPUTY CHAIR

To elect a Deputy Chair (who will chair in Chair's absence).

It was proposed to elect an acting Deputy Chair until all Councillor vacancies are filled in October/November.

It was **AGREED** that Cllr Trow would be the acting Deputy Chair.

3. CONFIRMATION OF MINUTES

To approve the minutes of 14th June 2021 and update on any matters arising.

The minutes were approved as an accurate record of proceedings.

4. BUDGET MONITOR

To consider the Budget Monitor.

The Clerk highlighted changes to the budget forecast for election costs, professional fees and Guildhall donations which is currently predicting an overspend of approximately £13k. It was **AGREED** to accept the budget monitor.

5. COMMUNITY GRANT SCHEME APPLICATIONS

To consider the applications for the community grant scheme.

Discussion was had to ensure that the applications will be spent in the interests of the area of its inhabitants and will benefit them in a manner commensurate with expenditure, as per the spending powers under section 137 of the Local Government Act 1972. It was **AGREED** to allocate £19022 from S137 as outlined in the table below. The total allocation in 2021/22 will be under the threshold allowed for S137 expenditure at a total so far from two rounds of community grants of - £44033 and an additional £8475 as detailed below. Please note that this means a total overspend of £2508 on the original £50,000 community grants budget.

S137 DECISION OF 13TH SEPTEMBER 2021 - £19022

Applicant	Project	Amount Requested	Project Cost	Grant Awarded
Bridgetown Community Hall	Kitchen hob & oven	£780	£1040	£780
Totnes Caring	Transportation services co-ordination	£4000	£17354	£4000
Creation Myths Puppets	The Talking Forest production	£2350	£5850	£2350
Totnes Supporting Fairtrade	FairTrade Fortnight (Feb 2022)	£400	£600	£400
Jamming Station	Beat Café	£1800	£13366	£1800
Totnes Bike Hub	Essential Tools & equipment, Dr Bike	£1910	£1910	£1910
Food in Community	Community Cooking Groups, soup groups	£950	£1950	£950
Lifeworks	Get Involved Youth Club	£2500	£53476	£2500
Totnes Library	Revamping Children's Library	£1131.59	£4016.36	£1131.59
Church of St Johns and St Mary	Connecting Communities: upgrade AV equipment	£2500	£17500	£2500
Caring Town	Community Conversation Mental Health	£700	£700	£700

S137 DECISION OF MAY/JUNE 2022 - £25011

Applicant	Project	Amount Request	Project Cost	Grant Awarded
Totnes Caring	Transport services coordination	£4000	£17354	£4000
TRAYE	Youth can make a difference forum	£3881	£3881	£1940.50
Parklife	Cemetery wildflower area maintenance	£1000	£1500	£750
Youth Mental Health Foundation	What's your genius workshops	£1979.40	£1979.40	£1979.40
Lifeworks	Get involved youth club	£5000	£53476	£2500
Totnes Library	Revamping children's library	£3846.36	£3846.36	£2884.77
Transition Town Totnes	Relaunch Transition Streets	£6389	£12778	£0
Church of St Johns & St Mary	Connecting communities – upgrade AV equipment	£2500	£17500	£1250
South Hams Citizens Advice	Outreach at The Mansion	£6444	£7999	£6444
Network of Wellbeing Shared	News top in Bridgetown	£4350	£24991	£3262.50

OTHER AGREED EXPENDITURE FROM GENERAL RESERVE MAY/JUNE 2022 - £8475

Applicant	Project	Amount Request	Project Cost	Grant Awarded
Totnes Heritage trust	St Mary's churchyard design & consultation – maintenance of closed churchyards	£4000	£4000	£4000 funded through the general reserve
Sea Scouts	Building refurb for reopening – Community Buildings	£2000	£20000	£2000 funded through the general reserve
Totnes Bike Hub	Dr Bike workshops – Green Travel	£1950	£1950	£975 funded through general reserve
Warmheart Community Projects	A Totnes Tale – Community Arts	£2000	£16400	£1500 funding through the general reserve

6. HUMAN RESOURCES POLICIES

To review the following human resources policies:

a. Capability Policy and Procedures.

The policy was reviewed and **AGREED**.

b. Lone Working.

The policy was reviewed and **AGREED**.

c. Equality and Diversity.

The policy was reviewed and **AGREED**.

d. Pay.

The policy was reviewed and **AGREED**.

e. Confidentiality, Data Protection and Information Technology (IT).

The policy was reviewed and **AGREED**.

f. Health, Safety and Wellbeing.

The policy was reviewed and **AGREED**.

7. EXTERNAL AUDITOR REPORT

To note the external auditor report on the Annual Governance & Accountability Return.

Noted.

8. ARTS WORKING GROUP

To note the minutes of the Arts Working Group.

Noted. It was noted that it was **AGREED** to support the Seachange Festival with £800 funding.

9. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 11th October 2021 at 6.30pm.

Noted.

*The Committee will be asked to **RESOLVE** to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

10. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations.

These were reviewed and **AGREED** unanimously.

11. STAFFING UPDATE (Standing Item)

For any general or urgent updates that required confidential sharing with Councillors.

a. To consider backup support options to cover the vacant Administrator 3 post.

It was **AGREED** unanimously to allow the seasonal Tourist Information office to continue after the end of October on two days a week until an appointment can be made.

b. To consider a staff benefit in a cycle to work scheme.

The idea of a staff cycle to work scheme was **AGREED** in principle – further information will come to a future meeting for consideration.

12. STAFF ATTENDANCE

To note sickness and overtime balances.

Noted.

13. COMMERCIAL MATTERS

To consider an increase in rent for the Guildhall flat.

The commercial valuation was £850 per month. It was **AGREED** by majority to stagger the increase over two years, £775 going forward, £850 in 12 months' time. Further reviews would be undertaken on an annual basis. In regards to the issue of parking, it was **AGREED** unanimously to include parking restrictions in the reissued tenancy agreement.

Council Matters 11th October 2021

ITEM 3

To note for information our electoral roll figure is 6676 and this makes our S137 limit in the current year is **£56145.16**

SECTION 137 EXPENDITURE: LIMIT FOR 2021-2022

This is to notify you that the appropriate sum for the purpose of section 137(4)(a) of the Local Government Act 1972 (the 1972 Act) for parish and town councils in England for 2021-22 is £8.41.

As per the Council Matters decision on the second round of the Community Grants we are spending £44033 total as S137 allocations and £8475 does not need to be allocated as S137 but both expenditures should be costed to community grants making that overspent by £2508 on the original £50,000 allocation.

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ITEM 3	Council Matters October 2021 Budget Monitor	18/19 YEAR END	19/20 YEAR END	2020/21 YEAR END	2021/22 ONWARDS	Comments		
	Administration	Actual 31st March 2019 YEAR END	Actual 31st March 2020 YEAR END	YEAR END ACTUAL 2021 YEAR END	Original Budget	Current Agreed budget	ACTUAL as of 9th September 2021	Expenditure Year to date
1		190666	224062	246894	327000	327000	119793	311540
2	Salaries and pensions for all staff							Significant underspend current year. Accurate projections needed for budget planning.
3	Staff Training and Travel AND expenses	2633	3296	2287	4500	4500	1342	500
4	Deleted - Staff Eye Tests	99	50	0	0	0	0	0
5	NEW - Subscriptions			0	3500	3500	3143	3510
6	NEW - Professional Fees			0	6250	6250	1710	5318
7	NEW - Website and IT			0	5000	5000	955	5000
8	Staff Recruitment	789	1558	2575	1250	1250	945	1250
9	Phone and Broadband	2525	2870	2343	2700	2700	1335	2700
10	Office Supplies	2034	1545	1554	1750	1750	449	1750
11	Photocopier	1549	1496	1496	1600	1600	746	1549
12	Insurance	5536	7365	7431	8000	8000	7024	8000
13	Office Equipment	2012	864	5082	10000	10000	209	10000
14	NEW - Van Maintenance			0	750	750	10	750
15	NEW - TMO Tools and Consumables			0	1500	1500	479	1500
16	NEW - Car park permits, income and green socks	-408	-40	0	0	0	0	0
17	SUB TOTAL	207435	242162	269672	373800	373800	138141	363050
18	Civic and Democratic	Actual 31st March 2019 YEAR END	Actual 31st March 2020 YEAR END	Actual 31st March 2021 YEAR END	Original Budget	Current Agreed budget	ACTUAL as of 9th September 2021	
19	Mayoral Allowance	379	394	0	410	410	490	394
20	Civic and Mayoral Events (expenditure)	5902	4196	743	5750	5750	80	5750
21	Civic Events (income)	-2123	-1127	0	0	0	0	0
22	Civic Regalia	24	348	0	200	200	110	200
23	Mayoral Travel and Expenses	401	146	0	400	400	0	400
24	Councillor Allowances	3788	2623	3152	6560	6560	0	6560
25	Councillor Training and Travel	948	332	1085	1000	1000	0	1000
26	Councillor IT equipment	0	1281	2069	1500	1500	35	1500
27	MOVED TO ADMIN Professional Fees	3123	3908	11092	0	0	0	0
28	Elections	0	161	0	6000	6000	0	6000
29	MOVED TO ADMIN Subscriptions	2179	2558	3009	0	0	0	0
30	Community Outreach/Christmas	1349	4133	2456	6000	6900	1051	6900
31	MOVED TO ADMIN Website and IT	1049	11312	293	0	0	0	0
32	SUB TOTAL	17019	30281	23819	27820	28720	1766	34800
33	Tourism	Actual 31st March 2019 YEAR END	Actual 31st March 2020 YEAR END	Actual 31st March 2021 YEAR END	Original Budget	Current Agreed budget	ACTUAL as of 9th September 2021	
34	Visit Toomes Marketing	2390	4710	6108	20000	20000	2780	20000
35	Pension costs	12636	12636	0	0	0	0	0
36	Toomes Guide	14737	14719	3135	5800	5800	840	5800
37	Toomes Guide and Website income	-18260	-16844	-468	-500	-500	-1200	-1200
38	Bank Charges / Paypal	172	20	0	200	200	0	200
39	Other TIC expenditure	172	553	275	300	300	99	300
40	(Post/Phone/Uniform/Utilities etc)	11847	15294	9050	25800	25800	2519	25800
41	Guildhall	Actual 31st March 2019 YEAR END	Actual 31st March 2020 YEAR END	Actual 31st March 2021 YEAR END	Original Budget	Current Agreed budget	ACTUAL as of 9th September 2021	
42	Cleaning	2738	1545	2456	2000	2000	1058	2000

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43	Building Maintenance	27453	4160	191	5000	5000	1328	50810
44	Business Rates	5880	6015	6113	6500	6500	6413	6413
45	Water	111	120	333	200	200	64	333
46	Utilities	3783	3046	3894	3500	3500	1544	3894
47	Equipment Maintenance	2599	1281	1291	1000	1000	360	1000
48	Wedding Licence renewals and marketing	2044	71	0	2500	2500	1834	2500
49	Admissions income	-3357	-2994	0	-3000	-3000	0	0
50	Retail Sales	0	0	0	0	0	0	0
51	Hire Income WEDDINGS	-2233	-2566	-832	-2750	-2750	-2050	-2750
52	SUB TOTAL	39018	10678	13446	14950	14950	10051	14950
53	Civic Hall	Actual 31st March 2019 YEAR END	Actual 31st March 2020 YEAR END	Actual 31st March 2021 YEAR END	Original Budget	Current Agreed budget	ACTUAL as of 9th September 2021	Spent as of 9th September 2021
54	Cleaning and supplies - STAFFING EXCLUDED FROM 2019/20 and moved to core budget	9776	4362	1226	5500	5500	2153	5500
55	Feed in Tariff	3102	2156	2762	2000	2000	0	3102
56	Water	453	1389	1361	2000	2000	291	1389
57	Utilities	4855	3617	1762	4500	4500	1064	1389
58	Building Maintenance	11784	10771	2969	175000	175000	1292	1389
59	Licences	70	70	70	250	250	70	250
60	Marketing Civic Hall	28	515	0	1000	1000	20	1000
61	Equipment Maintenance	4320	6433	3320	5000	5000	688	5000
62	Paige Adams Grant towards Coretaking, Cleaning and Management costs	-27723	-31500	-7500	-30000	-30000	0	-31500
63	Feed in tariff income and Water refund income	-7808	-4899	-6728	-5200	-5200	1031	-4899
64	SUB TOTAL	-1143	-7086	-753	160050	160050	6609	-7086
65	Property Maintenance	Actual 31st March 2019 YEAR END	Actual 31st March 2020 YEAR END	Actual 31st March 2021 YEAR END	Original Budget	Current Agreed budget	ACTUAL as of 9th September 2021	Spent as of 9th September 2021
66	Guildhall Cottage Maintenance	696	65	361	2000	2000	202	361
67	Property Management Fees	1561	1962	2089	2000	2000	808	2089
68	Town Clocks amalgamated Rent and Utilities and maintenance	2443	1543	3127	2250	2250	194	2250
69	Flat 5a Loan repay	9148	9148	9148	9150	9150	4574	9150
70	Flat 5a Maintenance	110	9	275	2000	2000	362	275
71	Guildhall Office Maintenance	0	579	309	5000	5000	6	5000
72	Museum Maintenance	3588	6122	-3230	5000	5000	0	5000
73	Museum Rent Income	-2	-1	-1	-1	-1	0	-1
74	Eastgate Clock Rental	0	-1	-3	-3	-3	0	-3
75	MOVED TO CIVIC HALL - Civic Water Supply to Shop	0	-200	0	0	0	0	0
76	Guildhall Cottage Income (£850 a month)	-10750	-10200	-10200	-10200	-10200	-3386	-10200
77	Guildhall Office Income (£250 per month) (COMMUNITY/NON PROFIT GROUP)	0	0	0	0	0	0	0
78	Flat 5a Rental Income (£695 per month)	-8340	-8340	-8340	-8340	-8340	-3675	-8340
79	SUB TOTAL	-1606	1686	-6465	8856	8856	-785	1686
80	Cemetery	Actual 31st March 2019 YEAR END	Actual 31st March 2020 YEAR END	Actual 31st March 2021 YEAR END	Original Budget	Current Agreed budget	ACTUAL as of 9th September 2021	Spent as of 9th September 2021
81	Business Rates	3616	4069	4441	4750	4750	4441	4069
82	Water	143	127	144	150	150	27	127
83	NEW Waste collection				450	450	384	450
84	Grounds Maintenance (Grass cutting and tree work)	21795	21179	18009	23000	23000	5668	21179
85	Works and Maintenance (Memorials, Paths, Fences, Refuse collection)	34099	1495	1357	2000	2000	-292	34099

Underspend expected - season opening interrupted by staff shortages and CV19

NO LONGER USED

Income depends on being able to open. Plans in place for marketing and increased income.

Delayed work on office conversion

Amount confirmed by Paige Adams Trust meeting on 7th October 2021

Ongoing loan repayment

Roof repairs and fire safety work still needed but delayed due to COVID.

Moved to Civic Hall budget from 2021/22

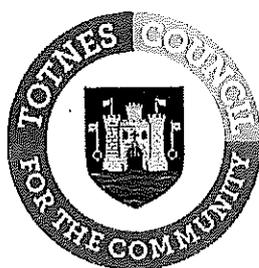
Difficult to know timescales but a decision on the purpose of the building needs to be considered before income can be budgeted. It might be income is low and the occupants are a community or charitable group or series of groups

85	Chapel	244	0	150	10000	10000	0	0	50000
86	Cemetery Fees Income Amalgamated	-8495	-11435	-8000	-8000	-4365	0	0	0
87	Memorials	0	0	0	0	0	0	0	0
88	Grant of rights	0	0	0	0	0	0	0	0
89	War Bonds	0	0	0	0	0	0	0	0
90	SUB TOTAL	51402	15495	12666	32350	5863	0	0	32350
91	Open Spaces	Actual 31st March 2019 YEAR END	Actual 31st March 2020 YEAR END	Actual 31st March 2021 YEAR END	Original Budget	Current Agreed budget	ACTUAL as of 9th September 2021	Expected Year end	
92	GENERAL MAINTENANCE (changed from Ramports Walk regular cuts and tidying)	163	0	80	500	500	64	500	
93	St Marys Churchyard (Walls and trees)	390	414	322	500	500	53	500	
94	Castle Meadow Maintenance and Water	160	57	800	250	250	108	250	Now just water
95	Castle Meadow and allotments income	-210	-210	-208	0	0	0	0	Castle Meadow lease finishes 31st March 2021.
96	SUB TOTAL	503	261	994	1250	1250	225	1250	
97	Precept and Income	Actual 31st March 2019 YEAR END	Actual 31st March 2020 YEAR END	Actual 31st March 2021 YEAR END	Original Budget	Current Agreed budget	ACTUAL as of 9th September 2021	Expected Year end	
98	Bank Charges	156	150	98	300	300	37	300	
99	Precept and Income	-355640	-494000	-635280	-545986	-545986	-272993	-545986	
100	Council Tax Grant (only guaranteed until 19/20)	-22230	-20040	-10020	0	0	0	0	NO LONGER USED
101	Charity of Paige Adams RATE ABATEMENT	0	0	0	-105000	-105000	0	0	DELAYED TO 2022 - 23?
102	SUB TOTAL	-377714	-513890	-545202	-550686	-650686	-272955	-545202	
103	Community Development	Actual 31st March 2019 YEAR END	Actual 31st March 2020 YEAR END	Actual 31st March 2021 YEAR END	Original Budget	Current Agreed budget	ACTUAL as of 9th September 2021	Expected Year end	
104	Skate Park	0	0	0	13200	13200	0	13200	Previously agreed. Further funds might be required for completion of project
105	Public Toilets	0	SEE COMMUNITY PROJE	0	20000	20000	0	20000	Annual estimate for keeping toilets free entry. Needs reviewing.
106	Caring Town/Totnes Caring Services	SEE COMMUNITY PROJE	SEE COMMUNITY PROJE	0	0	0	0	0	NO LONGER USED - see S137
107	Citizens Advice Service	SEE COMMUNITY PROJE	SEE COMMUNITY PROJE	0	0	0	0	0	
108	Neighbourhood Plan/Planning	11586	9252	71413	1000	1000	0	1000	Delay due to covid and referendum restrictions
109	Community projects SHARED SPACE and public realm	35412	76024	0	188000	188000	812	188000	Continuation of public realm and Shared Space improvements
110	Community Grants Scheme/COVID 19	0	0	0	0	0	0	0	NO LONGER USED - see S137
111	Arts and Culture and Events	2183	6185	0	13100	13100	2789	13100	Extension of community arts and events programme potentially implemented as part of the economic recovery plan. Overspend ratified by Full Council May 2021
112	Heritage Support	0	0	0	7500	7500	0	7500	Heritage action work to build links of creating partnerships
113	S137 FUNDING (Grants and Misc)	0	0	44168	50000	50000	33486	50000	Some reallocation is needed in other budget codes
114	GRANT FUNDING/PROJECT INCOME	-4736	-1845	-84500	-28303	-28303	0	-28303	Money still pending.
115	Climate Change/Green Travel	0	0	3986	10000	10000	25	10000	For climate change and green travel proposals agreed through committee, possible match funding.
116	SUB TOTAL	£44,445	£89,616	£35,067	£299,700	£274,497	£37,112	£274,497	
117	TOTAL	-£8,794	-£116,501	-£187,710	£293,890	£269,587	-£71,385	£242,217	£54,678

Reserves impact	
Total actual general reserves as start of 2021/22	£657,323
Based on the current projected 2021/22 budget, year end reserve estimate	£415,106

This figure allows for a healthy reserve remaining after all proposed expenditure in the budget, including significant investment in capital projects. The reserves policy states 6 months operational costs (core costs not the total budget) must be kept in reserve which is covered by this sum.

6E



DISCIPLINE POLICY & PROCEDURES

TOTNES TOWN COUNCIL

OCTOBER 2021

Introduction

This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work.

https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf

The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.

The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

This policy confirms:

- informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance
- the Council will fully investigate the facts of each case
- the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at <https://www.acas.org.uk/index.aspx?articleid=6608>.
- employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
- employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing
- employees may be accompanied or represented by a companion – a workplace colleague, a trade union representative or a trade union official - at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the

- meeting against the employee's wishes or prevent the employee from explaining his/her case
- the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions
 - if the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
 - any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
 - information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)
 - audio or video recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
 - employees have the right to appeal against any disciplinary decision. The appeal decision is final
 - if an employee who is already subject to the Council's disciplinary procedure raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
 - disciplinary action taken by the Council can include a written warning, final written warning or dismissal
 - this procedure may be implemented at any stage if the employee's alleged misconduct warrants this
 - except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
 - if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it,
 - the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the consent of affected parties

Examples of misconduct

Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct: The list is not exhaustive.

- unauthorised absence
- poor timekeeping

- misuse of the Council's resources and facilities including telephone, email and internet
- inappropriate behaviour
- refusal to follow reasonable instructions
- breach of health and safety rules.

Examples of gross misconduct

Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct: The list is not exhaustive

- bullying, discrimination and harassment
- incapacity at work because of alcohol or drugs
- violent behaviour
- fraud or theft
- gross negligence
- gross insubordination
- serious breaches of council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology
- serious and deliberate damage to property
- use of the internet or email to access pornographic, obscene or offensive material
- disclosure of confidential information.

Suspension

If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.

While on suspension, the employee is required to be available during normal hours of work in the event that the council needs to make contact. The employee must not contact or attempt to contact or influence anyone connected with the investigation in any way or to discuss this matter with any other employee or councillor.

The employee must not attend work. The council will make arrangements for the employee to access any information or documents required to respond to any allegations.

Examples of unsatisfactory work performance

The following list contains some examples of unsatisfactory work performance: The list is not exhaustive.

- inadequate application of management instructions/office procedures
- inadequate IT skills
- unsatisfactory management of staff
- unsatisfactory communication skills.

The Procedure

Preliminary enquiries. The council may make preliminary enquiries to establish the basic facts of what has happened in order to understand whether there may be a case to answer under the disciplinary procedure.

If the employee's manager believes there may be a disciplinary case to answer, the council may initiate a more detailed investigation undertaken to establish the facts of a situation or to establish the perspective of others who may have witnessed misconduct.

Informal Procedures. Where minor concerns about conduct become apparent, it is the manager's responsibility to raise this with the employee and clarify the improvements required. A file note will be made and kept by the manager. The informal discussions are not part of the formal disciplinary procedure. If the conduct fails to improve, or if further matters of conduct become apparent, the manager may decide to formalise the discussions and invite the employee to a first stage disciplinary hearing.

Disciplinary investigation

A formal disciplinary investigation may sometimes be required to establish the facts and whether there is a disciplinary case to answer.

If a formal disciplinary investigation is required, the Council's personnel committee will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the personnel committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The personnel committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:

- the allegations or events that the investigation is required to examine
- whether a recommendation is required
- how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report
- who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.

The Investigator will be asked to submit their findings within 20 working days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be

necessary and the Council may decide to commence disciplinary proceedings at the next stage - the disciplinary meeting (see paragraph 22).

The personnel committee will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given sufficient notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.

Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.

If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.

The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the personnel committee whether or not disciplinary action should be considered under the policy.

The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:

- the employee has no case to answer and there should be no further action under the Council's disciplinary procedure
- the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
- the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.

The Investigator will submit the report to the personnel committee which will decide whether further action will be taken.

If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

The disciplinary meeting

If the personnel committee decides that there is a case to answer, it will appoint a personnel sub-committee of three councillors, to formally hear the allegations. The personnel sub-committee will appoint a Chairman from one of its members. The Investigator shall not sit on the sub-committee.

No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The sub-committee's letter will confirm the following:

- the names of its Chairman and other two members
- details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
- a copy of the information provided to the sub-committee which may include the investigation report, supporting evidence and a copy of the Council's disciplinary procedure
- the time and place for the meeting. The employee will be given reasonable notice of the hearing so that he /she has sufficient time to prepare for it
- that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least two working days before the meeting
- that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official

The purpose of the disciplinary meeting hearing is for the allegations to be put to the employee and then for the employee to give their perspective. It will be conducted as follows:

- the Chairman will introduce the members of the sub-committee to the employee and explain the arrangements for the hearing
- the Chairman will set out the allegations and invite the Investigator to present the findings of the investigation report (if there has been a previous investigation)
- the Chairman will invite the employee to present their account
- the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements)
- any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
- the employee (or companion) will have the opportunity to sum up

The Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.

The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be further investigated by the sub-committee.

Disciplinary action

If the sub-committee decides that there should be disciplinary action, it may be any of the following:

First written warning

If the employee's conduct has fallen beneath acceptable standards, a first written warning will be issued. A first written warning will set out:

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- the employee's right of appeal
- that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve sufficiently during the currency of a prior warning, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- the employee's right of appeal
- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Dismissal

The Council may dismiss:

- for gross misconduct
- if there is no improvement within the specified time period, in the conduct which has been the subject of a final written warning
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal. If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action taken as a result of the disciplinary meeting will remain in force unless it is modified as a result of an appeal.

The appeal

An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.

The grounds for appeal include;

- a failure by the Council to follow its disciplinary policy
- the sub-committee's disciplinary decision was not supported by the evidence
- the disciplinary action was too severe in the circumstances of the case
- new evidence has come to light since the disciplinary meeting.

Where possible, the appeal will be heard by a panel of three members of the personnel committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the personnel committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the personnel committee. The appeal panel will appoint a Chairman from one of its members.

The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.

At the appeal meeting, the Chairman will:

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

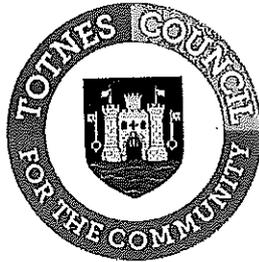
The employee (or companion) will be asked to explain the grounds for appeal.

The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, usually within five working days of the appeal hearing.

The appeal panel may decide to uphold the disciplinary decision of the personnel committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.

If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.

The appeal panel's decision is final.



GRIEVANCE POLICY

TOTNES TOWN COUNCIL

OCTOBER 2021

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. (https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf). It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
3. This policy confirms:
 - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
 - the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all

reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date.

- any changes to specified time limits must be agreed by the employee and the Council.
- an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final.
- information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR).
- audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition.
- if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure.
- if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith.
- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties.
- Employees can use all stages of the grievance procedure if the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of South Hams District Council who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (see paragraph 5).
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination.

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

Informal grievance procedure

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

Formal grievance procedure

5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chair of the Council.
6. The personnel committee will appoint a sub-committee of three members to hear the grievance. The sub-committee will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

Investigation

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

Notification

9. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:
- the names of its Chairman and other members
 - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance
 - the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
 - a copy of the Council's grievance policy
 - confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting
 - confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice
 - findings of the investigation if there has been an investigation
 - an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The grievance meeting

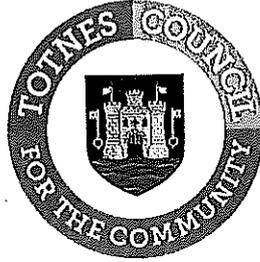
10. At the grievance meeting:
- the Chairman will introduce the members of the sub-committee to the employee
 - the employee (or companion) will set out the grievance and present the evidence
 - the Chairman will ask the employee questions about the information presented and will want to understand what action does he/she wants the Council to take
 - any member of the sub-committee and the employee (or the companion) may question any witness
 - the employee (or companion) will have the opportunity to sum up the case
 - a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.
11. The Chairman will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the

employee of the action, if any, that the Council will take and of the employee's right to appeal.

The appeal

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the personnel committee. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.
13. Appeals may be raised on a number of grounds, e.g.:
 - a failure by the Council to follow its grievance policy
 - the decision was not supported by the evidence
 - the action proposed by the sub-committee was inadequate/inappropriate
 - new evidence has come to light since the grievance meeting.
14. The appeal will be heard by a panel of three members of the personnel committee who have not previously been involved in the case. There may be insufficient members of the personnel committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the personnel committee. The appeal panel will appoint a Chairman from one of its members.
15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.
16. At the appeal meeting, the Chairman will:
 - introduce the panel members to the employee
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee
 - explain the action that the appeal panel may take.
17. The employee (or companion) will be asked to explain the grounds of appeal.
18. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
19. The appeal panel may decide to uphold the decision of the personnel committee or substitute its own decision.

The decision of the appeal panel is final.



MATERNITY, PATERNITY AND ADOPTION LEAVE AND PAY POLICY

TOTNES TOWN COUNCIL
OCTOBER 2021

Purpose and scope

This policy and procedure apply to all current employees, whether full or part-time, temporary or fixed-term.

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

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

Procedure

Telling your manager that you are pregnant

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

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

Note on the MAT B1 certificate

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

Entitlements

Ante-natal care

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

Maternity leave

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

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

At the end of your maternity leave you are generally entitled to return to the same job as you had before your leave began. If you are away for more than 26 weeks, however, there may be circumstances in which that is not reasonably practicable. In that case, the Council will provide you with a suitable and appropriate role at the same level of seniority and on no-less favourable terms and conditions.

Sick leave during your pregnancy or maternity leave

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

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

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

Early births

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

Maternity pay

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

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

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

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

Shared Parental Leave (SPL)

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

The effect of maternity leave on contractual benefits

During your maternity leave you will be entitled to receive the contractual benefits that you would normally receive if you were at work with the exception of cash benefits (e.g. remuneration and allowances).

On return to work following OML and AML you are entitled to benefit from any general improvements to the rate of pay (or other terms and conditions) that you would have received had you been at work. This may also lead to a re-calculation of your SMP Entitlements.

Annual leave

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

Dismissal or resignation

While on maternity leave you remain employed by the Council and bound by your contract of employment. If you decide that you want to leave your employment you will need to submit

your resignation in the normal way. The Council will not dismiss you for any reason related to your pregnancy or your exercise of any right which arises from it. However, if separate circumstances require your dismissal (for instance, because of redundancy) then that will bring your maternity leave to an end. If your position becomes redundant during your maternity leave then you will be offered any suitable alternative work that is available

Pension scheme

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

Maintaining contact during maternity leave

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

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

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

Keep in Touch (KIT) Days

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

Returning to work

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

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

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

is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

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

Returning to work late

Following your maternity leave, you are required to return to work on the date notified to you as your expected date of return. If you are unwell on that date then you should follow the sickness absence procedure set out in Section 4.7 of this handbook.

If you are entitled to begin some other period of leave (such as annual leave or parental leave) then you should ensure that you have followed the appropriate procedure for taking such leave as set out in this handbook.

Requesting a change to your pattern of work

You have the right to request that we consider changing your pattern of work (subject to eligibility criteria). See the Council's Working Time and Leave Policy for further details.

Your health and safety

Risk assessment

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

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

Adoption leave

Please see the Council's Working Time and Leave Policy for further details.

Where two parents are adopting a child, only one of them may take adoption leave, and the other (whether a man or woman) is entitled to take paternity leave. If both adoptive parents qualify, they may each take shared parental leave.

Employees who are proposing to adopt may take time off work to attend up to 5 adoption appointments in certain circumstances.

The arrangements for taking adoption leave are similar to the arrangements for taking maternity leave, but there are several important differences. The key ones are set out below, but if you believe you are entitled to adoption leave you should discuss the situation with the Town Clerk who will ensure that you have all the necessary information.

If you intend to take adoption leave you should notify the Council of this within seven days of being notified that you have been matched with a child for adoption (or as soon as is reasonably practicable).

Your notification should set out the date when the child is expected to be placed with you and the date when you want to start your adoption leave. You can change your mind about the start date provided the Council is given at least 28 days – or as much notice as is reasonably practicable.

The Council is entitled to require proof of the adoption which usually takes the form of a matching certificate provided by the agency placing the child.

Adoption leave will last for 52 weeks unless you choose to return early or take advantage of shared parental leave. You may choose to start the leave from the date when the child is placed with you or at any time in the preceding two weeks. If, for any reason, the placement is brought to an end – for example because the match turns out to be unsuitable – then adoption leave will continue for 8 weeks beyond the end of the placement. After that period you will be expected to return to work as normal.

Your return to work at the end of your adoption leave is on the same basis as for the end of maternity leave (set out above).

Paternity leave

Employees with six months' service will be entitled to take paternity leave if they expect to have parental responsibility for a child and they are either the mother's partner or one of the adoptive parents. The purpose of the leave must be either to care for the child or to provide support for the child's mother or adoptive parent.

There are a number of administrative requirements that must be met in relation to taking paternity leave and employees should discuss their plans with the Town Clerk at as early a stage as possible. The following paragraphs set out the basic requirements, but there are additional requirements that must be met when adopting a child from overseas and employees in this position should talk to the Town Clerk who will make sure that full information is provided.

Employees entitled to take paternity leave are entitled to take either one or two weeks of leave. If two weeks are taken they must be consecutive and no individual days can be taken except with the agreement of the Council.

Paternity leave cannot start before a child is born and must be taken at some stage within the first eight weeks following birth (except when the child is born prematurely in which case the leave must be taken within the eight weeks following the expected week of childbirth).

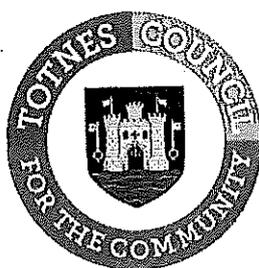
Most new parents choose to begin paternity leave on the date their child is born, but you may if you wish begin the leave at any time you choose provided that the whole of the leave is taken by the end of those eight weeks.

In order to qualify for paternity leave you must notify the Council at least 15 weeks before the expected week of your child's birth or within 7 days of having been notified that a child will be placed for adoption. Your notification should specify how much leave you intend to take and when you intend the leave to begin. Should your plans change, you will need to give the Council 28 days' notice of any revision.

Data protection

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

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



Item 40

WHISTLEBLOWING POLICY

TOTNES TOWN COUNCIL
OCTOBER 2021

INTRODUCTION

Employees are often the first to realise that there may be something wrong within their organisation. However, they may not feel able to express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. They may also be apprehensive about the consequences and they may mistakenly feel that it may be easier, therefore, to ignore the concern rather than report what may be no more than a suspicion of malpractice.

Totnes Town Council is committed to the highest standards of openness, probity, and accountability. It expects employees, and others that it deals with, who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns. The word 'whistleblowing' in this procedure refers to the disclosure, internally or externally, by employees of malpractice, as well as illegal acts or omissions at work.

This policy makes it clear that all employees can report, in a confidential manner, their concerns without fear of victimisation, subsequent discrimination or disadvantage, and is intended to encourage and enable serious concerns to be raised with the Council, rather than overlooking a problem or 'blowing the whistle' outside. It is stressed that under the Public Interest Disclosure Act 1998, employees of the Council who speak out against corruption or malpractice at work have statutory protection against victimisation, dismissal or other disadvantage.

SCOPE

This policy applies to employees of Totnes Town Council. Agency workers, casual workers and other individuals performing functions for the Council, such as contractors, are also encouraged to use the procedure.

AIMS

This policy aims to:

- Encourage employees to feel confident in raising serious concerns in those cases where they do not wish to use the normal reporting routes within their departments;
- Provide alternative avenues for raising concerns;
- Ensure that responses to concerns are made;
- Reassure employees that they will be protected from possible reprisals or victimisation if they have made a qualifying disclosure to address their concerns.

BACKGROUND

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

- A criminal offence;
- A miscarriage of justice;
- An act creating a risk to health and safety;
- An act causing damage to the physical environment;
- A breach of any other legal obligation; or
- Concealment of any of the above

It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment (e.g. disciplinary action), or victimised because he/she has made a disclosure.

The employee has no responsibility for investigating the matter; it is Totnes Town Council's responsibility to ensure that an investigation takes place.

The Council fully understands that employees who are members of a Trade Union may, in the first instance, wish to seek advice and guidance from their Union on the application of this Procedure.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the Council's Grievance Procedure.

PRINCIPLES AND SAFEGUARDS

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the council should

be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

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

Confidentiality

All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. At the appropriate time, however, they may need to be called as a witness, following a full factual investigation of the concerns raised.

Anonymous Allegations

In order to ensure that employees receive the protection of the Public Interest Disclosure Act 1998, employees should put their name to their concern.

Concerns expressed anonymously are much less convincing. Anonymous concerns and allegations will therefore be investigated at the discretion of the Council.

In exercising the discretion the factors to be taken into account would include:

- The seriousness of the issues raised;
- The credibility of the concern;
- The likelihood of confirming the allegation from factual evidence.

PROCEDURE FOR MAKING A DISCLOSURE

If you believe a Councillor has breached the councillor Code of Conduct, then raise it with the Chair of the Council. Concerns relating to an alleged breach of the

councillor Code of Conduct will be referred to the Monitoring Officer for investigation.

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

Stage 1

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

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

The action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally by management, or through the disciplinary or other internal process
- be referred to the Police
- be referred to the External Auditor
- form the subject of an independent inquiry.

Concerns or allegations which fall within the scope of specific procedures of Totnes Town Council will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

If urgent action is required this will be taken before any investigation is conducted.

You will be written to within ten working days:

- acknowledging that the concern has been received
- indicating how the Council proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you if any initial enquiries have been made
- whether further investigations will take place and, if not, why not

Stage 2

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

Stage 3

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

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

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

If a matter is taken outside Totnes Town Council, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check.

ATTENDING MEETINGS

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

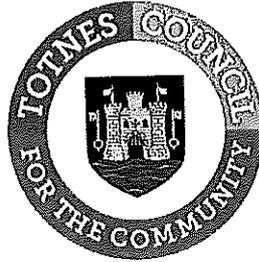
SUPPORT

Totnes Town Council will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, Totnes Town Council will advise or arrange for you to have advice about the procedure.

Totnes Town Council will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith.

Totnes Town Council accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

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



RECRUITMENT AND RETENTION POLICY

TOTNES TOWN COUNCIL OCTOBER 2021

Overview

The recruitment and retention of staff plays a crucial role in the provision of services and the continued development of Totnes Town Council. It is important that the Council has an effective process for obtaining the best people to fill the vacancies that occur. Selection should be based on merit and suitability for the post alone and the recruitment process must support this.

The Council has an Equal Opportunities Policy that applies throughout the workplace and it is particularly important that it is applied at all stages of recruitment.

Through the recruitment process there is considerable contact with members of the public and therefore the recruitment procedure should enable anyone who becomes involved in it to go away with a positive and professional impression of the Council. Each recruitment campaign should be regarded as a public relations exercise as well as a search for a new employee.

These are the key stages in the recruitment process:

- For every post there should be a job description which accurately describes the tasks and objectives of the job.
- Normally vacancies will be advertised as appropriate.
- Candidates will be assessed by interview and if appropriate other assessment methods relevant to the role, for example presentations, ability tests or in-tray exercises.
- The interview has two main purposes – to find out if the candidate is suitable for the

job, and to give the candidate information about the job and the organisation. All interviews need careful preparation if they are to be successful.

- The decision must be based solely on merit, that is, the candidate's suitability for the job on offer as described in the job description and person specification.

Aims

This policy aims to:

- Enable the Council to recruit the best candidate for the post through making it clear what the post is and what skills, experience and attributes are required.
- Set professional standards for recruitment, whether suitable candidates are easy or difficult to find.
- Ensure candidates are given the opportunity to demonstrate their abilities regardless of their race, religion or religious belief, sex or sexual orientation, age, disability or employment status.
- Help to recruit the best quality candidates.
- Ensure recruitment is seen as a key public relations exercise by all of those involved.

It should always be remembered that choice applies equally both to the recruiter and the applicant. A discerning candidate is more likely to choose an employer who applies a professional approach to recruitment.

Job description

For every post there should be a job description which accurately describes the tasks and objectives of the job. The job description should include the following:

- Identify the main purpose of the job.
- Identify the key areas of responsibility.
- Group the main tasks under logical headings if appropriate.
- Rank the main tasks in order of importance.
- Work out the functional links with people in the Council and with other work being undertaken by the organisation.
- Work out lines of responsibility: to whom is the postholder accountable and who does the postholder supervise?

Application Form

The Council will practice shortlisting as it is good practice: personal information will be kept separate from the application form so that the selection panel is not aware of the names and details of the candidates.

Advertisements

Normally all vacancies will be advertised externally. An exception can be made when a post is re-advertised within 6 months from the date of appointment. At this time applications can be taken from previous candidates and any existing member of staff.

The content of the advert should include:-

- Brief information about the organisation concerned

- Description of the post, including title and grade, role and main responsibilities (reflecting the job description).
- Experience, skills, qualifications and personal qualities required (reflecting the person specification).
- Salary and benefits.
- How to apply – usually application form.
- Closing date (all advertisements should have a closing date usually at least 2/3 weeks from appearance in chosen media).
- Interview dates.

The heading of the advertisement is of paramount importance. People look first for job title/function, location and salary. The sequence of the text should be organised in a logical way, starting with the overview and leading to the specific. The style must be reader friendly and may vary depending on the target audience. Speak as you would be spoken to using “you” and “we.” Make the text concise without repetition, factual and cliché/jargon free. Do not use words such as ‘self-starter,’ ‘change-agent’ etc. The wording of the advertisement should positively encourage all suitably qualified applicants to apply. Sell the job opportunity.

Shortlisting

Longlisting, where applicable, may be undertaken by the Clerk. The interview panel should undertake the short listing wherever possible.

The person specification will be used at the shortlisting stage to record the reasons for selection and non-selection of candidates for interview. It will contain the essential and desirable criteria against which the candidates will be measured. Assess each application against the essential criteria of the person specification using an agreed scoring system and completing a shortlisting form to be completed for each candidate.

Assessment Methods

Candidates will be assessed by interview and if appropriate other assessment methods relevant to the role, for example presentations, ability tests or in-tray exercises. It is useful to use a work-based activity to test the skills in relation to the job duties, (as opposed to just talking about them), and also helps nervous candidates to show their full abilities.

The Interview

The interview has two main purposes – to find out if the candidate is suitable for the job, and to give the candidate information about the job and the organisation. All interviews need careful preparation if they are to be successful. Questions should be prepared in advance of the interview and an interview scoring form prepared with an agreed scoring system. Each candidate should leave with a sense of being treated well and fairly and having had the opportunity to give their best, and to ask the panel questions.

A structured interview designed to cover all relevant information and assess the skills, knowledge and experience of the applicant is an efficient method of focusing on the match between job and candidate. This ensures there is a consistent approach to the interviews, which is particularly important if there are a number of candidates to be seen. The interview process will be held in accordance with Standing Orders.

It is essential to ensure that all candidates are treated equally so it is important to give each candidate an equal chance to show their attributes in each area. For this reason it is important to ensure all candidates are questioned on the same areas of knowledge, experience etc. However, should a candidate require extra assistance due to a disability, or have any special requirements these should be accommodated as much as possible.

The Decision

Having carried out the interview and any other activities, it is time to make the decision. The decision must be based solely on merit, that is, the candidate's suitability for the job on offer as described in the job description. Normally this will be the candidate who has all the essential qualities contained in the person specification and the most important desirable qualities. It would be unlawful to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post.

In order to avoid any possible accusation of bias, employees and councillors should not be involved in an appointment where they are related to the applicant, or have a close personal relationship with them outside of work. It is good practice to ask the applicant to declare this on the application form. In such cases the employee should declare this applies and alternative arrangements/selection panel will be arranged.

The reasons for selection and non-selection must be recorded in writing and kept on file for a period of 6 months. The Town Clerk should be given all interview notes as they will be kept centrally.

If no candidates fulfil all the essential criteria it is important not to appoint to the post. Most appointees will be with the Council for a number of years and although it is sometimes tempting to employ someone who does not reach the standards to cover a short-term shortfall, this can create more problems in the long term. If no suitable candidates are available then the Council Matters Committee will advise on re-assessing the situation to establish whether an alternative solution can be found. This is obviously the most important part of the process and therefore needs to be approached systematically. The panel should utilise all available information. The panel should make decisions in relation to job requirements e.g. if it is essential that somebody has management experience before the interview process, this position should be maintained. Do not simply compare candidates; always assess each candidate against the person specification. Interview assessment forms should be filled in after each interview and not left until the end. Remember biases that can influence, such as first and last impressions. Check the decision to see if it was arrived at

fairly to ensure equality of opportunity. Make notes and a record of why the candidate will be offered the job, who was second etc as this record can demonstrate a fair and competent selection process. It can also assist when providing feedback.

An employer must always be able to justify their decision in recruiting a particular person in case of an application to an employment tribunal. If the issue reached a tribunal, the Chair would have to provide evidence showing how and why you reached your decision.

The Offer

Once a conditional offer has been made and accepted, references will be taken up and a pre-employment medical questionnaire completed. If the candidate has declared a disability or, as a result of the medical questionnaire, adjustments to the post or environment are required, then these should be assessed by Occupational Health. All reasonable adjustments will be made. Totnes Town Council will send an offer letter and a Statement of Particulars. Subject to everything proving satisfactory the candidate can start.

Feedback for Candidates

Many candidates ask for feedback on their applications and interviews. For this reason, and to demonstrate there are fair reasons for the selections made, it is important to document short-listing and interview decisions. Applicants often spend a considerable time filling out applications and giving up time to attend for interview and it is important they get a good impression of the Council through this process. It is therefore only fair to give them the time and respect to explain why they have not been selected.

Probation

All employees joining the Council will be placed on a six-month probationary period with a review with their Line Manager at 3 months.

Retention of Recruitment Documents

All original application forms, references and interview notes/assessments must be returned to the Town Clerk where they will be kept for 6 months. Should a candidate submit a claim of discrimination to a tribunal, such records would be required as evidence. Information relating to employees should be retained on their personal file

Employment Law

When carrying out recruitment and selection you need to be aware of Employment Law, particularly discrimination legislation. It is important to avoid discrimination during the recruitment process. This is not only a legal requirement, but also gives you the best chance of getting the right person for the job. When interviewing people for a job there are certain questions you should not ask, either directly or indirectly, including whether a candidate is married, a partner in a same-sex civil partnership, or plans to have children. You must not attempt to elicit information about a person's sexual orientation or their religion. You could face a claim of unlawful discrimination if - because of their gender, race, etc - you were to

select a man, white person, etc for a job who is less well qualified than other candidates who were female, black, etc.

Rehabilitation of Offenders Act 1974

This Act was passed to prevent discrimination against ex-offenders once their criminal convictions are "spent". It is unlawful for an employer to ask about spent convictions or to let the fact that an applicant has a spent conviction influence a recruitment decision. However, there are a range of occupations, particularly in local government, which are excluded from the provisions of the Act. These primarily include jobs which provide services to people under 18 years of age or vulnerable adults, e.g., teachers, school caretakers, youth workers, social workers and leisure attendants. For these posts, a spent conviction will be a legitimate ground for refusing to employ someone, but the applicants must be informed that the post is not covered by the Rehabilitation of Offenders Act.

Asylum & Immigration Act 1996

Employers commit an offence if they employ a person who has not been granted leave to enter or remain in the UK, or if his or her stay in the UK is subject to a condition that precludes taking up employment. However, if before the employment began the potential employee produced suitable documentation it may then be a defence. Suitable documentation includes:-

- A current passport confirming you are a British citizen or, a national identity card, or Home Office document confirming your right to reside and work in the UK;
- A document from a UK government agency, e.g. National Insurance Card/Inland Revenue P45/P60, confirming your name and National Insurance number together with either a full UK, Ireland, Channel Islands or Isle of Man birth certificate or, a certificate of registration/naturalization confirming British citizenship or, a Home Office document confirming the right to reside and work in the UK;
- A work permit issued by Work Permits UK together with a passport or a Home Office document confirming the right to reside and work in the UK.

Equality Act 2010

The Equality Act came into force on 1 October 2010. The Act harmonises and replaces previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and ensures consistency in what you need to do to make your workplace a fair environment and to comply with the law.

Under the Equality Act 2010 it is unlawful to discriminate against people at work because of:

- Age; Disability; Gender reassignment; Marriage and civil partnership; Pregnancy and maternity; Race; Religion or belief; Sex; Sexual orientation.

Staff Retention

This policy provides the framework within which retention of staff is undertaken within Totnes Town Council.

Induction: All staff will carry out induction training as soon as possible after arrival.

Flexible Working: All staff have the right to request changes in their working patterns but they should take into account the needs of the team when making this request. (See Working time and Leave Policy)

Lone Working: The Trust believes that all of its employees, regardless of where they are located, have a right to work in an environment which is safe and where they are not put at undue risk. (See Lone Working Policy)

Secondments: These provide a valuable opportunity for staff to enhance their skills and broaden their experience and will be supported when possible.

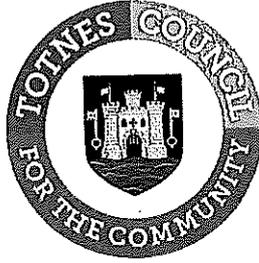
Sabbatical: Members of staff with a minimum of 26 weeks continuous service can apply for a leave of absence. This application must be made in writing to the Town Clerk who will consult the Council Matters Committee for a decision.

Communication: The Town Council recognises the importance of good channels of communication. Staff will be kept informed of events via appropriate committees or line management. The Town Council will reinforce a positive culture of communication and will not endorse gossip.

Grievance: Staff have opportunities to raise issues about which they have concerns, in the first instance through their regular staff meetings. Staff also have the opportunity to take up issues which concern them through the Grievance Policy. Any issues must first be discussed with the line manager and if a satisfactory result is not obtained at this meeting, then an official grievance may be raised as per the policy. For further information please refer to the Grievance Policy.

Continuous Professional Development: The process of education and development enables staff to maintain their competence and increase their proficiency and expertise. CPD covers a wide range of education and development activities and can be undertaken on an individual or team basis, in or away from the workplace, and on a formal or more informal basis, e.g. formal courses/learning programmes; conferences and study days; workplace-based opportunities, e.g. mentorship, secondments, projects; on-the-job learning, e.g. learning from colleagues, supervised /assessed practice, practice experience, feedback and appraisal; personal study, e.g. reading journal articles; and experiences in other areas of life, e.g. volunteering or leadership role within a community group that can be applied to work roles.

Health and Wellbeing: The Town Council will pay for an annual eye test for all members of staff who need to use a computer on a regular basis. Occupational Health services will be provided as required. Workstation self-assessments should also be carried out by staff annually. Full line management support is also provided to all staff. (See Health, Safety and Wellbeing Policy)



BULLYING AND HARASSMENT POLICY

TOTNES TOWN COUNCIL
OCTOBER 2021

Introduction

All staff should be able to work in an environment free from harassment and bullying and be treated with dignity and respect regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, or disability.

This policy and procedure provide guidance on what to do if you are concerned about bullying or harassment and what to expect if you raise concerns. It applies to all staff (whether permanent, fixed term, or casual), contractors and agency staff.

Policy

The Council does not tolerate bullying or harassment in the workplace. This is the case for work-related events that take place within or outside of normal working hours; on council property or elsewhere; whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not.

The Council does not tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal. You should also be aware that if a court or tribunal finds that you have bullied or harassed someone, in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

The council will take appropriate action if any of our staff are bullied or harassed by staff, councillors, members of the public or suppliers.

What type of treatment amounts to bullying or harassment?

Bullying is offensive, intimidating, threatening, malicious or insulting behaviour, and/or an abuse or misuse of power that undermines, humiliates or injures the person on the receiving end.

Harassment is unwanted conduct related to relevant 'protected characteristics', which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Harassment amounts to unlawful discrimination if it relates to a 'protected characteristic'.

Examples of bullying and harassment include:

- Verbal abuse or offensive comments, jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Lewd or suggestive comments
- Deliberate exclusion from conversations or work activities
- Withholding information, 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
- Subjecting a person to humiliation or ridicule, belittling their efforts, often in front of others
- Abusing a position of power

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All employees must, therefore, treat their colleagues with respect and appropriate sensitivity.

Bullying does not include appropriate criticism of an employee's behaviour or proper performance management.

Reporting concerns

What you should do if you witness an incident you believe to be harassment or bullying

If you witness such behaviour, you should report the incident in confidence to the Clerk 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 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 the Clerk or a councillor in the first instance. They will then 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 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 Code of Conduct breaches will be investigated by the Monitoring Officer.

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 our policy and must stop. Alternatively, you may wish to ask the Clerk, a colleague or another councillor 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 manager, you should raise the issue with the Chair of the Council. The Chair (or another appropriate individual) will discuss with you the option of trying to resolve the situation informally by:

- Telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a member of staff;
- That such behaviour is contrary to our policy;
- That for employees, the continuation of such behaviour could amount to a serious disciplinary offence.

It may be possible to have the conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party to facilitate a resolution of the problem. The Chair 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 a serious allegation of harassment or in cases where a problem has happened before) the council 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 the harassment or bullying to the Clerk 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 or the Chair of the Council will appoint someone to investigate your complaint. 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

... against a colleague or contractor

The alleged perpetrator(s) would need to be told your name and the details of your complaint 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 separate you whilst the matter is being investigated.

... against a member of the public or supplier

We will investigate the complaint as far as possible by contacting the member of public or the supplier's employer and asking for a response to the allegations.

... against a councillor

Formal concerns regarding potential breaches of Code of Conduct breaches will be investigated by the Monitoring Officer.

During the investigation

Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. If, after an investigation, we decide that an employee has harassed or bullied another employee, then the employee may be subject to disciplinary action, up to and including dismissal.

The Council 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 better understand your complaint. Whilst there is no Statutory right to be accompanied at investigation meetings, the Investigator will consider your request if you want to have a work colleague or union representative with you at that meeting.

Hearing

After the investigation, a panel will meet with you in a Grievance Hearing (following the Grievance Procedure) to consider the complaint and the findings of the investigation. At the meeting you may be accompanied by a fellow worker or a trade union official.

After the meeting 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.

Victimisation

Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False allegations

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. False allegations made in bad faith will be dealt with under our disciplinary procedure.

Disclosure and confidentiality

We will treat personal data collected during this process in accordance with the data protection policy. Information about how data is used and the basis for processing data is provided in the employee privacy notice.

Use of the disciplinary procedure

Harassment and bullying constitute serious misconduct. 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. Any employee found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal.

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

