

TRURO CITY COUNCIL



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5 June 2019

To: The Mayor (Cllr R J Smith)
The Deputy Mayor (Cllr B Biscoe)
Chairman and members of the
PARKS AND AMENITIES COMMITTEE

Dear Councillor

NOTICE IS HEREBY GIVEN that a meeting of the Parks and Amenities Committee will take place on **MONDAY 10 JUNE 2019 at 7.00 pm** in the **Training Room, First Floor, Truro Community Library, Union Place, Truro TR1 1EP** for the transaction of the under mentioned business:

AGENDA

- 1 **APOLOGIES**
- 2 **DISCLOSURES OR DECLARATIONS OF INTEREST**
- 3 **OPEN SESSION FOR ELECTORS OF TRURO RELATING TO ITEMS ON THIS AGENDA - VERBAL QUESTIONS (5 minutes)**
- 4 **MINUTES OF THE PARKS AND AMENITIES COMMITTEE MEETING HELD ON 8 APRIL 2019 HAVING BEEN BEFORE COUNCIL ON 29 APRIL 2019**
- 5 **VICTORIA AND WATERFALL GARDENS (EP/6)**
Request for Use - Organ Donation Garden
Parks and Amenities Manager to report on plans for a formal launch event to take place in Victoria Gardens and organised by Royal Cornwall Hospitals NHS Trust.
- 6 **BOSCAWEN PARK AND THE SWANPOOL (EP7)**
 - (i) **Request for Use – Performance Area**
Truro Evangelical Church – Following the meeting held 19 November 2019 (Minute 242 refers) the open-air church service event took place on 19 May 11:15 – 12:00. The Parks and Amenities Manager will report back on this event at the meeting. The Committee will then consider a request to hold two further such events on 23 June and 21 July 2019 11:15 - 12:00. Due to event timescale this will be a resolved item.
 - (ii) **Water Sports at Boscawen Park**
Item requested by Councillor Allen. For discussion.
 - (iii) **Tennis Pavilion and Café Redevelopment - Project Update**
Parks and Amenities Manager to report (Minute 405 (08.04.19) refers).

- 7 **HENDRA PLAYING FIELD (EP8/1)**
Request for Use
To consider a request for use of Hendra Playing Field by Hendra Community Group for a community barbeque – Sunday 30 June 2019.
- 8 **IDLESS NURSERY (EP20)**
(i) Project Update – Parks and Amenities Manager to report (Minute 250 refers).
(ii) Financing for Idless Nursery - Parks and Amenities Manager to present report by Town Clerk. Appendix A to be tabled
- 9 **STAFFING (F7)** Appendix B
Employee Policies and Procedures Manual - Update
Parks and Amenities Manager to present report by Town Clerk.
- 10 **PUBLIC CONVENIENCES (F10)** Appendix C to be tabled
Compliance Officer to report (standing item).
- 11 **BODY CAMERAS**
Parks and Amenities Manager to report.
- 12 **PUBLIC SPACE PROTECTION ORDER**
Parks and Amenities Manager to report.
- 13 **PARKS AND AMENITIES MANAGER’S REPORT (EP18)** Appendix D to be tabled
Report from the Parks and Amenities Manager relating to any information for members that does not require a recommendation.
- 14 **LETTERS OF APPRECIATION (EP11/4)**
- 15 **CORRESPONDENCE**
- 16 **DATE OF TOUR AND INSPECTION OF VICTORIA GARDENS AND BOSCAWEN PARK**
Monday 8 July 2019
Members are requested to meet at 6.30pm in the car park area under the viaduct at Victoria Gardens. The Inspection will finish with an informal meeting at Truro Cricket Club Pavilion, Boscawen Park, Malpas Road, Truro.
- 17 **DATE OF NEXT MEETING**
Monday 15 July 2019
The agenda for the next Parks and Amenities Committee to be held Monday 15 July 2019 will be prepared on Wednesday 10 July 2019. In accordance with Minute 302, should a member wish an item to be included on this agenda please inform the Town Clerk’s office by Tuesday 9 July 2019 as no items other than those on the agenda can be considered at the meeting.



ROGER GAZZARD
TOWN CLERK

10 June 2019

Staffing - Employee Policies and Procedures Manual Update

Background

Periodically Truro City Council reviews its employee policies and procedures. This was last carried out in 2015.

In 2018 the Council agreed an update to its Single Status agreement with employees.

I have attached the proposed updated manual of policies and procedures. They will also be considered by the Finance and General Purposes Committee at their meeting on 17 June 2019.

Summary of Changes

Below is a list of the changes that have been made to the policies approved in 2015.

- 'Welcome to Truro' page updated.
- Standards and Dismissal Policy name changed to Disciplinary Policy.
- Health and Safety Policy removed, referred to separate document at bottom of contents page - separate document to include smoking/vaping.
- Mortgages and Tenancy paragraph within Home Working Policy updated.
- Hospitality and entertaining paragraph within Code of Conduct and Organisational Standard Policy updated.
- Complaints address within Anti-Fraud, Theft and Corruption Policy updated.
- Conflict of interest policy added.

Recommendation

That the Employee Policies and Procedures be approved.

Roger Gazzard

Town Clerk

5 June 2019



Truro City Council

POLICIES & PROCEDURES MANUAL



Welcome to Truro City Council

As a City Council we provide members of the community with a great service. As a team we work in a friendly, professional atmosphere and are all committed to providing this valuable service. In this Policies & Procedures Manual you will find a summary of how we aim to work together, and some more detailed information on different aspects of employment with us.

The detailed terms and conditions of your employment can be found in your contract of employment with more general conditions within the Single Status Agreement.

We all experience a variety of situations during our employment, such as illness, pregnancy, bereavement. This is a guide to how we approach these and our expectations of working together. Some of these expectations are written in stone because they are legal requirements or to do with Health & Safety; others are to do with general guidance about behaviour. None of this should be onerous, as it is largely common sense about what is appropriate.

So please read this guide – it is about you and for you. It contains our detailed range of policies and procedures which are non-contractual (other than the Disciplinary & Grievance Procedures) and will change as we evolve as a Council.

If you have any questions or suggestions about the contents of these documents, please talk to us about this.

We are delighted that you are working with Truro City Council and hope that you will find your time with us fulfilling and enjoyable, as well as rewarding. We want to feel that the Council is a place which nurtures and encourages us to reach as high as we are able, or want, to go.

Town Clerk

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The Health and Safety Policy is located in the main office

Dignity & Diversity at Work Policy

Purpose and Scope

The purpose of this policy is to support Truro City Council's aim of providing a working environment that is free from all forms of discrimination and where all are treated with dignity and respect.

The policy applies to all employees and other workers within Truro City Council, and unless otherwise stated all references to employees include potential employees, former employees, full-time and part-time employees as well as agency workers, temporary workers and contractors.

Policy Statement

We are totally committed to the principle of equal opportunities and to creating a working environment in which you are treated with dignity and respect, one that is free from unlawful discrimination, victimisation or harassment on the grounds of:

- colour, race, nationality, national or ethnic origin;
- sex, marital or civil partner status or gender reassignment;
- disability of any kind;
- religion or similar belief;
- sexual orientation;
- pregnancy;
- HIV status;
- age; and
- trade union membership or non-membership.

Our commitment applies to all aspects of employment including:

- selection for vacancies;
- terms and conditions of employment;
- training, career development and progression;
- working relationships between members of staff.

We take this policy very seriously. A breach of this policy is considered to be misconduct and disciplinary action, including dismissal for serious offences, will be taken against people who do not comply with it.

What is discrimination?

Broadly, a person has been discriminated against if:

- they have been treated less favourably than another person on any of the grounds set out above; or
- a procedure or practice places a group of employees at a disadvantage on any of the above grounds; or
- they have a disability and reasonable steps have not been taken to meet their needs.

What is harassment?



Harassment is unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. It includes physical and verbal conduct and it can also be conduct of a non-verbal nature such as sending abusive e-mails, displaying offensive posters on the wall or uploading messages or photos onto websites. Harassment may be a single incident or persistent behaviour.

Harassment is unlawful where it is motivated by one of the grounds set out above but we include more general harassment within our definition. Although not exhaustive, the following are examples of types of behaviour that may amount to harassment:

- physical violence actual or threatened;
- physical or verbal abuse;
- threats;
- suggestive comments or gestures;
- offensive or intimidating gestures, language, gossip or jokes;
- insulting or abusive behaviour or comments;
- isolation or exclusion such as 'sending someone to Coventry';
- spreading malicious rumors;
- bullying;
- unreasonable persistent criticism or humiliation;
- unfair allocation of work or responsibilities;
- misuse of power or position.

What is sexual harassment?

Sexual harassment is one form of harassment. Generally it involves behaviour towards another, where the perpetrator knows or should know that the behaviour is unwelcome because it is offensive and is perceived to be of a sexual nature.

Although not exhaustive, the following are examples of types of behaviour that may amount to sexual harassment:

- Physical conduct of a sexual nature - unwanted physical conduct, including unnecessary touching, brushing against another employee's body.
- Verbal conduct of a sexual nature - unwelcome sexual advances, continued suggestions of social activity outside work after it has been made clear that this is unwelcome.
- Non-verbal conduct of a sexual nature - the display of sexually suggestive or pornographic pictures or the sending of sexually harassing messages or images through electronic mail, the internet or mobile phone.
- Sex-biased conduct - Conduct that denigrates, ridicules, is intimidatory or physically abusive of an employee because of their sex, marital status or sexual orientation.

Sexual harassment by someone of the same gender as the victim also amounts to harassment.

What is victimisation?

Someone is victimised where they suffer unfavourable treatment because they have, in good faith, made a complaint under this policy, acted as a witness or accompanied a complainant at a meeting.

Responsibilities – Working with Truro City Council

It is your obligation to be sensitive about the impact that you have on others and behave in a way that supports our policy when dealing with everyone that you come into contact with as part of your employment with Truro City Council. Our policy is not designed to discourage normal social relations among colleagues or with the public but aims to prevent discrimination, harassment and victimisation.

Our policy applies not only at Truro City Council's premises but anywhere you are working as part of your employment with the Council. This includes any social occasions organised by the Council.

You must not instruct or aid someone to carry out an act of discrimination, harassment or victimisation or condone discrimination, harassment or victimisation by others. You have a responsibility to promptly report any such behaviour of which you become aware.

Responsibilities – As a Manager/Supervisor

In addition to your general responsibilities above, it is also your responsibility to apply this policy as part of your day to day management within Truro City Council and to make sure that your team are aware of and complying with this policy.

Personal Liability

All workers should note that you may be held personally liable for some acts of harassment that you commit, encourage others to commit or that you do not deal with, prevent or report once aware of them. This can lead to your being required to pay compensation to a victim of harassment.

Complaints under this Policy

We encourage employees who have a complaint to raise this as promptly as possible as this is more likely to enable the facts to be established accurately and a successful resolution to be achieved. We aim to deal with all complaints as quickly as possible. Truro City Council will take all complaints seriously and no employee who makes a complaint in good faith, or participates in an investigation or a complaint will be victimised for doing so. Complaints may be made against members of the Council and these will be approached with the same objectivity and thorough investigation as any other complaints.

We treat all complaints as confidential but it maybe necessary to disclose certain information to other personnel or during disciplinary action. We will seek to act in accordance with the wishes of complainants and witnesses concerning their identity but cannot guarantee anonymity.

Truro City Council will take a view on whether behaviour complained of amounts to harassment considering both the effect on the complainant and whether the behaviour complained of would reasonably be expected to have caused such an effect. This means that harassment may have taken place even if there was no intention to cause offence. It is also possible that an individual may find behaviour objectionable that Truro City Council views as reasonable or legitimate

Complaints that are not made in good faith and involve deliberate misuse of the above procedure may result in disciplinary action being taken against the complainant.

Informal Stage

You should consider whether it is appropriate to raise the matter directly with the person concerned in order to resolve the problem. If it is not, you should speak to your manager or if you feel unable to discuss the matter with your manager then you should discuss it with either the Town Clerk of Truro City Council or the retained Personnel Adviser.

Following your discussion, you will be asked to choose one of the following options:

- agree that no further action is necessary;
- agree to discuss the complaint with the individual who is alleged to have caused offence to ask them to stop;
- put your complaint in writing to the person causing the problem;
- ask a friend or colleague to speak to the person on your behalf;
- ask your manager / the Town Clerk / retained Personnel Adviser to help to resolve the matter through informal and/or discreet approaches; or
- raise a grievance about your concerns.

If you are not satisfied with an informal approach, a grievance can be made at any stage.

Formal Stage

If you prefer, you may use a more formal approach to resolving the problem by raising a grievance at Stage 1 of that policy. The formal procedure may be more appropriate in instances of serious complaint or where an attempt at informal resolution has not been successful. It is up to you to decide what the best approach is. Please be aware, however, that Truro City Council has a duty to protect all its workers and may be obliged to pursue a complaint independently, if considered necessary and appropriate in all the circumstances.

The normal provisions of the grievance policy apply to a complaint regarding discrimination, harassment or victimisation including the right to be accompanied at a grievance meeting and to appeal the Stage 1 outcome. Your written grievance should be signed and dated and include full details of the behaviour complained of, the identity of the alleged harasser, any documentary evidence, witnesses and any action that has been taken to date.

Following receipt of your grievance the allegations will be investigated as carefully and discreetly as possible. This will involve hearing detailed accounts from all parties. Other members of staff may also be asked to provide information. Documents, e-mail and other evidence may be considered.

Where a formal investigation has been conducted and where it has been reasonably concluded that some form of discrimination, harassment or victimisation may have taken place, those responsible will be subject to our normal disciplinary policy. Action will not normally be initiated without the agreement of the complainant but there are some circumstances where Truro City Council may need to pursue the matter formally. For example, if other people could be at risk if no action is taken.

The outcome of any disciplinary procedure will depend upon the circumstances. Consideration may be given to redeploying either the discriminator/harasser or the complainant if this is practicable. If redeployment is considered, the wishes of the complainant will be taken into account and the complainant will not usually be redeployed if they do not want to be: unless this is considered impractical on grounds of efficient or effective working.

Supporting Dignity & Diversity at Work

Special requirements relating to Equal Opportunities

We understand that people's needs at work are different and that some employees may have special requirements. For example, employees of a particular religion may need somewhere quiet to pray during their lunch break, need to take holiday on a particular day for a religious event, or need to have somewhere to store specially prepared foods. Alternatively you may have a disability and may feel that you need to have changes made to your workplace to help you do your job. Please speak to your manager if this is the case.

We will accommodate your requirements where it is possible and practical for us to do so but we cannot do so unless you let us know. Where you need particular time off, or are requesting a temporary change to your working hours, your manager is more likely to be able to accommodate this if you let them know well in advance.

Recruitment & Selection

The recruitment and selection process will be free from bias or discrimination. Recruitment will be managed objectively and decisions about suitability for vacancies will be based on specific and reasonable job criteria. Truro City Council is positively committed to making reasonable adjustments for those who have a disability in the recruitment and selection process, or to enable someone to work with us.

Employment Conditions

Terms and conditions of employment, including pay and benefits, will be offered to employees fairly and consistently. Part-time employees will be provided with comparable employment conditions on a pro-rata basis to full-time employees unless different treatment is objectively justifiable.

DRAFT

Work-Life Balance Policy

Purpose and Scope

Time is a valuable resource both for the Council and for each of us in managing the different commitments of our lives. This policy communicates the different ways in which the Council can support you by providing time for you to meet responsibilities to family, dependents and the community or to achieve personal goals. We hope that in doing so this will help you to plan for your commitments outside of work. We aim to deal with all requests under this policy in a fair and consistent way.

The policy also explains to whom, and when, you need to make requests for time off so as to take advantage of these benefits while satisfying legal requirements for notice and providing information to your employer. If there is at any point a discrepancy between our provisions and the statutory rules, then the statutory rules will apply.

This policy is non-contractual and does not form part of your terms and conditions of employment.

Summary of different forms of time-off work and flexible working

<p>Holiday Medical & Dental Appointments Paternity Leave & Pay Adoption Leave & Pay Parental Leave Emergency Leave for dependents Compassionate Leave Public Duties Requests for flexible working Maternity Leave and Pay Shared Parental Leave</p>

Complaints about application of this Policy

If you feel that any aspect of our Work-Life Balance Policy has not been fairly followed or that you have suffered a detriment as a result of a request or taking leave under this policy then you should raise this through the Grievance Policy.

If in making a request or taking leave under this policy you have intentionally misled the Council about your entitlement this may lead to disciplinary action.

HOLIDAY

Eligibility	Application Process	Provision	Pay during this period	Notes
All employees	<p>Your manager's agreement is required prior to taking annual leave. You must complete the holiday approval sheet and obtain your line manager authorisation in advance.</p> <p>As a minimum please provide 1 day's notice for 1-2 days holiday; and 1 week's notice for 1 weeks holiday.</p>	Please refer to your contract.	This is a flat rate as per your contract.	New employees will be entitled to holiday proportionate to completed months of service during the holiday year of entry.

Medical & Dental Appointments

Eligibility	Application Process	Provision	Pay during this period	Notes
<p>All employees</p> <p>Employees with care responsibilities for dependents.</p>	Provide as much notice to your manager as possible.	Employees are requested to try and minimise disruption to the working day as much as possible by scheduling such appointments at the beginning or end of the day.	Time-off for medical or dental appointments is unpaid, unless your manager agrees beforehand that you make up the hours or that you will be paid (appointments for employees only).	Your manager may ask you for evidence of an appointment, such as an appointment card from your surgery.

Paternity Leave & Pay

Eligibility	Application Process	Provision	Pay during this period	Notes
<p>You may be male or female. You expect to have responsibility for bringing up the child. You are the biological father of the child, are married to or partner to, the child's mother or adopter. A partner is defined as a person of the same or opposite gender living with the mother or adopter in an enduring relationship but who is not a relative. You must have 26 weeks continuous service by the qualifying week (15th week before EWC) or if the child is adopted ending with the week you were notified by the adoption agency of the approved match.</p>	<p>Notify your manager of the date you wish your paternity leave to start and its duration by or before the 15th week before EWC (see note in provisions section).</p> <p>Alternatively within 7 days of notification from the adoption agency of the approved match.</p> <p>You can vary the start or duration of your paternity leave by providing 28 days notice in writing or as soon as practicable. Please note that a delay in notifying us of a change could affect your entitlement.</p>	<p>You may take 2 weeks for each child (maximum two weeks if more than one child born at same time or placed for adoption at the same time).</p> <p>You may take 2 consecutive weeks or 1 week paternity leave but not 2 separate 1 week blocks of leave.</p> <p>Paternity leave can only be taken from the date of the birth or placement but not before then. It must also be taken within 56 days of the beginning of the EWC or birth (whichever is later) or placement for adoption.</p>	<p>Statutory Paternity Pay (SPP)</p> <p>To qualify for SPP your earnings must be above the lower earnings limit for paying NI contributions and you must meet the eligibility requirements.</p> <p>SPP shall be paid at the current rate or 90% of normal weekly earnings whichever is the lesser.</p> <p>Normal weekly earnings are calculated as average pay over the eight weeks before the 15th week before EWC or before the week in which you notified of the approved match (adoption).</p> <p>SPP is subject to deductions for income tax and NI contributions.</p> <p>During paternity leave all terms & conditions of employment continue to apply, except for those relating to salary.</p>	<p>If claiming paternity you may not also claim maternity or adoption leave.</p> <p>The Green Book currently provides for maternity support leave, and so this paternity leave is a similar right. Employees who qualify for both paternity leave and maternity leave will be entitled to one weeks' leave with normal pay and one weeks' leave paid at the flat rate of SPP.</p>

Adoption Leave & Pay

Eligibility	Application Process	Provision	Pay during this period	Returning to Work	Notes
<p>All employees.</p> <p>The 'adopter' must be adopting a child under the age of 18.</p> <p>If a couple have adopted: one may choose to take adoption leave and the other will be entitled to paternity leave.</p> <p>Stepparent and foster parents are not entitled to adoption leave.</p> <p>You must have 26 weeks continuous service by the end of the week in which the adoption agency notified you of the approved match.</p>	<p>Notify us in writing within 7 days of receiving notification from the adoption agency of having been matched with a child for adoption.</p> <p>You should state:</p> <ul style="list-style-type: none"> o The date you expect the child to be placed with you; o When you want your adoption leave to start. <p>If you are also claiming Statutory Adoption Pay ('SAP') you should also state:</p> <ul style="list-style-type: none"> o The date SAP is to commence; o The name & address of your adoption agency; o The date you received notification of the match; o Include a declaration that you meet the requirements to claim SAP and confirming that you are not claiming Statutory Paternity Pay. <p>If claiming SAP this letter should be given at least 28 days before you would like SAP to commence.</p>	<p>The Council will write to you to advise you in detail of your entitlements etc. on receipt of your application for adoption leave / SAP.</p> <p>Adoption Leave</p> <p>Maximum entitlement is 26 weeks ordinary adoption leave (OAL) and 26 weeks additional adoption leave (AAL).</p> <p>OAL can begin up to 2 weeks before the expected date of placement or from the day of placement.</p>	<p>Pay during adoption leave will match that provided under the maternity leave scheme. Please refer to the maternity policy for full details of pay applicable in these circumstances.</p>	<p>You do not need to give notice to return to work at the official end of the adoption leave period. However, if you intend to come back earlier you must provide at least 8 weeks' notice of this.</p> <p>If you do not wish to return to work, you should give the notice required by your contract.</p> <p>You are normally entitled to return to work in the same capacity in which you were employed prior to your adoption leave. If this is not reasonably practicable we will discuss this fully with you. You may be offered a suitable alternative position on terms and conditions which are no less favourable</p>	<p>We may ask you to confirm some details about the adoption, including one or more documents from the adoption agency.</p> <p>Adoption leave is per placement, so if more than one child is adopted as part of the same placement, the leave entitlement remains the same.</p>

Parental Leave

Eligibility	Application Process	Provision	Pay during this period	Returning to Work	Notes
<p>All employees.</p> <p>You need to be a parent, adoptive parent or to have acquired formal parental responsibility for a child.</p> <p>Qualifying Period You may take parental leave within 18 years of the child's birth date. An adoptive parent may take parental leave within 5 years of the date of placement or the child's 18th birthday whichever is the sooner.</p>	<p>Write to your manager requesting parental leave & providing 21 days or more notice (or of the expected week of child birth or placement)</p> <p>We will write to you within 7 days to let you know whether your request has been approved. If it would cause undue business disruption to approve your request, it may be postponed, for up to 6 months. However, you will then be able to take a period of leave, of the same duration, within the following 6 months.</p>	<p>You may take up to 13 weeks parental leave during the qualifying period. (Pro-rata for part-time members of staff). Parents of a disabled child may take up to 18 weeks parental leave in the qualifying period.</p> <p>Leave may be taken in blocks of 1 week: up to a maximum of 4 weeks in any one leave year. Parents of a disabled child may take parental leave in blocks of 1 day or more.</p>	<p>Parental leave is UNPAID.</p> <p>Statutory working time holiday will continue to accrue during a period of parental leave.</p> <p>During parental leave your contract of employment remains in existence but only certain terms and conditions continue to apply, amongst these for example are notice requirements, confidentiality and restrictive covenant obligations. If you require further information about this please speak to your manager.</p> <p>Continuity of service is preserved during and on returning to work from a period of parental leave.</p>	<p>You will be reinstated in your previous job unless:</p> <ul style="list-style-type: none"> ○ The period of parental leave exceeds 4 weeks; ○ It follows immediately on from additional maternity or adoption leave (or some types of consecutive periods of related leave). <p>In these circumstances you will be reinstated in your previous job unless this is not reasonably practical: in which case we will find another job which is suitable and appropriate for you in the circumstances on no less favourable terms & conditions.</p>	<p>A disabled child is defined as one for whom a Disability Living Allowance has been awarded.</p> <p>We may make enquiries about parental leave already taken with a previous employer.</p> <p>The right to parental leave is additional to maternity, adoption, paternity pay & leave.</p>

Emergency Leave for Dependents

Eligibility	Application Process	Provision	Pay during this period	Notes
<p>All employees.</p> <p>A dependent is your spouse or civil partner, child, parent or a member of your household (but not someone living with you because they are an employee, tenant, lodger or border).</p> <p>In the case of illness, injury or assault: someone who reasonably relies on you for assistance or arranging care in such a situation.</p>	<p>As <u>soon</u> as <u>reasonably practicable</u> you should inform your manager that you are going to or are taking time off for this purpose. You should at the same time inform them how long you expect to be absent.</p>	<p>This leave is to allow you to deal with unexpected and sudden situations for a dependent. It is intended to allow you to deal with the immediate problem only.</p> <p>Such situations are:</p> <ul style="list-style-type: none"> ○ Providing assistance if a dependent is ill, gives birth, is injured or assaulted; ○ Making provision for the care of a dependent who is ill or injured; ○ Due to the unexpected disruption or termination of care arrangements for a dependent; ○ Due to an unexpected incident involving your child when an educational establishment is responsible for them. 	<p>Leave for a dependent is unpaid, unless your manager authorises it as paid time off.</p>	<p>We may ask you to take another form of leave if we believe that the time being taken under this policy is beyond what is necessary to resolve the immediate situation.</p>

Compassionate Leave, Public Duties & Jury Service

Eligibility	Application Process	Provision	Pay during this period	Notes
All employees. To respond to the death of a partner or child.	Speak to your manager as soon as possible.	Up to 10 days compassionate leave.	Basic salary will continue to be paid.	Consideration will be given to providing a further period of paid or unpaid leave depending on individual circumstances.
All employees. To respond to the death of a relative of close friend.	Speak to your manager as soon as possible.	Up to 5 days compassionate leave.	Basic salary will continue to be paid.	Consideration will be given to providing an additional period of up to 5 days unpaid leave depending on individual circumstances.
Employees with at least 2 years service. Family support leave.	Speak to your manager as soon as possible. Leave is granted by the Town Clerk depending on individual circumstances.	Up to 37 hours paid leave each year to care for elderly or seriously ill spouse, partner, child or close relative.	Basic salary will continue to be paid.	If an employee's child is sick for longer than 37 hours in a year the following may be considered: <ul style="list-style-type: none"> • Working from home • Annual leave at short notice • Mix of home working and unpaid leave.
Employees with at least 2 years service who are the main carer of a terminally ill spouse, partner, child or close relative.	Speak to your manager as soon as possible.	12 weeks unpaid leave in each year.	Unpaid	
All employees. Compassionate leave.	Speak to your manager as soon as possible. Leave is granted by the Town Clerk depending on individual circumstances.	2 weeks paid leave or 6 weeks unpaid leave.		The Town Clerk can give approval for up to 2 weeks paid or 6 weeks unpaid leave for other compassionate reasons not captured by any of the above.

All employees	Discuss any public duties you are considering entering into with your manager. You should gain written approval for taking up such duties (or continuing with them on joining the Council) from your manager.	You are expected to provide your manager with adequate notice of these duties and to make every effort to make up any time spent on public duties.	Leave for public duties is unpaid.	
All employees	If called to Jury Service you should inform your manager as soon as possible. If necessary a request may be submitted to be excused.	You will need to submit a Loss of Earnings Form from the Court and claim any allowances or expenses to which you are entitled.	Leave for Jury Service is unpaid by the Council.	You should attend work on days or half days when you are not required at Court. If required to attend Court as a witness you will be asked to take as annual leave or unpaid leave may be authorised by your manager.

Flexible Working Requests

Eligibility	Application Process	Provision	Notes
<p>All employees, whether currently full or part-time. You must have 26 weeks continuous service.</p> <p>Only 1 request for flexible working may be made in a 12 month period.</p>	<p>Discuss your request with your manager in the first instance. Thereafter if you decide to make a formal application complete the Council's 'Flexible Working Request Form'.</p> <p>Within 28 days either your request will be approved or you will be invited to a meeting to discuss the changes you have requested. You may be accompanied at such a meeting by a colleague. You will then be advised of a decision within 14 days of the meeting (or if there will be a delay you will be kept informed and an alternative timescale agreed with you).</p> <p>The decision may be to agree your request, suggest an alternative or your request may be refused. If your request is refused we will tell you why this is.</p> <p>If your request is refused you may appeal this decision by writing to us within 14 days of the date you are informed of the decision. A further meeting will be arranged (unless the request is agreed at that point) within 14 days and a decision will be given to you within the following 14 days. You may be accompanied by a colleague at an appeal meeting. The outcome of the appeal meeting is final.</p>	<p>You may request a change in the hours you work, the times that you work and whether you work (& for what balance of working time) at home or on the Council premises.</p>	<p>We will consider any request made carefully and in a non-discriminatory manner. In considering your request we will take into account the need to achieve Council's objectives and the impact on other team members of the proposed changes.</p> <p>There may be a trial period of a new arrangement before a final decision is made or the new arrangement may apply for a time limited period.</p>

Maternity Leave and Pay Policy

Purpose and Scope

Pregnant employees have a number of important statutory and contractual rights which include such things as **maternity leave, pay, ante-natal care** and a **right to return to work**.

The Employment Act 2002 introduced new maternity rights for female employees with effect from 6 April 2003. The Work and Families Act 2006 also brought into force various changes to maternity rights, which affect those employees expected to give birth on or after 1 April 2007. These changes required amendments to be made to the maternity provisions provided in the terms and conditions of employment for Local Government Employees (the 'Green Book'). The changes to these provisions are detailed under the headings above, together with information regarding how the maternity scheme will operate locally within the Council.

Maternity Leave

All employees, regardless of service are entitled to a total of 52 weeks maternity leave provided they comply with the notification procedures.

Maternity leave comprises a period of 26 weeks ordinary maternity leave (OML) and a further period of 26 weeks additional maternity leave (AML). The AML will commence at the end of OML. The leave can commence at any time from the eleventh week before the expected week of childbirth (EWC), or from the day following childbirth if that is earlier.

Compulsory Maternity Leave

Compulsory Maternity leave refers to the two weeks commencing with the day of childbirth, when a woman is not allowed to work by law. This forms part of the OML period.

Contractual rights

Full contractual rights (except remuneration) will be maintained throughout the maternity leave period, for example annual leave entitlement.

Annual Leave/Bank Holidays and Maternity Leave

Employees continue to accrue annual leave during their maternity leave and where possible should take all leave that they have accrued during the current holiday year, prior to the commencement of their maternity leave.

The Town Clerk may give approval for up to 5 days (37 hours) leave (pro rata for part time workers or job sharers) to be carried forward to the next leave year.

Managers and employees are advised to discuss the planning of annual leave in good time before maternity leave commences.

On return from maternity leave employees will be entitled to their full holiday and bank holiday entitlement for the current leave year (less any already taken for the current holiday year before maternity leave commenced).

However, should an employee leave the Council's employment having taken more leave than has been accrued, the value of any excess will be deducted from the final salary.

Maternity Pay

When the Payroll Manager receives the completed notification forms and the MATB1 certificate (issued by the GP or midwife) from the employee, he/she will write to her to inform her whether she qualifies for Statutory Maternity Pay and the amount of maternity pay to which she will be entitled.

Statutory Maternity Pay (SMP)

SMP is paid by employers on behalf of the Government. The SMP period is now 39 weeks. Employees are eligible for SMP if they meet the following criteria:

- they have been continuously employed with the Council for at least 26 weeks up to and including the 15th week (the qualifying week) before the expected week of childbirth;
- they have average weekly earnings in the eight weeks up to and including the qualifying week (or the equivalent period if they are monthly paid) which have been at least equal to the lower earnings limit for National Insurance contributions;
- they have provided the Council with proper advance notification of the date when the baby is due, at least 21 days before the absence is due to start;
- they have actually ceased work;
- they have not been taken into legal custody;
- they have not moved outside the European Community

If any of the above conditions do not apply, an employee may not be entitled to SMP, but may be eligible for Maternity Allowance.

Maternity Allowance

This is paid by the Department of Work and Pensions (DWP), direct to the employee if she does not qualify for SMP and if she has earned an amount that is equal to or greater than the lower earnings limit for National Insurance contributions for at least 26 weeks in the 66 weeks ending with the week before the baby is due. The maternity allowance is paid for up to 39 weeks at the standard rate of statutory maternity pay.

If an employee is entitled to maternity allowance she is obliged to inform the Council of this.

Occupational Maternity Pay (OMP)

Employees who have completed one years' continuous service at the beginning of the 11th week before the expected week of childbirth are entitled to OMP as follows:

- i. for the first 6 weeks of absence an employee is entitled to 9/10ths of a week's pay (inclusive of SMP and Maternity Allowance)
- ii. an employee who has declared in writing that she intends to return to work will receive 12 weeks half pay (plus SMP or Maternity Allowance where eligible) provided that the total does not exceed full pay. This is normally paid from the 7th to 18th week of absence, but the employee can request that payment of this sum (i.e. 12 weeks half pay be distributed over any other period of the maternity leave or paid as one lump sum at the end of the period of leave.

If an employee does not return to work for a period of at least three months, she will be required to repay the Occupational Maternity Half Pay.

An employee who does not intend to return to work, will only be entitled to receive the 6 weeks occupational maternity pay described above plus a further 33 weeks SMP.

Notification Requirements

By the 15th week before the expected week of childbirth an employee must notify her manager of the following:

- that she is pregnant
- the expected week of childbirth
- the date of the start of her maternity leave (giving at least 28 days notice)

She should complete the SW30 and amended SW31 form (available in the Maternity Information Packs given to pregnant employees).

Within 28 days of receiving the employee's notice, the Manager will inform the employee of their expected date of return, assuming they will take their full entitlement to maternity leave.

Time off for Ante Natal Care

All pregnant employees will be eligible for paid time off to attend ante-natal care appointments. This can include parent craft and relaxation classes provided it is on the advice of a registered medical practitioner, registered midwife or registered health visitor.

Time off will not be unreasonably refused. Whether a refusal is unreasonable or not will depend upon individual circumstances. The Council will grant time off when requested unless it is clear that an employee is abusing their rights. The Council can ask employees to rearrange appointments where it is reasonable to do so.

The Council may request evidence of ante-natal appointments.

Health and Safety

When an employee informs her Manager that she is pregnant, the Manager will carry out a risk assessment of her work environment and complete the checklist. A copy of the completed checklist will be placed on the employee's personal file.

Premature Birth

Where a baby is born prematurely, each case will be looked at on its own merits.

If an employee gives birth before starting maternity leave, the maternity leave will start on the day following the birth.

Death of a Baby and Still Birth

If a baby dies or is still-born after 24 weeks' pregnancy the employee is entitled to the provisions of the maternity scheme in respect of pay and leave.

Where this occurs before 24 weeks (miscarriage), sympathetic consideration will be given to the circumstances and where necessary special leave or sick leave will be granted, as appropriate, on the basis of individual circumstances. The decision should be advised by the needs of the employee and medical opinion.

Optional 'Keeping in Touch Days'

Employers and Employees can now benefit from optional 'keeping in touch days'.

Up to ten days' work under the employee's contract of employment may be undertaken at any stage during the maternity leave period, by agreement with the employer, with the following exception:

- during the first two weeks after the baby is born (or during the first four weeks if the employee works in a factory).

The type of work that the employee undertakes on keeping in touch days is a matter for agreement between the two parties.

Payment for Keeping in Touch Days

Because keeping in touch days allow work to be done under the employee's contract of employment, the employee is entitled to be paid for that work. The rate of pay is a matter for agreement with the Council, and may be as set out in the employment contract or as agreed on a case-by-case basis. **These matters should be discussed and clearly agreed before any work is undertaken.**

If the employee is receiving statutory maternity pay, the Council will continue to pay her SMP for the week in which any keeping in touch work is done by the employee.

Continuous Service during Maternity Leave

An employee's contract of employment will continue throughout her maternity leave period. The employee will continue to accrue contractual entitlements, including paid annual leave.

Return to Work

The minimum notice required in the event of an early return to work is 7 days (for those employees with less than 26 weeks continuous local government service at the end of the 15th week before birth) and 21 days (for those employees who have 26 weeks or continuous local government service).

In all cases, it will be assumed that the employee will return to work at the end of her full entitlement to maternity leave unless otherwise notified.

In a situation where an employee changes her mind about the date she intends to return, where she has already notified an early return date, but wants to return even earlier eight weeks notice must be given (instead of 28 days).

There is also a statutory obligation on the Council to consider requests from parents to enable them to work more flexibly. The purpose of the request must be to care for a child under the age of 17, or under 18 years if the child is disabled.

Returning to Work on Reduced or Altered Hours

There is no automatic right for women to return to work on reduced or altered hours following maternity leave. However, should an employee request to return on a part-time or reduced hours basis (including job share), the Council will consider whether this is feasible and inform the employee of their decision as soon as possible in order that the employee can determine whether or not they wish to return to work.

If the Council is unable to offer the employee her post on a part-time basis due to operational reasons, other vacancies will be considered for her. It should be noted that if an employee agrees to return to a temporary post, there is no guarantee of employment when the temporary post ceases, although efforts to find suitable permanent employment will continue. In addition, should an employee return to a post on a lower grade, protection is not automatically available.

Where a request to return to work on a reduced hours basis is approved, contractual maternity pay should be based on the hours and grade applicable prior to the maternity leave. The obligation to return for three months (including holidays) to the post to qualify for the maternity pay is met despite the reduction in working hours, where the new conditions have been agreed in writing by both parties.

Employees who do not Return to Work

Many women will wish to protect their position by declaring their intention to return to work after maternity leave, making them eligible to receive the half pay element of their contractual maternity allowance.

Where the actual return may be doubtful, employees should be strongly advised to have the payment of this part of the allowance postponed until their return to work.

Returning to Work with Another Authority

Where a woman transfers to employment with another local authority during her maternity leave such a change of employment should not automatically result in the requirement to refund maternity pay to the original employer through failure to return to the original job for three months. The requirement for women to return to work as a qualifying condition for entitlement to 12 weeks' half pay is met by a return to work within the local authority sphere as a whole rather than with the original employer.

Resignation during Maternity Leave

Where an employee takes unpaid leave and then advises her manager that she does not wish to return to work, her last day of employment is the date of acceptance of the resignation.

Pension Contributions during Maternity Leave

Employees who are in the Local Government Pension Scheme are required to continue to pay contributions to the Scheme throughout any maternity pay period. Contributions will be based on their actual maternity pay and will be automatically deducted from their pay by the Payroll Section.

After an employee's entitlement to maternity pay has expired, she may elect to continue paying contributions to the Pension Scheme. In order to do so, she will be required to complete Form SW32(S), which is provided in the Maternity Information Pack – Guidance for Employees.

Shared Parental Leave

Definitions

SPL – Shared Parental Leave

SML – Statutory Maternity Leave

SPL – Statutory Paternity Leave

SMP – Statutory Maternity Pay

ShPP – Statutory Shared Parental Pay

SPLIT days – Shared Parental Leave In Touch days

KIT – Keeping In Touch days

What is Shared Parental Leave?

Shared parental leave (SPL) is a statutory right available to employees who have a baby due or a placement date for a newly adopted child on or after 5th April 2015. It enables eligible working parents to share paid time off for up to 50 weeks of leave, rather than just the new mother taking paid leave (maternity leave). SPL may be taken by parents at the same time as each other or with each parent taking different periods of leave.

Eligibility for Shared Parental Leave

Parental Responsibility

To be eligible for SPL, both parents must share the responsibility for the care of the child at the date of the birth or the date of the adoption placement.

The relationship to the child must be as:

- The mother/adopter of the child;

And either:

- The father of the child; or
- The mother/adopter's spouse or civil partner, at the date of the child's birth/adoption; or
- The mother/adopter's partner of the same or different sex, at the date of the child's birth/adoption. A partner must be in an enduring family relationship with the mother/adopter. Parents, grandparents, children, grandchildren, siblings, aunts, uncles, niece or nephews will not be considered as a partner.

Additionally you and your partner must jointly satisfy each of the following criteria to be eligible for SPL:

- You or your partner must be entitled to statutory maternity/adoption leave;
- **Continuity Test** – One parent/adopter must have worked continuously for the same employer for a minimum of 26 weeks at the end of the 15th week before the child's expected due date/matching date and still be employed at the beginning of each period that SPL is to be taken;

Employment & Earnings Test

- The other parent/adopter must have worked (employed or self-employed) for a minimum of 26 weeks in the 66 weeks leading up to the child's expected due date/matching date and have earned a specified weekly average sum (currently £30 per week) in any 13 of the 26 weeks whilst employed;
- Both parents are required to correctly notify their employers of their entitlement using the relevant notification form and provide sufficient evidence as required as detailed on the form.

Shared Parental Leave Entitlement

If the mother/adopter and the other parent both meet the eligibility criteria, you will be entitled to the following:

- Up to 50 weeks SPL between parents. The mother/adopter is still required to take 2 weeks compulsory maternity leave immediately after the birth/placement of the child as this leave cannot be shared. The other parent may still be entitled to paternity leave, however this must be taken before SPL commences, otherwise it will be lost.
- Be entitled to effectively 'convert' statutory maternity/adoption leave and pay into SPL and share this between both parents.
- Alternatively the mother/adopter can choose to end her remaining maternity leave and take all of her remaining maternity leave as SPL. This allows the leave to be taken in more than one block within the 52 weeks as opposed to maternity leave which must be taken in one continuous period.
- When on SPL employees are entitled to the same terms and conditions that would have applied had you been in work, with the exception of pay.
- SPL must end no later than 1 year after the birth/placement of the child. Any SPL not taken by this time will be lost.

There is no requirement for SPL to actually be shared between parents, even if both parents are entitled to take it. Parents may decide between them that the mother/adopter or the other parent is going to take all of the SPL.

Procedure

The following procedure should be followed for you and your partner to opt in to SPL:

1. You will be required to ensure that you are eligible for SPL. This can be achieved by using the Direct Gov SPL tool, which can be found by visiting:
<https://www.gov.uk/pay-leave-for-parents>
A copy of this form should be attached to your Notification Form.
2. The mother/adopter will be required to bring their period of maternity/adoption leave to an end. This is achieved by giving the employer a minimum of 8 weeks' notice, before the date they intend to end the maternity/adoption leave.
3. The remaining balance of maternity/adoption leave at that point becomes available for the partner to share as shared parental leave if they are eligible. While this notice to end maternity/adoption leave can be given before or after the birth/placement, if it is given afterwards, the notice is binding. However, if notice is given before, there is a six-week window after

the child's birth/adoption, during which a mother/adopter who has previously stated they intend to share their leave, can change their mind and decide to remain on maternity/adoption leave.

4. Both you and your partner should let your respective employers know in writing that you are eligible for and intend to take shared parental leave. You should also give an indication of how much shared parental leave and pay each parent intends to take and when. As you are one of our employees, please complete our Notification Form A.
5. If requested, within 14 days of submitting Notification Form A, you should provide us with a copy of the child's birth certificate, or if this is not yet available, confirmation from your midwife or GP of the date or expected date of the child's birth. In the case of adoption you should provide details of the adoption agency, the date you (or your partner) were informed of the adoption match, and the expected date that the child will be placed with you. You must provide the information requested within 14 days.
6. The information about how and when you and your partner are intending to take SPL is non-binding – you are free to change your minds about how leave and pay are to be allocated between you by letting your employers know of the variation in writing. To do this, please complete Notification Form B.
7. You are entitled to take up to three periods of SPL and a minimum of 8 weeks' notice is required for each period of leave.
8. Each partner may submit a total of three separate requests for periods of SPL.
9. If you submit a request for a single continuous period of shared parental leave (e.g. a single block of 12 weeks) this will be granted automatically.
10. If you submit a request for discontinuous leave (e.g. 6 weeks shared parental leave followed by 2 weeks at work followed by another 6 weeks shared parental leave etc.) we may need to discuss with you whether our Council can support such a work pattern. If it cannot we will try to agree an alternative arrangement with you, or we may need to refuse the request.
11. We may ask you to stay in touch with work during your shared parental leave. This could be for training purposes, meetings or just to keep generally up to date with the Council. You and your partner can work for up to 20 days without bringing your period of shared parental leave to an end these are known as Shared Parental Leave In Touch (SPLIT) days. Any days worked do not extend your leave period. You are under no obligation to undertake any work during your shared parental leave period, and we are under no obligation to offer you any work. These 20 days which may be taken with SPL are in addition to the 10 Keeping in Touch (KIT) days available during any period of maternity or adoption leave. Payment for KIT/SPLIT days shall be agreed in advance.

12. While on shared parental leave you will continue to accrue your normal holiday entitlement. We may ask you to take some or all of your outstanding holidays prior to commencing your shared parental leave. We may also ask you to take some or all of the holidays you have accrued on shared parental leave at the end of your leave period and prior to returning to work.

This all sounds complex, so here some examples to help clarify how shared parental leave works:

1. *The mother/adopter ends her leave after 26 weeks, and the balance of the leave and pay - 26 weeks leave and 13 weeks statutory maternity/adoption pay is available to be shared between the parents as they choose. The father takes 10 weeks leave and pay, while the mother returns to work. He then returns to work and the mother takes the remaining 16 weeks leave and 3 weeks' pay.*
2. *Baby is born prematurely and the mother immediately commits to taking 27 weeks maternity leave and pay leaving 25 weeks leave and 12 weeks' pay to be shared with the father. The father takes 2 weeks paternity leave when baby is born and then immediately takes the 25 weeks leave and 12 weeks' pay. Both parents return to work after 27 weeks having used all their shared parental leave.*
3. *The main adopter takes the first 10 weeks adoption leave and pay, and then commits to returning to work at week 22. This then frees up 30 weeks shared parental leave and 17 weeks' pay. The partner takes 12 weeks of leave and pay to coincide with weeks 11 to 22 of the main adopter's adoption leave so she and the main adopter can look after the child together. The main adopter then takes a further 8 weeks' leave and last 5 weeks of pay while the main adopter returns to work. When the partner then goes back to work, the main adopter takes the last 10 week of shared parental leave. In total the main adopter has taken 32 weeks leave and 22 weeks' pay while the partner has taken 20 weeks leave and 17 weeks' pay.*

Variations to Arranged Shared Parental Leave

You are permitted to seek to vary or cancel an agreed period of SPL, provided that any request is submitted in writing with a minimum of 8 weeks' notice before the date of any variation.

A variation or cancellation notification made by you, including notice to return to work earlier than agreed, will usually be counted as a new notification. However a change as a result of an early birth of a child or as a result of us requesting a change will not be counted as a notification. All variations will be confirmed in writing by the Council.

Statutory Shared Parental Pay (ShPP)

You may be eligible to take up to 37 weeks (after 2 weeks compulsory maternity leave /adoption pay) ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother reduces the maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

In addition to meeting the eligibility requirements for SPL, when seeking to claim ShPP you must further satisfy each of the following criteria:

- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- you must intend to care for the child during the week in which ShPP is payable;
- you must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- you must remain in continuous employment until the first week of ShPP has begun;
- you must give proper notification in accordance with the rules set out below.

Where you are entitled to receive ShPP, you must, at least 8 weeks before receiving any ShPP, provide the company with written notice advising of your entitlement to ShPP. This should normally be included as part of the notice of entitlement to take SPL.

In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- the start and end dates of any maternity/adoption pay or maternity allowance;
- the total amount of ShPP available, the amount of ShPP you and the mother/other parent each intend to claim, and a non-binding indication of when you expect to claim ShPP;
- a signed declaration from confirming that the information that you have given is correct, that you meet, or
- will meet, the criteria for ShPP and that you will immediately inform us should you cease to be eligible.

It must be accompanied by a signed declaration from the mother/other parent confirming:

- their agreement to you claiming ShPP and for the organisation to process any ShPP payments made to you;
- that the maternity/adoption pay or maternity allowance has been reduced;
- you will immediately inform the mother/other parent should you cease to satisfy the eligibility conditions.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

Returning to Work

When returning to work after a period of SPL, you will normally be entitled to return to the same position you held before starting the SPL. However, if your SPL (and any maternity or paternity leave taken) adds up to more than 26 weeks in total (consecutively or not) or SPL was taken consecutively with more than four weeks of ordinary parental leave and it is not reasonably practicable for you to return to the same role, we may provide alternative work that is suitable and appropriate on terms and conditions no less favourable than those that would have applied had you not been absent.

Appraisals and Training

Purpose

Truro City Council acknowledge the value of their employees, both as individuals and in terms of their contribution to the work of the Council. We acknowledge the benefits of development for our Employees, their department and colleagues, and for the Council as a whole. We recognise the diversity of our activities and acknowledge that individual Employees will make varied contributions to our overall objectives.

Appraisals within Truro City Council will be conducted with a spirit of honesty and openness, mutual trust and confidence, with the aim of encouraging you to develop in line with your abilities. The Councils Appraisal and Development scheme is not directly linked to pay, promotion or re-grading.

Formal appraisals should hold no surprises. You should receive regular, timely and accurate feedback on your work throughout the year. The appraisal interview will provide an opportunity to reflect on the previous period's work, and to consider future activities in the light of ever changing priorities.

Objectives

Appraisals have five main objectives:

- to review individual performance and contribution to the Council's strategic directions, setting objectives for the future and to identify personal training and development needs;
- to help individuals to develop their careers within the Council;
- to assist staff to enhance their performance and job satisfaction with an emphasis on self-appraisal;
- to identify opportunities resulting from changes in the organisation or operation of the Council which would enable individuals to improve their performance; and
- to improve the efficiency and effectiveness with which the Council is managed.

Timing

Appraisals shall be carried out around March each year; this is to reflect the annual aims and objectives set and agreed by Council members and can be rolled out through management and employees to work towards personal development and achieving the overall main aims of the Council each year

Preparing for the appraisal.

Employees are expected to fully participate with the appraisal scheme. The employees manager will confirm the date of their appraisal meetings and provide a self-assessment form to be completed prior to the meeting, this helps to guide the meeting and get employees thinking about their past performance and future ambitions.

Prior to the annual appraisal interview, it is essential that both you and your Manager prepare and document your thoughts which will form the basis for discussion.

Setting objectives can be done by using the 'SMART' method highlighted below:

S Specific – specific and not vague;

- M Measurable – capable of being easily measured;
- A Agreement – the appraiser/appraisee need to agree on the objective being achievable;
- R Realistic/Responsibility – the objective is realistic and under the control and responsibility of the appraisee;
- T Time span – the time needs to be agreed as to when the objective is to be achieved;

The appraisal interview

The appraisal interview has several purposes:

- review your work contribution and assess performance over the previous appraisal period against the agreed objectives;
- identify strengths to be developed and areas needing improvement;
- communicate the departmental aims, objectives and requirements;
- review personal and career aspirations;
- diagnose training and development needs and prepare an action plan;
- review and agree your objectives for the forthcoming appraisal period;
- opportunity to discuss ideas or concerns, which relate to your work;
- consider how managerial and organisational factors may have impacted upon your performance.

Your Manager is responsible for the final record of the appraisal process including the agreed performance objectives and personal and professional development plan.

Follow up

It is unlikely that the necessary documentation will be fully completed during the interview itself. The Manager is responsible for ensuring this is completed as soon as possible and that both they and you have copies. A time and date can be arranged if necessary for a follow up discussion in order to review progress.

Appraisal Records

The record made from the appraisal interview will be signed by the participants. Each will retain a copy for future use and reference and a third copy should be placed into your personnel file.

Failure to agree

In the event of any disagreements these should be recorded on the appraisal form. Whilst the appraisal process is intended to be participative and supportive in the event of an extreme difference of opinion both parties have the right to call upon a more senior manager to mediate and draw out the key differences of opinion.

Training and Development

We are committed to providing the training and mentoring necessary to enable all our employees to develop their skills to ensure full competence in their roles, thus ensuring that current and future skill requirements are met, thereby contributing

to our commercial and competitive success. This procedure applies to all Employees, but it does not form part of the terms and conditions of employment.

Training Objectives

All training is sourced to satisfy identified and clearly defined Council related needs of individuals, departments and the Council and:

- to provide role-related skills training and supportive education;
- to provide job enhancement skills training;
- to provide comprehensive induction training to new Employees;
- to ensure that all training is supportive of the Council planning process and strategic objectives of the Council;
- to ensure training supports succession planning;
- to ensure, wherever possible, that opportunities for broadening or advancing careers are pursued in line with the needs of the Council.

Training and Development Procedure

In conjunction with your Manager, you will determine your training requirements through initial consultation and reference to, where appropriate, job descriptions and current or future projects that you are involved with, in conjunction with the objectives of the Council.

Training requirements will be determined annually as part of your appraisal process, and reviewed with your Line Manager at regular intervals to ascertain progress.

Flexible Retirement Policy

Purpose and Scope

In accordance with the Local Government Pension Scheme Regulations employees aged 50/55 and over and who are members of the Local Government Pension Scheme (LGPS) can request payment of their accrued pension benefits whilst remaining in the Council's employment on reduced hours and/or a lower grade.

The payment of such benefits is subject to the Council's agreement.

In terms of its benefits to the Council and employees, flexible retirement may:

- be an effective means to reduce capacity
- help to avoid redundancies and associated costs
- help to facilitate reorganisations
- facilitate the retention of expertise and knowledge
- enable the Council to retain or attain a balanced age profile within the workforce
- assist employees to ease down into retirement.

Policy

Requests for flexible retirement will be agreed only where there is a benefit to the Council (either operational or financial) AND where an employee's reduced level of earnings together with his or her pension benefits do not exceed his or her pre-retirement salary. (To do otherwise might affect public confidence in local government).

Where flexible retirement is agreed, the Council will not waive any actuarial reduction in an employee's pension benefits. In circumstances where there would be a cost to agreeing an employee's flexible retirement (when he or she meets the 85 rule) this will be charged to Truro City Council and must be recovered within a five year period.

Employees may elect to receive all or part of their benefits earned at retirement. Any election to receive just part of the benefits does however relate to those earned from 1 April 2008. All benefits earned up to 31 March 2008 must be taken at retirement.

Requests for flexible retirement will be determined by the Finance & General Purposes committee of the Council with reports on the financial and personnel aspects of a particular request provided by the Responsible Financial Officer and the Town Clerk. In the event that the request relates to the Town Clerk or Responsible Financial Officer then the Chairman of the Finance & General Purposes Committee in conjunction with the Mayor will report their views (following consultation) to the Finance & General Purposes Committee and the Committee will then make a recommendation to Council.

Resources

Where an employee does not meet the 85-year rule and is permitted to flexibly retire before age 65, his or her benefits are reduced in accordance with guidance issued by the Government Actuary. Therefore, there are no employer costs associated with flexible retirement, unless an employer elects to waive any actuarial reduction to an employee's benefits.

Where employees meet the 85-year rule their benefits are not actuarially reduced which can result in significant costs to the Pension Fund for employees retiring below the age of 60. These costs will be charged to Truro City Council and will be recovered within a five year period.

Age

For employees who were members of the Local Government Pension Scheme prior to 1 April 2008 and for members joining on or after 1 April 2008 the earliest at which pension benefits can be paid is from age 55.

Sickness Absence and Well being at Work Policy

Purpose and Scope

In managing sickness absence, the Council will seek to act consistently and to balance service and personal needs. This policy therefore has the objectives of:

- minimising disruption to the service;
- controlling short-term absence levels;
- supporting those on long-term absence;
- managing sickness absence with the provisions of the Disability Discrimination Act, Equal Opportunities and Health & Safety legislation in mind.

This policy applies to all employees. This procedure does not form part of your terms and conditions of employment.

Principles

Disability. If you develop a disability or have had a disability in the past which is likely to recur and this could affect your ability to do your job safely or properly then you should inform your manager. The Council will then carry out a risk assessment and/or seek a medical report with a view to making any reasonable adjustments necessary.

Medical Report & Examination. The Council may request consent to obtain a medical report from your General Practitioner. Where supervisors require individual employees to produce a doctor's certificate for any absence the cost will be reimbursed by the Council. The Council also reserves the right to require you to be medically examined by an occupational health practitioner, subject to the provisions of the Access to Medical Reports Act 1988. Either report may be sought notwithstanding that a Med.3 GP's certificate covers a period of absence. Failure to attend without good reason, or refusal to attend, will result in immediate withdrawal of occupational sick pay. Where it is necessary to obtain a second medical opinion, it will be provided by an independent medical referee, and the cost will be met by the council.

Reasonable Adjustments. Consideration will be given to reasonable changes to duties or working arrangements suggested by an occupational health practitioner. These may be on a temporary or long-term basis and will be implemented where such a change/s are necessary, practical and would facilitate attendance at work. This may include a phased return to normal working hours after a period of extended sickness absence.

Time off for medical/dental appointments. We appreciate that on occasions you may need to attend a medical or dental appointment during normal working hours and we will try to accommodate this. All absences must be discussed with your line manager, and as much notice as possible should be given.

Reporting Sickness Absence

If you are unwell and unable to come to work, you must:

- Inform your manager or supervisor at the earliest opportunity and at the latest **within one hour of your start time for that day**. If no-one is available to take your call when you ring in, then you must leave a message regarding your absence. It is expected that you will report your absence yourself and your manager may contact you directly where someone else has reported your absence on your behalf;
- Give a reason for the absence, and details if the absence is attributable to an injury sustained at work;
- Give an indication when a return to work is expected;
- Give details of any medical advice taken;
- Keep your manager informed of the progress of the illness and of the expected return to work date. If absence continues for more than one day but less than seven, the employee must keep their manager informed daily of the progress of the illness, if they have seen a doctor and the expected return to work date
- On the first day of returning to work complete the 'Sickness Self-Certification' form and give this to your manager. Absence on account of sickness on the day before or the day following a public or extra holiday must also be supported by a self certification form. Copies of the form are held by manager's in all workbases;
- If your absence lasts for more than seven days (including any Saturday or Sunday) a Med.3 GP's certificate (fit note) for this further period should be promptly sent to your line Manager. If the absence continues after the date given by the doctor, you should request further statements;
- An informal, confidential return to work interview will be provided by a manager on your return to work after a period of eight days absence. The interview may also be organised to discuss the information contained in the fit note if an earlier return to work with adjustments is advised by the GP. This provides an opportunity for you to advise your manager of any medical, personal or work-related problems that may be contributing to absence from work. The Council may be able to offer support to assist you in resolving or coping with such problems.

Note: Giving misleading or false information is a very serious matter and will be treated as a disciplinary issue which may, in certain circumstances, constitute gross misconduct.

Sick Pay

Occupational Sick Pay

During 1 st year of service	1 months full pay and (after completing 4 month's service) 2 month's half pay
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During 2 nd year of service	2 month's full pay and 2 month's half pay
During 3 rd year of service	4 month's full pay and 4 month's half pay
During 4 th and 5 th years of service	5 month's full pay and 5 month's half pay
After 5 year's service	6 month's full pay and 6 month's half pay

The rate of allowance which is paid in respect of any absence due to illness is ascertained by deducting from the period of benefit (appropriate to the employee's service on the first day of absence) the aggregate of the periods of absence due to illness during 12 months immediately preceding the first day of absence.

Extension of sick pay entitlement

The Town Clerk may approve an extension of up to one month's full or half sick pay pending an expected return to duty, or whilst awaiting a Consultants report.

Any other arrangement will require the approval of the Chairman of the Finance and General Purpose committee.

Statutory Sick Pay (SSP)

Statutory Sick Pay will be shown separately on the payslip, and is subject to Income Tax, National Insurance Contributions and Pension deductions, because it is part of the employee's contracted remuneration.

All employees who have formed a period of incapacity for work (four or more consecutive calendar days of sickness) must be considered for SSP, and provided that they are in a period of entitlement they will receive SSP. There are seven qualifying days for council employees, so care should be taken to ensure that all days of illness are notified to the payroll Manager. When an employee who is entitled to SSP has been sick for a total of 199 qualifying days, the period of entitlement ends and a Change-Over Form SSP1 will be sent to him/her by the Payroll Manager via the council. The employee should complete this form and send it to the Benefits Agency to claim any state benefits to which he/she may be entitled.

Casual Staff – Entitlement to Statutory Sick Pay

Casual staff are entitled to receive statutory sick pay. Casual staff must ensure that necessary documentation is provided to the Payroll Manager so that payments can be made when such entitlements are met.

Statutory sick pay can only be paid when the payroll Manager is notified through Form FP10 or FP11 that the employee has been on sick leave on the day(s) in question. If no forms are submitted Payroll will not make payment and the Council may be in breach of its statutory obligations.

Sickness during annual leave and public holidays

If an employee is sick during a period when he/she is not at work because of holidays, shift patterns, etc. he/she must inform their supervisor of the details as soon as possible. This is because Statutory Sick Pay is payable for every day of the year.

The employee will be regarded as being on sick leave from the date of his/her medical certificate. A medical certificate must be produced if the leave is to be reinstated. Normal reporting procedures should apply except in exceptional circumstances, e.g. if taken ill aboard. However, the employee must still obtain medical certificates and return them promptly to his/her department.

Circumstances affecting payments

- Sick pay will only be paid to eligible employees who comply with the requirements for reporting sickness as set out in Truro City Council's sickness absence procedure and the other requirements of the Occupational Sick Pay scheme set out in the National joint Council's Scheme of conditions of Employment for Local Government Service ("Green Book"). A failure to comply with these requirements will result in the suspension of sick pay;
- If your absence is due to an accident caused by the negligence of a third party, and you have grounds for a claim against that third party, sick pay will only be paid, at the Council's discretion, to you as a loan on condition that you seek to recover the sums paid to you as part of any claim against the third party and reimburse the Council from any sums recovered. Where a claim is settled for less than the full amount of your claim, at the Council's discretion, you will only be required to reimburse the Council to the amount recovered. You will not be required to reimburse the Council in the event that your claim is unsuccessful;
- Employment may be terminated before a staff member has exhausted any Statutory Sick Pay or other state benefit to which they may be eligible, where the applicable procedure within this policy has been followed, or a fixed-term contract comes to the end of its term, or the contract is terminated due to misconduct.

Short-Term Absences

Review Meeting

If you have a high level of short-term absences, a review meeting may be held with your Line Manager or another Manager or an HR Advisor. We will adopt a consistent approach to the level of absence leading to a review meeting.

The meeting will include:

- reviewing the absence record and reasons for absence;
- discussing medical, personal or work-related factors affecting absences;
- considering measures that you or the Council can take to assist a reduction in absences; and
- determining a level of improved attendance within a timescale and informing you of likely action if this standard is not met.

A written record of the content of the meeting will be made and retained on your personnel file. If the expected standard is not met formal action will be taken.

Absence Warning Procedure

If our expectations have not been met, you will be invited in writing to a disciplinary meeting, the outcome of which may be a warning. The invitation will include relevant supporting evidence. At such a meeting the right to be accompanied by a fellow work colleague or trade union representative applies.

The disciplinary meeting will cover the level and reasons for absences and provide you with an opportunity to explain the events. If additional issues emerge then the meeting may be adjourned while further investigations take place.

First Absence Warning

If our expectations are found not to have been met a first absence warning will be issued and recorded on your personnel file. The warning will state an expected level of improvement and timeframe within which this should be met. If attendance improves the warning will be disregarded for future disciplinary purposes, but retained on your personnel file.

Final Absence Warning

If Council expectations continue not to be met a further disciplinary meeting may result in a final absence warning issued as stated for a first absence warning. If expectations are still not met after a final absence warning, a capability meeting will be held as detailed in the 'Capability (Sickness Absence) Meeting and Appeal' process of this policy.

Appeal

You have the right to appeal against a decision to issue a warning for short term absences. The letter confirming the warning will state to whom an appeal may be made. The appeal must be received by the person specified in the letter within 7 days of your receipt of the letter confirming the warning; it must be in writing and state the grounds of appeal. The outcome of the appeal will be either to withdraw the warning, confirm it or change an aspect of future expectations for attendance or the duration of the warning.

Note

A meeting or hearing may be held irrespective of whether absences are fully certified or not. At any point in this procedure we may request a medical examination and report. An HR Adviser may be asked to attend any meeting within this procedure.

Long-term absence

If you have a long term or recurring health condition, the circumstances will be looked at on an individual basis. To assist this process, either before or after a formal review meeting, a medical report will be requested to aid in understanding:

- the nature of the illness;
- it's likely duration;
- your capacity for employment; and

- steps which may facilitate a return.

Formal Review Meeting

The aim of such a meeting is to review the current circumstances and arrive at an appropriate outcome. This modified procedure is used as an alternative to formal warnings which would be inappropriate in these circumstances. There may well be a number of such meetings. At such a meeting you have the right to be accompanied by a fellow employee or trade union representative. Your Line Manager will be present at the meeting and an HR Adviser may also be asked to attend.

The outcome of such a meeting will vary, but may include one or more of the following:

- to seek further medical or other advice;
- to commence a facilitated return to work (e.g. staged return, trial period);
- to search for a redeployment opportunity;
- to start a re-training programme;
- ill-health retirement;
- mutual agreement to terminate the employment; or
- setting a date for a formal capability hearing.

Our aim is to support all Employees who have a disability and to thoroughly examine any reasonable adjustments which may facilitate a return to work in your current or an alternative role if one is available.

Capability (Sickness Absence) Meeting and Appeal Process

Capability (Sickness Absence) Meeting

The purpose of a capability meeting is to review the relevant facts and to decide whether or not to dismiss an Employee on grounds of capability due to ill-health. Such a meeting will take place where;

- in the case of short-term absences, warnings have not resulted in an expected improvement; or
- in the case of long-term absence a review meeting/s has led to the conclusion that there may be no reasonable alternative to dismissal.

At such a meeting you have the right to be accompanied by a fellow employee or trade union representative. A Manager will be present at the meeting and an HR Adviser may also be asked to attend. If a decision is taken to dismiss, this will be confirmed in writing stating; the reason for the dismissal, the date the employment will terminate, notice period arrangements and the right of appeal.

If you decide to appeal the decision and the appeal is still in process at the termination date, the termination of employment will still take effect. Should the

appeal result in reinstatement then there will be deemed to have been no break in service and you will be paid any outstanding monies owed to you.

Appeal Process

You have the right to appeal against a decision to dismiss resulting from a capability meeting. The letter confirming the dismissal will state to whom an appeal may be made. The appeal must be received by the person specified in the letter of dismissal within 7 days of your receipt of the letter confirming dismissal; it must be in writing and state the grounds of appeal. The outcome of the appeal will be either to confirm the dismissal or to reinstate you. The outcome will be notified to you as soon as possible and the decision will be final.

Well-being at Work Policy

Purpose and Scope

The aim of this policy is to clarify our commitment and legal obligations to all our Employees' wellbeing and to set out the services available to you to help maintain your health and wellbeing. This policy applies to all Employees of the Council.

Council Obligations

We have legal obligations to all our Employees under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 to ensure the health of our Employees at work. We are committed to creating a working environment that minimises the risk to our Employees' health.

In line with the Health and Safety Executive (HSE) recommendations, this means ensuring that the demands of your job are clear, reasonable and you are adequately trained and supported to undertake your role. It means the Council doing our best to give you as much control as possible over how your work is planned and carried out and dealing promptly with issues such as unacceptable behaviour by colleagues.

Employee Obligations

Ultimately, you have primary responsibility for your own health and wellbeing. It is up to you to take reasonable care of yourself, and to let us know about any aspect of work or your working environment which may be affecting your health.

Assistance Available

If you feel that you need additional support or guidance to maintain your wellbeing at work, there are a number of things you can do:

- In the first instance you should talk to your Line Manager. This will allow you to raise concerns about your volume of work, some training that you may need or to discuss any personality issues within the team.
- If you wish to speak to someone outside the Council, you may consider speaking to a trusted family member or friend, to your General Practitioner or to an advisor at your local Citizens Advice Bureau.
- As a last resort, if the cause of your problem is a colleague or manager, and no other avenues of resolution have been successful, you may wish to refer to our grievance policy.

Lone Working Policy

Purpose and Scope

This policy is designed to alert managers and employees to the risks presented by lone working, to identify the responsibilities each person has in this situation and to describe procedures which will minimise such risks. This policy is not intended to raise anxiety about working alone but has been devised to give the council a framework for managing potentially risky situations.

This policy applies to all employees who may be working alone at any time whilst carrying out their duties. In addition to reading this policy the Health and Safety policy must also be consulted when drawing up plans and assessments.

The Lone Working Risk Assessment as well as the relevant task risk Assessment must be used by the employee and manager before that employee commences any tasks which require him/her to work alone.

Context

Due to the requirements of the Council staff may be required to work in the community, from their own home or occasionally by themselves on Council premises. The Council is committed to supporting employees and managers both in establishing and maintaining safe working practices; recognising and reducing risk and to the provision of appropriate support for employees.

Equipment such as mobile phones, personal alarms and torches will be made available as appropriate.

Within this document 'lone working' refers to situations where employees in the course of their duties work alone in the community, in their own home, or may be the only person present in an office or other establishment maintained by the Council or by one of its partner agencies. They will be physically isolated from colleagues and without access to immediate assistance. This last situation may also arise where there are other employees in the building but the nature of the building itself may create essentially isolated areas.

Mandatory Procedures

Security of buildings

Managers are responsible for:

- Ensuring that all appropriate steps are taken to control access to the building, and that emergency exits are accessible;
- Ensuring that alarm systems are tested regularly; and
- Changing access key codes from time to time, and as a matter of course if a breach of security is suspected.

Employees must:

- Ensure they are familiar with the exits and alarms in any building they are working within;
- Be aware of telephone and first aid equipment provided for their safety and raise any issues immediately with their manager;
- Not enter a building if there is any sign that it has been broken into. In these situations an employee must contact the appropriate person and wait for back-up; and
- Agree a system to alert colleagues in an emergency when they may be working in relative isolation.

Personal safety

Employees and managers must not assume that having a mobile phone and a back-up plan is a sufficient safeguard in itself. The first priority in all situations is to plan for a reduction of risk.

Managers must:

- Ensure that there is a robust system in place for signing in and out, and that staff use it;
- Put emergency plans into operation if an employee does not report in as expected, initially to check on the situation and then to respond as necessary; and
- Make provision for regular contact with employees who work alone for extended periods and/or on a regular basis both to monitor the situation and to counter the effects of working in isolation.

Employees must:

- Take all reasonable precautions to ensure their own safety, as they would in any other circumstances;
- Assess the risks involved in conjunction with the manager before working alone;
- Inform their manager when they will be working alone giving accurate details of their location and following an agreed plan to inform that person when the task is completed. This includes occasions when a staff member expects to go home following a visit rather than returning to their normal place of work;
- Inform their line manager if they deviate from a pre arranged work programme;
- Should take particular care if transporting other individuals in either council vehicles or their own cars; and
- Ensure that their mobile phone is charged, in working order and has sufficient credit for use in an emergency. Personal alarms (if provided) must be checked on a regular basis and any issues reported immediately to the appropriate person.

Assessment of risk

In drawing up and recording an assessment of risk the following issues should be considered depending on the prevailing circumstances; the environment – location and security; the context – the nature of the task and any special circumstances for the employees concerned; indicators of potential or actual risk – have there been any previous incidents in similar situations or any other special circumstances

Where there is any reasonable doubt about the safety of a lone worker in a given situation, consideration should be given to sending a second worker or making

other arrangements to complete the task. While resource implications cannot be ignored, safety must always be the prime concern.

Planning

Employees should be fully briefed in relation to risk as well as the task itself and communication and checking in arrangements must be in place before any employee works alone. The manager is responsible for agreeing and facilitating these arrangements which should be tailored to the operating conditions affecting the team.

Practice Guidance

Employees must take every reasonable precaution to protect their own personal safety. This might include checking directions for the destination with another colleague, checking any existing work plans for the task and ensuring your car or the council vehicle is road-worthy and has break-down cover. Other more 'common sense' guidance includes avoiding poorly lit or deserted areas while on your own, taking care when entering or leaving empty buildings especially at night and ensuring that items such as laptops or mobile phones are carried out of sight.

The agreed plan for contact or emergency response may be a standard one or be specific to the individual situation. It should be recorded and readily accessible by both the employee and manager and up-dated as necessary. It may be appropriate to agree a code word or phrase to indicate that assistance is required.

Monitoring and Review

Going forward the Lone Working Policy will be monitored by the Council and both managers and employees are asked to make the council aware of any issues they encounter so that these can be amended or added to this policy.

This policy will be reviewed on an annual basis and any amendments will be communicated to employees and managers as soon as possible.

Lone Working Risk Assessment

Policy and Scope

As mentioned within the Lone Working Policy the Council has developed a risk assessment for people required to work alone. This risk assessment has been designed in the form of a checklist to enable ease of reference.

Employees are not automatically prohibited from working alone although it is recognised that this may create different risks from those who work in groups. The purpose of the risk assessment is to highlight such risks thus enabling the workplace to be a safer place and enable employees to feel more comfortable when working alone.

Risk areas of: _____ (Job Title)

Risk elements:-

1. What are the qualifications and experience required to carry out this job effectively?
2. Is the employee qualified to do this job?
3. Is the employee medically fit to do this job?
4. Are there any tasks that the employee is not qualified to carry out?
5. What is the training programme to fully qualify the employee?
6. How isolated is the workplace?
7. Can one person carry out the job most of the time?
8. What parts of the job need to be carried out with another person?
9. What special risks are inherent in the job?
10. Is there a safe way in and out of the workplace? If so what is it?
11. Can the safe way in/out be used safely by a lone worker without temporary access i.e. ladders etc?
12. Can one person safely handle all of the equipment needed to carry out the job?

13. Who is the employee's immediate supervisor?
14. Does the employee recognise his/her level of competence and know where and how to receive advice?
15. Is there a significant risk of verbal or physical assault inherent in the job?
16. What procedures need to be put in place to monitor the lone worker to ensure that they remain safe? These will include:-
 - a. Frequency of supervision visits.
 - b. Regular contact with supervisor.
 - c. Any automatic warning device to operate in the absence of a specific signal.
 - d. Report of safe return home or to contact point at the end of the shift.
17. What procedures are in place for the employee to report problems, illness or other emergencies?

Aggressive/Confrontational Behaviour Policy

Rationale

Incidents involving aggressive behaviour by members of the public are rare at however, the risk from such incidents can be minimised by simple precautions outlined in this document.

General Tips for Dealing with Confrontation and Aggression

- Staff should always try to treat people with respect, regardless of their behaviour.
- Staff should stay as calm as possible; it can keep tensions from escalating and may help defuse the situation. If the member of staff cannot stay calm they should consider leaving the vicinity.
- Staff should try to avoid using the phrase "calm down" as this may suggest to the aggressor that the staff member has failed to grasp the gravity or importance of the situation.
- Staff should attempt to show empathy and concern. For example; by saying "I can see your frustration, and I'm frustrated too. Unfortunately, the rules are.....".
- Rather than insisting that they are right and the member of the public is wrong, the member of staff should let them know they see the situation differently. For example, the member of staff could say "I can see we don't see this the same way".
- If a member of the public is verbally abusive, the member of staff should tell them they will be able to help them better if they lower their voice, and stop attacking. Staff do not have to tolerate abuse.
- Staff must not promise or suggest outcomes which are not possible to get out of a difficult situation.

Risk Assessment

Where there is a perceived significant risk of aggressive or challenging behaviour the organisation should conduct a risk assessment to identify the appropriate controls.

Money Demanded with Menaces/Robbery

Should any person demand money or other assets with menaces, staff members should give serious consideration to handing over the articles demanded. Staff members should attempt to observe as much detail as possible during the incident in order to assist the police with their enquiries.

No member of staff should attempt to engage in physical or verbal confrontation with anyone.

Dealing with Physical Violence

The above guidance is indented to prevent a situation escalating to physical violence. Where a member of staff suspects that violence might ensue they should suspend or terminate the discussion immediately by the above noted means. However, should a member of staff be physically assaulted:

- The member of staff should attempt to get away from the attacker at the first available opportunity, preferably into another area where there are other people.
- The member of staff should attempt to make as much noise as possible and shout for help.

Reporting of Incidents

Internal reporting of aggressive behaviour

Any incidents where the member of staff feels threatened or is assaulted in any way must be reported to Line Management.

Reporting to the Police

If a serious incident is in progress or has occurred, the police must be telephoned immediately.

- Assault
- Theft
- Criminal damage
- A perceived risk that a person presents an immediate danger to them self and/or others

All staff are requested to cooperate fully with investigations by the police concerning incidents on Council premises.

Where an assault has taken place, the Council recommends that the police are asked to press charges. However, the final decision as to whether charges are pressed will rest with the injured party or the police.

Theft of and Criminal Damage to Council Property

If property has been damaged or stolen by criminal action or intent, the Council and police should be informed immediately.

Abusive treatment from members of the public

The Council shall not tolerate instances of physical threatening or verbal abuse towards our employees from members of the public. In some circumstances where abuse has occurred the Council may consider taking formal action against the member of the public.

Home Working Policy

Statement of Purpose

Truro City Council is committed to adopting modern flexible working practices where it is appropriate to do so. This policy is to cover home working- for employees based at home. Home working can offer the following benefits:

- Improved service delivery;
- Greater productivity/increased efficiency;
- Reduced costs;
- Retention/recruitment of disabled persons;
- Retention/recruitment of employees with caring responsibilities;
- Reduced travel problems;
- Savings in property costs;

Scope

This policy applied to all Truro City Council employees.

Definition

Home working consists of working based at home rather than at the normal place of work and may involve using electronic systems to accomplish tasks and remain in contact with managers and colleagues. It is carried out to an agreed work pattern on a part-time, permanent, or temporary basis. Whilst not all jobs are suitable for homeworking, any job may be considered on its own merits. Jobs that involve project work or an identifiable output, or those which provide services within the community may, however, particularly lend themselves to this type of work. Jobs at a fixed location that will not be suitable are those that provide a direct service to the public, e.g. staffing a reception.

Procedure

Applying for Home working

An employee who would like to apply to work from home must complete a Flexible Working Request Form. Managers should assess requests for homeworking, the employee should be able to demonstrate they can:

- Work independently and on their own initiative;
- Motivate themselves;
- Complete projects within set deadlines;
- Manage workload effectively;
- Cope well under any new pressure posed by working at home;
- Adjust to new work practices;
- Maintain contact with all affected by own work.

Situations where home working may be considered

Home working may be considered for many reasons:

- When seeking approval to fill a vacancy (management led);
- In response to a particular organisational problem (management led);
- At the point of recruitment and selection (employee led);
- When a current employee requests home working (employee led).

However, home working cannot be imposed on any existing employee without proper assessment, negotiation, and agreement. Posts advertised as "home based"

would be exempt from the need for such negotiation and agreement but would be subject to assessment.

Suitability of home working

Home working will be an option for many employees of Truro City Council but due to the nature of home working, it will not be suited to either all posts or all people. It therefore cannot be a right to work at or from home. In assessing the suitability of a post for home working, consideration will be given to:

- the cost implications;
- the suitability of the job;
- the personal qualities of the employee;
- the suitability of the work location within the home.

The decision about whether an employee or group of employees should be allowed to work at home will rest with the Town Clerk to achieve consistency. Formal home working will only be considered where:

- an employee is able to complete tasks on a regular basis either at home or in the office;
- the job does not involve a high degree of personal contact with colleagues;
- the employee is willing and able to attend the Council's offices for regular contact with colleagues, management meetings and any training or development courses required.

It is not considered appropriate to combine home working with dependent care. Home working should not be viewed as an alternative to paid dependent care.

Other Terms and Conditions if a request is approved

Performance Management- If the request for home working is approved, contracted home working employees will be subject to the same performance measures, processes, and objectives that apply to all other employees.

Work Patterns- When home working has been agreed in principle, the employee and manager will agree working hours and patterns, contact times and availability with the employee in advance, otherwise normal conditions of employment as set out in the employment contract apply. If any employee has any concerns with their working arrangements, they must bring the matter to the attention of their manager without delay.

Contractual Changes- The employee's manager must ensure that revised contract documentation is issued as necessary.

Pay & Benefits- Pay and benefits are not affected on the basis that the full-time hours for the post are worked. Part-time employees will be entitled to salary and other benefits on a pro-rata basis.

Ending the Agreement- The Council reserves the right to withdraw homeworking from an employee. Subject to the exigencies of the service reasonable notice will be given.

Arranging to work from home

Consideration must be given to the suitability of the proposed location. The 'work site' has to be adequate both for practical working and to comply with health and safety legislation. Ideally, the employee should have a separate room or area set

aside for home working which will be sufficient for accommodating all the necessary furniture and equipment.

Costs

The costs of home working will vary. The baseline costs consist of the equipment that may be required at home and the costs of networking information between the office and the home. The costs of setting up a 'work station' should be considered before a manager agrees to home working. All related costs will be funded by the employees' department. However, there will be no heating and lighting allowance paid to the employee when they are working from home.

Truro City Council Equipment

Equipment required to enable an employee to work effectively at home will be provided by the Truro City Council. Items of equipment commonly used include laptop, printer, Internet Connection, mobile phone, lockable filing cupboard, and items of stationery. This equipment will remain the property of the Truro City Council. The equipment required will vary from case to case. Final decisions on what is needed will be made by the Town Clerk after consultation with the employee and their manager. Where equipment is provided employees must:

- take reasonable care of it;
- use it only for official purposes;
- use it only in accordance with any operating instructions;
- return it to the Council when requested;
- use it in accordance with any existing Council policies.

Use of Personal Equipment for Work Purposes

The employee's manager must give written agreement before any personal item of equipment is used. The Council is not responsible for the maintenance, replacement, or repair of any personal equipment that is used. When using a home telephone for official work purposes a detailed record of official calls should be kept for reimbursement purposes.

Home working Agreement

It is the responsibility of the employees' line manager to ensure that a proper framework and agreement is set in place to protect both the employee and the Council. The employee's manager remains responsible for the supervision of the employee throughout all of their working hours. It is expected that the employee will agree the organisation of their work and deadlines to be achieved with their line manager. Employees must be available to managers by phone, e-mail etc. when required. A Home working Agreement be completed and signed by the employee and their manager prior to homeworking. A copy is given to the employee and copy will be held on their personal file.

Communication

It is essential that good communication is maintained at all times between the employee and their line manager. The line manager and employee should plan and agree how they will communicate effectively with each other. These arrangements should be agreed in writing and regularly reviewed in light of operational experience.

Employees must agree arrangements with their line manager so that every week the line manager is informed of their whereabouts and knows what they are doing. The line manager will inform the employee of meetings, training sessions and other events they would expect them to attend and will also ensure that the employee is kept up-to-date with circulars and information relevant to their work.

Health and Safety Policy

The Truro City Council Health and Safety Policy contains guidance for managers regarding Health and Safety. It is the responsibility of the employee's manager to ensure the Health, Safety and Welfare of employees, whether working at home or in the office.

Risk Assessment- For any employee working from home, a Home Working Risk Assessment must be completed. Managers are responsible for ensuring this is done. A homeworking checklist is to ensure that all hazards have been identified.

Inspection- The Council retains the right to check the employee's work areas in their own home for Health and Safety and information security purposes. The need for such inspections will depend on the nature of the work undertaken.

Reporting- Accident / Near Miss reporting procedures apply equally to incidents arising in the employee's home.

Meetings- Meetings employees between employees and members of the public, councillors or other agencies must not be held at home. Meetings with Truro City Council colleagues at home must be avoided, except under circumstances authorised by a manager.

Working Time- Where the agreed working pattern allows for flexibility, both manager and employee should monitor to ensure excessive hours are not being worked. It is important that working patterns and hours are not detrimental to the employee's health, and comply with the Working Time Regulations.

Use of Computers- If an employee is likely to use a computer for a significant part of their duties whilst working at home, a Display Screen Equipment self audit must be undertaken by the employee and passed onto the manager. The manager should decide whether additional control measures are required. Further information on home working can be obtained from the leaflet:

www.hse.gov.uk/pnbns/indg226.pdf (home working)

For further information on Health and Safety please refer to the following leaflets:

www.hse.gov.uk/pnbns/indg143.pdf (manual handling)

www.hse.gov.uk/pnbns/indg36.pdf (display screen equipment)

Security

Employees must ensure that information and equipment are kept securely. In particular private and confidential material must be kept in lockable secure storage at all times. Managers must be satisfied that all reasonable precautions are taken to maintain confidentiality of material in accordance with the requirements of the Truro City Council.

Insurance

If employees do have insurance it is a condition of any home working agreement that they must inform their household insurers of the arrangements.

Employer's Liability- Employees working at home are covered by the Council's Employer's Liability Policy during the course of their employment. Any accidents must be reported immediately in accordance with the Health and Safety Policy.

Public Liability- Although covered by the Council's Employer's Liability Policy, employees working from home are advised to ensure that they have a home contents policy that has public liability for at least £1 million. This is standard in most home insurance policies.

Mortgages and Tenancy Agreements, Council Tax and Business Rates

Employees are responsible for ensuring that any matters relating to the property are dealt with.

Mileage Claims

During homeworking, mileage or other travel costs will be payable on business journeys from home to the work site, subject to this not exceeding the travel costs which would have been incurred to these sites from the normal office base. It will be necessary for the manager and the employee to agree the detail of this in each individual case.

Learning & Development

Working from home is a very different way of working, which requires an individual to adapt quickly to working independently and on their own for most of their working day. There will be less support from colleagues and daily contact with their line manager (although regular communication is vital to the home working arrangement being successful). The home worker will require knowledge of a wider range of tasks that would normally be left to 'specialists' in the office. The extent and cost of additional training will vary but due to the amount and complexity of equipment installed at home and changes in the way the employee will work, training should include:

Induction- It is good practice for new employees to the Truro City Council to spend some time in the office environment to familiarise themselves with the organisation and with colleagues before working from home. The employee's manager will arrange for the home worker to spend a suitable period in the office during their induction period.

Health and Safety Awareness - Before agreeing to home working, managers should consider what further training may be necessary.

Other training requirements may include:

- Communications and time management skills;
- Skills enhancement for career and personal development;
- First aid, fire safety, accident reporting;
- Managing stress;
- Information security awareness;
- Lone working.

Monitoring & Review

The policy confers no contractual rights. Managers will work to monitor the application of this policy. Truro City Council may review any aspect of the procedure in the light of changing circumstances at any time.

Code of Conduct and Organisation Standards Policy

The Organisation Standards and Code of Conduct Statement is intended to provide you with a guide to the organisation's expectations of conduct and performance. It should be read in conjunction with the organisation's policies and any working practices guides. Misconduct may amount to gross misconduct where the breach is serious or wilful (& vice versa where the breach is less serious or inadvertent).

Purpose and Scope

Truro City Council (the Council) relies upon the goodwill, reliability and loyalty of its employees. It is important that the Council ensures that all employees are made aware of the standards of conduct expected of them. This document sets down those standards of conduct and will be reviewed from time to time.

This policy applies to all permanent and temporary members of staff and embraces all those who work under a contract of employment or a contract of service with the Council.

Public Concern

The public expects conduct of the highest standards from Council employees and public confidence would be shaken should the least suspicion arise that any employee might be influenced by improper motives.

Employees must not allow their private interests to come into conflict with their work. This does not preclude employees from undertaking additional work outside their working hours providing that it does not impact on or distract from their Council work. Employees who are employed in posts above Grade 'I' or equivalent may not engage in any other paid employment without the written permission of the Town Clerk.

Equality and Fairness

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals.

Within the workplace there should be mutual respect and the employee's language and behaviour should be conducive to a productive and harmonious work environment with all employees having the right to be treated with fairness and equity.

Further information regarding equality and fairness is provided within the dignity and diversity at work policy.

Political Neutrality

In providing a service to the Council and its elected Members, employees are expected to give advice to individual Members and their political groups and maintain political neutrality. Certain employees will have been notified that the position they hold has been identified as falling within the definition of "politically restricted" and is therefore politically sensitive. Such employees are prevented from becoming members of a Local Authority (other than Parish or Community Councils),

MPs or MEPs. They are also prevented from holding office in a political party and from canvassing, speaking in public or writing on political party matters.

In discharging their duties employees must follow every lawful policy of the Council and must not allow their own personal views or political opinions to interfere with their work.

Protocol for employees on gifts and bequests

Employees should not accept gifts in any form, since acceptance could be interpreted as a bribe to favour a particular supplier of service to the Council. Employees should enter details of any gifts received in a voluntary register kept by the Town Clerk and available for public inspection.

Employees who are offered gifts or bequests should explain this policy and decline to accept. Where this may cause offence or where bequests are not made known until the reading of a will the gift or bequest should immediately be notified to the Town Clerk who will seek the advice of the relevant Committee for the most appropriate action.

Any employees who are unsure what they can or cannot accept should speak to their line Manager/supervisor in the first instance or raise the matter with the Town Clerk.

Hospitality and entertaining

Employees should exercise great care in offering or accepting hospitality bearing in mind how the public might view this. In all cases employees should be able to justify any arrangements as having been made in the best overall interests of the Council. The following examples are considered acceptable forms of hospitality:

- A working meal provided to allow the parties to discuss or to continue to discuss business. Where practicable, both parties should endeavour to pay their own costs;
- An invitation from an established or prospective trading partner to a function that is part of a much wider gathering e.g. a sporting or cultural event, conference, lunch or drinks, where other Local Government employees connected with the service provided by the trading partner are also invited;
- An invitation to attend a dinner or function of a Society or Institute with whom the Council has contact;
- An invitation to attend a function organised as part of a company's or other body's anniversary celebration.

The following are examples of unacceptable offers or invitations:

- Holidays, including accommodation and travel arrangements;
- Hotel vouchers, free travel (not including car sharing) etc;
- Use of council flat or hotel suite
- Hospitality by private companies at sporting or cultural events
- Where the person or body offering hospitality has a matter currently at issue or in dispute with the Council then any offer of hospitality shall be refused.

Copyright

All records, documents and other papers which relate to the Council's business and which are made or obtained by employees in the course of employment are the property of the Council. The copyright on all such original records, documents, papers (including copies and summaries thereof) belong to the Council.

Patents and Inventions

Any matter or thing capable of being patented under the Patents Act 1977, made, developed or discovered by an employee either alone or with others whilst in the performance of their duties, should be disclosed to the Council through the Town Clerk and, subject to the provisions of the Patents Act, it will belong to and be the absolute property of the Council.

Committee Procedures

No proceedings of any Committee meeting taken in confidence, including the content of any data, document, paper, report nor the contents of any document before the Committee in confidential session, should be disclosed to members of the public unless required by law or expressly authorised by the Committee, or by the Chairman or Vice Chairman.

Confidential Information

Apart from confidential information presented to Committees, employees will receive from time to time written, oral and computerised data, which is of a confidential nature. Such information should not be disclosed except in the normal course of business within the Council and not otherwise unless the line Manager in the interests of the Council has given specific approval.

Personal Information

With the exception of employer confidential references and, where it is necessary, in co-operation with official investigative bodies, personal information concerning another employee should not without his/her consent be supplied to another person outside the service of the Council.

Financial Dealings

Employees should not deal in shares or other securities of any organisation when they have in their possession as an employee unpublished information that, if published, might affect the value of that organisation's shares or other securities.

Employees must declare in writing to the Town Clerk any financial dealings they or members of their family may have in any business which may have a business relationship with the Council. Should any employee wish to become so involved in any such business they must first receive the permission of the Town Clerk.

Health and Safety

The Health and Safety at Work Act 1974 places a duty on employees whilst they are at work to take reasonable care for the health and safety of themselves and others. Consequently, employees are legally bound to comply with all rules and instructions set by the Council. Further information regarding Health and Safety can be found within the Health and Safety policy.

Private Trading

Employees are not allowed to carry out private trading including the posting and distribution of private trading literature on the Council's premises nor may they do so elsewhere whilst on Council duties.

Register of Interests

Employees are invited to record in a voluntary register maintained by the Head of Department their financial interest in any business or contract that involves or may involve Truro City Council. This should also include any such interest of any person living with them or close relatives.

Information Security

Employees must positively prevent information misuse and ensure the accuracy of information by:

- Protecting information against unauthorised access
- Assuring the confidentiality of stored information
- Maintaining the integrity of information
- Meeting all regulatory, legislative and Council policy requirements
- Producing, maintaining and testing Council continuity plans
- Providing and making available relevant information and security training for other employees
- Preventing improper use of office equipment
- Limiting the use of electronic mail and the Internet for authorised business purposes only.

Fidelity

In addition to the express terms employees have common law duties implied in their contracts of employment that generally reflects the personal nature of the contract. These duties require the employee to obey lawful and reasonable instructions, serve the employer personally and faithfully, exercise reasonable care and skill in carrying out their work and abide by the law as established by Parliament and the Courts. Serious breaches of these terms could, if proven, lead to disciplinary action being taken against the employee.

Appointments and other employment matters

Employees must not be involved in decisions relation to appointment, promotion, pay, discipline or grievance where the person is a relative, partner or personal friend. Should such a situation arise they must advice the Town Clerk.

Attitudes

In addition to the above we expect all employees of the Council to:

- Demonstrate respect and value for customers and colleagues;
- Demonstrate integrity and honesty at work;
- Give work their full care and attention;

- Maintain confidentiality in all aspects of their work;

Disciplinary Policy

Purpose and Scope

The purpose of this disciplinary procedure is to ensure the safe and effective operation of Truro City Council and to provide fair, consistent treatment to individual employees.

This procedure provides a framework to manage any shortfall in meeting the organisation's standards of conduct and encourages individual employees to meet and sustain an acceptable standard.

This procedure applies to all employees.

Informal Action

It is expected that most minor shortfalls in meeting the organisation's standards will be resolved quickly through a discussion with your manager. The objective of such a discussion is to help you improve your conduct. A note may be kept in your personnel file of what was discussed and what was agreed. Your manager may set goals for improvement and will monitor the situation. If you do not improve satisfactorily, or there are further shortfalls in meeting the organisation's standards then a disciplinary meeting will need to take place.

Investigation

Before any disciplinary meeting is organised the matter will first be investigated by a manager of the organisation or at the organisation's discretion by a third party. This investigation will be carried out quickly and thoroughly and you are expected to co-operate fully with those undertaking it. It may be straightforward (e.g. meeting with you to ask questions) or more involved (e.g. taking statements from others, gathering paperwork etc.) depending on the circumstances. The investigation and any subsequent disciplinary process will be kept confidential, as far as is reasonably practicable, by all parties involved.

Suspension

You may be suspended on full pay by a manager under certain circumstances, including but not limited to harassment, bullying, theft and violence. Suspension may last for the duration of the investigation and any subsequent disciplinary process. This is not a disciplinary sanction rather it is a way of ensuring that a full review of the circumstances can take place as effectively as possible. Any suspension period will be kept to a minimum and if you have any queries during such a period you should speak to your manager or a nominated contact if you are given one.

Disciplinary Meeting

If, following the investigation, there is a case to answer you will be invited in writing to a disciplinary meeting. The letter will set out the nature of the complaint against you and provide details of the supporting evidence. You will be advised in that letter of your statutory right to be accompanied at this meeting by a colleague or

a trade union representative. A trade union representative means a full-time official or a lay official certified by the union as having experience of, or having been trained in, acting as a companion at a disciplinary meeting. If you are accompanied at the meeting, your companion may take a full part in the meeting but you may still be asked questions directly. A colleague may have time off work to accompany you. The organisation may ask an HR Adviser to be present at the meeting; they or a note taker may take notes at the meeting.

If you (or your companion) are not available at the proposed time for the meeting, a mutually convenient alternative time may be arranged by the organisation provided that this is within 7 days of the original proposed date. If you are unable to attend a second scheduled meeting then this meeting may proceed in your absence.

At the beginning of the meeting the nature of the alleged shortfall in meeting the organisation's standards will be made clear to you and it will be confirmed whether or not you have chosen to be accompanied at the meeting. The main points of evidence will then be outlined and attention drawn to any relevant paperwork. You (or your companion) will then have opportunity to put forward your response. If witnesses have been asked to come to the hearing you will have opportunity to ask them appropriate questions. You and an investigating officer (if present) may be invited to make closing statements. If any additional issues arise during this meeting, an adjournment may take place to allow further investigation. You may put forward at the meeting any mitigating circumstances that you believe should be taken into account (e.g. good service) in considering the allegation.

Disciplinary Action

Due to the size of the organisation investigations may be undertaken, and decisions about disciplinary action may be made, by a single manager or the Town Clerk at different stages of the procedure. If, at the end of a disciplinary meeting, or shortly thereafter, it is decided that there has been a shortfall in meeting organisation standards, formal disciplinary action will be taken

If you are issued with a warning, you will be informed of the period for which the warning will remain in place. A copy of the written warning will be kept in your personnel file. Previous warning/s will be taken into account in deciding the appropriate disciplinary action but if your conduct has reached an acceptable level then after the specified period the warning will be disregarded for disciplinary purposes, but will be kept on your personnel file.

Gross Misconduct

If you are found guilty of gross misconduct then the organisation may summarily dismiss you. This means that you are dismissed with immediate effect without notice or pay in lieu of notice. The organisation may impose a penalty short of dismissal as an alternative to dismissal. A non-exhaustive list of examples of gross misconduct is found in Code of Conduct and Organisation Standards.

Stage 1 – First Warning

If your conduct is unsatisfactory you will be given a formal FIRST WARNING, a note of which will be held on your personnel file. It will normally be taken into account for a period of six months in any further disciplinary action that occurs within that period. You will also be reminded that if there is no improvement, or a further breach occurs, within a specified period, further disciplinary action will be taken.

Stage 2 – Final Warning

If the breach of the Council's standards is very serious, or there is still no improvement in your conduct, or another breach of the Council's standards occurs, despite a previous warning, a FINAL WARNING will be given. It will normally be taken into account for a period of twelve months in any further disciplinary action that occurs within that period. This will include the reason for the warning, giving details of how you should improve, and remind you that if there is no improvement, or a further breach occurs, within the specified period, you may be DISMISSED.

Stage 3 – Dismissal or other disciplinary action

If there is no satisfactory improvement in your conduct, or if a further breach of the Council's standards occurs, or you are found guilty of gross misconduct then you may be DISMISSED (or other disciplinary action may be taken i.e. demotion/reduction in pay/transfer). You will be informed in writing of the decision at your last given address at the time of posting, given details of the reason for the dismissal, or other disciplinary action, your termination date (if relevant), the appropriate period of notice or amount of pay in lieu of notice, your right of appeal and details of the appeal process (see below).

A decision to dismiss or impose other disciplinary action will normally be taken by the Town Clerk and dismissal will be applied if the Organisation does not consider any alternative to dismissal would be appropriate.

If you are dismissed under this policy your employment will terminate on the date specified in writing. Your employment will NOT be suspended pending the outcome of any appeal procedure. Should an appeal reverse the decision to dismiss you, you will be reinstated with no break in service and any monies owing to you will be paid.

Implementation of this procedure

Depending on the circumstances and how serious the allegation is that is being considered any of the Stages of this procedure may be omitted. This particularly applies to issues of conduct that arise during a probation period or the first year of service where a decision to dismiss may be taken without a disciplinary meeting being first arranged.

If you have any particular requirements due to a disability, race or other equal opportunities consideration to enable full participation in the investigation or meeting you should alert the relevant person or manager to this beforehand. Reasonable adjustments will be made to meet your (or at a meeting your companion's) needs.

Appeal Procedure against disciplinary action or dismissal

You have the right to make an appeal following receipt of a disciplinary warning/action or dismissal decision at each Stage of this procedure. The written record of a warning/action given to you will state that you have this right and to whom an appeal may be made. The appeal must be received by the specified manager within 7 days of your receipt of the written record. You will be considered to have received the written record within the standard postal delivery times when the record is sent to your latest home address notified to the organisation at the time of posting.

An appeal must be in writing and state why you are making the appeal. The appeal will be heard by a manager at a comparable or higher level to the manager who issued the warning; however, due to the size of Truro City Council and the availability of managers this may not be possible in all instances. The Council may take independent advice to help maintain fairness and objectivity. The appeal will normally be heard within 7 days of its receipt. The same provisions, to be accompanied and for adjournments to take place, apply to appeal meetings as to disciplinary meetings. If it is anticipated that the appeal will not be considered within 7 days of receipt you will be informed of this and the expected timeframe.

An appeal meeting will normally focus on the specific factors that the employee wishes to be reviewed. Should there be any new evidence the employee/companion will be given opportunity to comment on it. The manager hearing the appeal has discretion as to whether the employee and the manager who made the original decision (if applicable) should be present together at the meeting. The manager who made the original decision (if applicable) will be given opportunity to explain the basis of this decision. When the matter has been reviewed the manager hearing the appeal will adjourn the meeting and consider the matter in private, before reaching a decision. Disciplinary action may be varied, confirmed or dismissed on appeal and the staff member will be informed of the outcome of an appeal, usually within 28 days of the appeal hearing.

Provisions for the Town Clerk

In a disciplinary situation involving the Town Clerk the above policy will apply with the following changes:

- A panel consisting of three members will hear the original allegation.
- A panel consisting of three members who did not hear the original allegation will hear any appeal to the outcome of the previous hearing.

If it is not feasible within a reasonable timeframe to convene an entirely new panel one or more members who considered the original allegation may be asked to hear the appeal.

Records

All records relating to disciplinary action will be kept in accordance with the provisions of the Data Protection Act 1998.

Conduct & Performance Expectations

We expect all employees of the Council to:

- Attend work on time;
- Work co-operatively with Manager/Supervisors and colleagues;
- Meet reasonable Council expectations for job performance and targets;
- Not use foul or abusive language;
- Handle complaints from customers or colleagues in a professional, calm and non-confrontational manner;

- Follow the Council's procedures for requesting holiday and absence from work for personal reasons;
- Follow the Council's procedures for sickness notification and certification;
- Report and record accidents appropriately;
- Keep Council rules about the use of Council resources and Council image (including maintaining a professional appearance at work);
- Use Council resources with care and without waste;
- Follow the Council's policies on Information and IT use as stated in the policy regarding this.

Gross Misconduct

The following bullet points intend to show the types of situations which the Council regards a gross misconduct. This list is not intended to be exhaustive.

- Theft, fraud, deliberate falsification of records, copying of unauthorised computer software;
- Physical violence actual or threatened or dangerous behaviour;
- Serious breach of Health & Safety rules and procedures and follow these at all times;
- Serious or repeated negligent acts in the performance of your duties;
- Misuse, abuse or deliberate damage to Council property or that of other employees;
- Disclosure of confidential information without authority to a third party (subject to provisions of Public Interest Disclosure Act 1998);
- Giving false or misleading information to the Council;
- Employees should be fully capable of performing their duties and not intoxicated with alcohol or influenced/in possession of/supplying drugs that have not been prescribed to the individual by a medical practitioner while on Council premises or during working hours. This includes drugs controlled by the Dangerous Drugs Act 1986;
- Refusal to attend a medical examination with an Occupational Health Practitioner if reasonably asked to do so;
- Failure to maintain a high standard of integrity both at work and outside; conduct which results in conviction for any offence that is incompatible with the individuals' employment or which may place the Council in disrepute or which causes the Council to lose trust and confidence in the employee;
- Harassment, bullying or discrimination on any grounds;
- Raising a grievance or making an allegation maliciously;

- Leaving the workplace without permission or reasonable excuse;
- Being absent without leave from work without prior authorisation or reasonable excuse;
- Private work being undertaken during working hours, with Council resources or on Council premises without written permission obtained beforehand;
- Use of Council IT facilities for personal use including deliberate accessing of internet sites containing pornographic, offensive or obscene material;

Serious act of insubordination, repeated or serious refusal to carry out a reasonable instruction given by a Manager/Supervisor or that is a Council rule

Conflict of Interest Policy

Policy brief & purpose

The Conflict of Interest Policy refers to any case where an employee's personal interest might contradict the interest of Truro City Council. This is an unwanted circumstance as it may have heavy implications on the employee's judgement and commitment to the company,

This policy will outline the rules regarding conflict of interest and the responsibilities of employees, sub-contractors and partners and the company in resolving any such discrepancies.

Scope

The Council's conflict of interest policy applies to all prospective or current employees, as well as independent contractors (unless specially negotiated during contractual arrangements) and persons acting on behalf of the Council.

Policy elements

The relationship of the Council with its employees should be based on mutual trust. As the Council is committed to preserve the interests of people under its employment, it expects them to act only towards its own fundamental interests.

Conflict of interest may occur whenever an employee's interest in a particular subject may lead them to actions, activities or relationships that undermine the Council and may place it to disadvantage.

What is an employee conflict of interest?

This situation may take many different forms that include, but are not limited to, conflict of interest examples:

- ◆ Employees' ability to use their position with the Council to their personal advantage
- ◆ Employees engaging in activities that will bring direct or indirect profit to a competitor
- ◆ Employees owning or working on a private business with links to Council interests
- ◆ Employees using connections obtained through the Council for their own private purposes
- ◆ Employees using company equipment or means to support an external business
- ◆ Employees acting in ways that may compromise the Council's legality (e.g. taking bribes or bribing)

If a member of staff (Director, organisation or contracted body) has a connection or commercial relationship with any business with similar business interests to that of the Council operating in Cornwall, then the following policy guidelines are to be adopted:

- The Town Clerk should be informed with details of the relationship
- The individual must never promote or favour that business whilst under the employ or contract of Truro City Council or its sub-contractor or partner

agreements.

- 1 Actions deemed at favouring or promoting a business:
 - a) Recommending or suggesting them to procure business to the connected party
 - b) Favouring them in any promotional activities online or otherwise, including Social Media, both work and private, if there is a clear relationship or implied relationship with Truro City Councils subcontractors or partners on their social media.
 - c) Providing external business with any internal/confidential information or intelligence
 - d) Any other actions that unfairly favour the business connection

The possibility that a conflict of interest may occur can be addressed and resolved before any actual damage is done. Therefore, when an employee understands or suspects that a conflict of interest exists, they should bring this matter to the attention of the Town Clerk so corrective actions may be taken.

The responsibility of resolving a conflict of interest starts from the immediate manager and may reach senior management. All conflicts of interest will be resolved as fairly as possible. The Town Clerk has the responsibility of the final decision when a solution cannot be found.

In general, employees are advised to refrain from letting personal and/or financial interests and external activities come into opposition with the company's fundamental interests.

Staff Disciplinary Procedure

In cases when a conflict of interest is deliberately concealed or when a solution cannot be found, disciplinary action may be taken and may result on dismissal on ground of gross misconduct.

Criminal Convictions and Disclosure Information

Purpose and Scope

This document is intended to state the Council's policy with regard to the employment of people with criminal convictions and how it intends to handle disclosure information. It is applicable to all employees.

Employing people with a conviction

As Truro City Council meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, all applicants who are offered employment will be subject to a criminal record check from the Disclosure and Barring Service (DBS) via Cornwall Council in their capacity of an umbrella body before the appointment is confirmed. This will include details of cautions, reprimands or final warnings as well as convictions.

Truro City Council shall not unfairly discriminate against the subject of disclosure information on the basis of conviction or other details revealed.

Applicants with a criminal conviction shall not be deemed unsuitable as a matter of course. The suitability for employment of a person with a criminal record will vary depending on the details and circumstances of any convictions and the nature of the work. The following issues shall be taken into consideration:

- The seriousness of the offence;
- The length of time since the offence occurred;
- The circumstances leading up to the offence;
- Whether the offence was a one-off or part of a history of offences;
- Whether the applicant's circumstances have changed making re-offending less likely.

Applicants with the following offences may not be considered as suitable for employment:

- Serious assault – less than 5 years elapsed;
- Theft;
- Sexual offences;
- Serious drug offences;
- Applicants on the protection of children and/or vulnerable adults lists;
- Serious driving offences – where the applicant is required to drive as part of the job.

It is important to talk to the individual concerned and any disclosure should be fully discussed with them before the offer of employment is confirmed or withdrawn. Any decision to confirm or dismiss an applicant because of the information supplied on the disclosure will be the decision of the Town Clerk.

Storage, handling, use, retention and disposal of Disclosure information

Truro City Council is an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust. Truro City Council complies fully with DBS code of practice regarding the correct handling, use,

storage, retention and disposal of Disclosures and Disclosed information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters that is available to those who wish to see it on request.

Disclosure information is never kept on an applicant's personnel file and is always kept separately and securely, in lockable, non-portable storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

In accordance with Section 123 of the Police Act 1997, Disclosure information is only passed to those authorised to receive it in the course of their duties. A record is kept of all those to whom Disclosure or Disclosure information has been revealed and the Council recognises that it is both a criminal and disciplinary offence to pass this information to anyone who is not entitled to receive it.

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

Once recruitment or other relevant decision has been made, the Disclosure information will not be kept for longer than is absolutely necessary. This is generally no longer than six months to allow due consideration and the resolution of any appeal of dispute to be exhausted. If in exceptional circumstances it is necessary to keep information for longer than six months we will inform the DBS and will give full consideration to the Data Protection Act and Human Rights of the individual before doing so. Throughout this time the usual conditions regarding safe storage and strictly controlled access will continue to prevail.

Once the retention period has elapsed, all Disclosure information shall immediately be suitably destroyed by shredding, pulping, burning or other equally secure means. Whilst awaiting destruction the usual conditions regarding safe storage and controlled access will continue to prevail. No photography or other image of the Disclosure information will be made or taken. However, notwithstanding the above, a record of the date of issue or a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the date of the details of the recruitment decision taken may be kept on a secure file.

Truro City Council has asked Cornwall Council to act on their behalf as an umbrella body on the understanding that they will take all reasonable steps to protect the disclosed information in the same manner as we have set out in this policy. They too will take all reasonable steps to ensure that they will handle, use, store, retain and dispose of Disclosed information in full compliance with the DBS Code and in full compliance with this policy. They will ensure that any body or individual, at whose request applications for Disclosure are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

Substance Abuse Policy

Purpose and Scope

The Council wishes to promote the health and well being of employees and minimise problems at work arising from the effects of alcohol and non-prescribed drugs. This policy aims to ensure your welfare and to safeguard our efficiency and reputation and applies to all employees.

The definition of 'substance' includes the following:

- Alcohol;
- Illicit, prescription or over-the-counter drugs;
- Any other substances that may impair an employee's performance or conduct at work.

Seeking Help

We consider alcoholism and drug dependency as illnesses which, except where absolutely necessary, should be treated medically rather than within the disciplinary procedures. We encourage you to seek help if you have an alcohol or drugs-related problem and to seek advice from your manager on the support that may be available to you from outside agencies and/or the Council. You or your manager may ask that together you reach a supportive agreement as to the actions you and the Council will take in this regard, including consideration of Occupational Health referral.

Manager's Role

Managers within the Council should be alert to the fact that there are often signs that might suggest that someone has a problem. These include a decline in work performance; a poor attendance record; unreliability; unexplained injuries; and changes in behaviour such as irritability and lack of concentration. The Council accepts that raising the subject may put you in a difficult or embarrassing position but believes that you should encourage a member of your team to seek help if you believe they may have a substance abuse problem.

Contact your HR support for advice on potential sources of help for your team member. You may be advised to seek to come to an agreement with the member of your team about whom you are concerned which states the actions that they will take to seek to resolve the problem: this may include attending counselling sessions, undergoing a treatment programme and/or taking some time away from work on sick leave for a period of treatment. The agreement will be time-bound and include regular reviews of progress. You will be responsible for monitoring the performance and health of your employee at work for the duration of the agreement.

Our Expectations

Although the Council's intention is to help employees with substance abuse problems, employees whose performance or behaviour falls below the acceptable standard or who cause danger or inconvenience as a result of alcohol or non-prescribed drugs may be the subject of Capability or Disciplinary processes. We will take disciplinary action, including dismissal, for the following serious offences:

- Possession, use or sale of illicit drugs on Council premises, the premises of a customer or supplier and also at any other event when representing the Council;
- Working under the influence of alcohol such as to impair performance or conduct; drinking alcohol on Council premises other than when authorised by management;
- Being under the influence of alcohol, drugs or other prescribed substances which impair performance or conduct whilst at work (including attending any event, whether social or otherwise at Council premises or elsewhere)
- Refusing to accept referral to specialist help or to seek to reach a reasonable agreement with your manager on actions to resolve a dependency problem;
- Relapse into dependency after a course of treatment for substance abuse has been completed (taking into account an assessment of the individual circumstances and the possible time-frame for full recovery).

If an employee is known to be, or strongly suspected of being, intoxicated by alcohol or drugs during working hours, arrangements will be made for the employee to be escorted from the Council's premises immediately

Capability Policy

Purpose and Scope

The purpose of the capability policy is to provide a framework to assist employees who have difficulty achieving the required standards of job performance. The aim is to encourage and support improvement through a process which is fairly and consistently applied. Through progressive levels of review and target setting our objective is that the required standard of performance can be achieved and any training and support identified and given to support this.

The Council will seek to avoid a situation where termination of employment is necessary through considering any suitable alternative positions that may be available. If, however, there is a continued failure to reach the required standards of work performance then termination of employment may take place.

In cases where the actual or potential consequences of sub standard performance are very serious the Council may choose to invoke its disciplinary procedure. Summary dismissal action may be taken in the event of gross negligence.

This procedure applies to all employees who have a contractual responsibility to perform to a satisfactory level. This procedure does not form part of your terms and conditions of employment.

Implementation of this Procedure

If you have any particular requirements due to a disability, race or other equal opportunities consideration to enable full participation in the investigation or meeting you should alert the relevant person or manager to this beforehand. Reasonable adjustments will be made to meet your (or at a meeting your companion's) needs.

Informal Counselling

Your manager will normally speak to you if your performance is causing concern either within the job planning process or at a separate meeting. They will discuss the standards expected and how these may be achieved. The aim of such a discussion is that you understand what is required and to identify any training and development needs or personal circumstances which could be contributing to the poor performance. They will discuss with you targets and timeframes for improvement along with potential solutions. A note of what was discussed and what was agreed will be kept on your personnel file. If it is established that the performance concern actually relates to misconduct or negligence the disciplinary policy may then be followed.

If your performance is not improving, after one or more such discussion then the formal procedure may be used to progress the matter.

Formal Capability Procedure

The formal capability procedure will be used when:

- targets set at an informal meeting have not been met;

- targets set at informal meeting have been met but the level of improvement and performance has not been sustained;
- there has been a significant failure in performance which warrants entry into the formal procedure without any prior warning.

The procedure may be entered at any stage depending on the seriousness or impact of the performance gap between the Council's expectations and the employee's work, although normally the 3 stages of the procedure will be used.

Monitoring and Review

Your performance will be monitored throughout the formal procedure and review meetings will be held with you after a reasonable period of time has been given for you to demonstrate an improvement, following a Stage 1 or Stage 2 meeting. The purpose of the policy is that you be given opportunity to achieve the standards expected. If there is some improvement and it is likely that in a short time frame the standards will be achieved then the review period may be extended. If standards are still not being met then the matter will be taken to the next stage of the capability procedure.

If an acceptable level of performance is reached then normally you will be taken out of the capability review procedure.

Capability Meetings

Prior to a meeting you will receive a letter which will provide details of the performance gap between the Council's expectations and your work and which will invite you to the meeting. The letter may contain some supporting evidence if this would aid discussion. The letter will explain that disciplinary action may be taken as a result of this meeting.

You will be advised in that letter of your statutory right to be accompanied at this meeting by a colleague or a trade union representative. A trade union representative means a full-time official or a lay official certified by the union as having experience of, or having been trained in, acting as a companion at a capability meeting. If you are accompanied at the meeting, your companion may take a full part in the meeting but you may still be asked questions directly. A colleague may have time off work to accompany you.

If you (or your companion) are not available at the proposed time for the meeting, it may be postponed once to a time within 7 days of the original date.

An HR Adviser may be asked to attend and support the process at any stage and/or a notetaker may be present.

At a capability meeting your performance will be reviewed against the required standards and you will have an opportunity to discuss any training needs or personal circumstances which could be contributing to the poor performance. A resulting warning will describe the reasons for the warning, the improvement that is expected and the timeframe within which this is expected. It will also state how long the warning will remain in place and outline the consequences of a continued failure to improve. Any support or training offered will be detailed in this letter together with who will be involved in the monitoring process. This may include counselling if issues relating to your personal life have been identified as a cause of performance problems at work or an agreement if a substance abuse problem is

the cause (please refer to the Substance Abuse Policy). Other forms of support may include further training, a period of time off work, reviewing work volumes, duties, procedures, support in approaching a difficult working relationships or mentoring.

There is a right of appeal against a warning at each stage of the capability procedure. The warning will be kept on your personnel file. If your job performance reaches an acceptable level after the specified period of the warning then it will be disregarded in any future disciplinary action, but will remain on file.

Stage 1 – First Formal Warning

This meeting will be conducted by your manager. You will be issued with a first formal warning.

Stage 2 – Final Written Warning

If the gap between the Council's expectations and your job performance is more serious, or there is still no improvement in your job performance the second stage of the capability procedure will be used. This meeting will be conducted by your manager or the Town Clerk. You will be issued with a final written warning. If there is no improvement within the specified period, dismissal may result at the next stage of the procedure.

Stage 3 – Dismissal

If the breach of Council standards is very serious, or there is still no improvement in your job performance the third stage of the capability procedure will be used. You will be advised in the letter inviting you to this meeting that it may result in dismissal. The meeting will be conducted by the Town Clerk who, wherever possible will have had no other involvement in the case. The Council may take independent advice to help maintain fairness and objectivity. The Town Clerk will review your level of performance against the agreed standards and will also review the support which the Council has given you.

If, after careful consideration of all the facts, it is decided that you are unable or unlikely to meet a satisfactory standard of performance, or that the consequences of your poor performance warrants termination, dismissal notice will normally be applied. The Council may consider whether there is an alternative to dismissal in redeploying you to another position (if available), if this would be more suitable to your skills and abilities. If you are offered redeployment this may affect your current pay and benefits.

You will be informed in writing of the decision, given details of the reason for the dismissal, or an offer of suitable alternative employment, your termination date (if relevant), the appropriate period of notice or amount of pay in lieu of notice, your right of appeal and details of the appeal process.

If you are dismissed under this policy your employment will terminate on the date specified in writing. Your employment will NOT be suspended pending the outcome of any appeal procedure. Should an appeal reverse the decision to dismiss you, you will be reinstated with no break in service and any monies owing to you will be paid.

Appeal Procedure against capability warning, redeployment or dismissal

If you wish to appeal against any level of warning, dismissal or redeployment you should do so by raising a grievance under the Council's Grievance Procedure at Stage 2 of that procedure. The written record of a warning/action given to you will state to whom an appeal may be made. The appeal must be received by the specified manager within 7 days of your receipt of the written record. You will be considered to have received the written record within the standard postal delivery times when the record is sent to your latest home address notified to the Council at the time of posting.

An appeal must be in writing and state why you are making the appeal. The appeal will be heard by a manager/Director at a comparable or higher level to the manager/Director who issued the warning; however, due to the size of the Council and the availability of managers this may not be possible in all instances. The Council may take independent advice to help maintain fairness and objectivity. The appeal will normally be heard within 7 days of its receipt. The same provisions, to be accompanied and for one postponement of the meeting apply to appeal meetings as to capability meetings. If it is anticipated that the appeal will not be considered within 7 days of receipt you will be informed of this and the expected timeframe.

Should there be additional issues or any new evidence arises during this meeting, an adjournment may take place to allow for these to be investigated. After considering your appeal, a decision may be taken to uphold the dismissal, redeployment decision or other capability warning or to overturn the findings of the capability meeting. You will be informed of the outcome of the appeal and the reasons for the decision in writing, as soon as possible. The decision which is reached is final.

Provisions for the Town Clerk

In a capability situation involving the Town Clerk the above policy will apply with the following changes:

- A panel consisting of three members will hear the original capability issues.
- A panel consisting of three members who did not hear the original capability issues will hear any appeal to the outcome of the previous meetings.

If it is not feasible within a reasonable timeframe to convene an entirely new panel one or more members who considered the original capability issues may be asked to hear the appeal.

Records

All records relating to disciplinary action will be kept in accordance with the provisions of the Data Protection Act 1998.

Grievance Policy

Purpose and Scope

The Council's policy is to ensure that an employee with a grievance relating to their employment can use a procedure which can help to resolve grievances quickly and fairly. This procedure applies to all employees.

Principles

- **Written Statements.** Written statements used within this procedure should not be of unreasonable length: you may be requested to state your grievance more succinctly before it is considered;
- **Right to be accompanied (Stages 2 & 3).** You have the right to be accompanied at a meeting under Stages 2 & 3 of this procedure by a single companion, who may be a trade union representative or work colleague. You or your companion will have opportunity during the meeting to state your case. If you wish the companion may respond to views expressed and confer with you during the meeting. At the meeting you may still be asked questions directly. A work colleague may have time off to accompany you at the meeting;
- **Attending the meeting.** You must take all reasonable steps to attend a meeting within this procedure. If your chosen companion is not available on the proposed date of a meeting, the Council will put forward an alternative date within 7 days of the proposed date. The meeting may only be postponed by you once, after which the Council is not required to hear your grievance;
- **Note taker** At a meeting within this procedure a note taker may be asked to attend;
- **HR Adviser / External Facilitator.** The Council may request the support of an HR Adviser / External Facilitator at any stage of the grievance procedure, in the interests of seeking a satisfactory outcome for all concerned;
- **Grievance without reasonable grounds.** To raise a grievance without reasonable grounds or maliciously may result in disciplinary action;
- **Collective Grievances:** Occasionally more than one person may wish to raise the same complaint. In this situation the employees should elect a representative to put forward the grievance. The letter raising the grievance should state the names of those on behalf of whom the grievance is being raised. There will then be discussion with the representative as to an appropriate way of dealing with the grievance in the circumstances;
- **Ex-Employee:** If you are an ex-employee and wish to raise a grievance you should put this in writing to the Town Clerk;
- **Implementation of this Procedure:** If you have any particular requirements due to a disability, race or other equal opportunities consideration to enable full participation in the investigation or meeting you should alert the relevant person or manager to this beforehand. Reasonable adjustments will be made to meet your (or at a meeting your companion's) needs.

- **Procedural Guidance.** This procedure is for guidance only and does not form part of your terms and conditions of employment; in exceptional circumstances its provisions may be waived. The contents may be subject to revision from time to time as we evolve as a Council or employment law requires.

Informal Discussion

If you have a grievance about your employment you should normally discuss it informally with your manager. We hope that the majority of concerns will be resolved at this stage. Your manager will listen carefully to what you have to say and will discuss the matter thoroughly with you. They may need to investigate your complaint further and will let you know if this is the case. If an investigation is needed they will then advise you of what action has been taken, if any.

Stage 1

If you feel that the matter has not been resolved through informal discussions or is not appropriate to raise informally, you should write to your manager stating what the grievance is and that it is being raised at Stage 1 of this procedure. If your grievance involves your immediate manager then you should send your grievance to a more senior manager.

The manager will then arrange to meet with you, normally within 7 days, to discuss your complaint. You may be represented or accompanied at this meeting by a work colleague of your choice or by a trade union representative. They may need to investigate your complaint further and will let you know if this is the case.

The manager will normally give you a written response within 7 days of the meeting in an endeavour to resolve the matter. This will usually follow a full investigation into the matter and will advise you of what action has been taken, if any. If it is anticipated that the response will take longer than 7 days from the meeting then you will be advised of this and of the expected timescale.

Stage 2

If the matter is not resolved to your satisfaction at Stage 1 or you are dissatisfied with the handling of your grievance thus far and you wish to appeal, you should write to the Town Clerk within 7 days of receiving the Stage 1 response: stating what the grievance is, the reason/s for your appeal and that it is being raised at Stage 2 of this procedure. If the grievance is an appeal as a result of a capability warning, redeployment or dismissal then Stage 2 will be the appropriate Stage at which to raise the matter.

The Town Clerk or an HR Adviser/External Facilitator appointed by the Town Clerk will normally arrange such a meeting within 7 days of receipt of the written appeal. You may be represented or accompanied at this meeting by a work colleague of your choice or by a trade union representative. They will listen carefully to what you have to say and will advise you if they need to investigate the matter further. The manager will normally give you a written response within 7 days of the meeting: if it is anticipated that the response will take longer than 7 days from the meeting then you will be advised of this and of the expected timescale.

The Town Clerk or HR Adviser/External Facilitator will, normally within 14 days of the meeting, inform you of their decision in response to your grievance. This decision is final.

Provisions for the Town Clerk

In a grievance situation involving the Town Clerk the above policy will apply with the following changes:

- A panel consisting of three members will hear the original grievance.
- A panel consisting of three members who did not hear the original grievance will hear any appeal to the outcome of the previous hearing.

If it is not feasible within a reasonable timeframe to convene an entirely new panel one or more members who considered the original grievance may be asked to hear the appeal.

Records

All records relating to the grievance will be kept in accordance with the provisions of the Data Protection Act 1998.

Whistleblowing Policy

Purpose and Scope

Truro City Council has this policy in order to protect workers from being dismissed, bullied or harassed, victimised or otherwise penalised for reporting malpractices or wrongdoing within the workplace ('whistleblowing'). Truro City Council is committed to maintaining an open culture with the highest standards of honesty and accountability. We encourage all members of our team to raise grievances about genuine concerns of misconduct of this nature.

This policy applies to full and part-time workers and contractors, home-workers and agency workers, except if they are genuinely self-employed. This policy does not form part of your terms and conditions

Disclosures under the policy

The Public Interest Disclosure Act 1998 covers the following areas of malpractice, or suspected malpractice by Truro City Council:

- A criminal offence;
- A miscarriage of justice;
- Practices endangering Health and Safety
- Practices damaging the environment;
- Failure to comply with a legal obligation;
- Financial malpractice, impropriety or fraud;
- Deliberate concealment of information relating to any of the above.

Protection in making a disclosure

- Confidentiality: A disclosure made under this policy will be treated confidentially as far as possible. If this is not possible, for example if a criminal investigation follows and you may be needed as a witness, this will be explained to you;
- Anonymity: Truro City Council encourages an open culture. Anonymous complaints under this policy may prove difficult to deal with as effectively as those which are not. Anonymous disclosures will be considered and may be investigated at Truro City Council's discretion;
- Victimisation: bullying or harassment of a worker making a disclosure under this policy will not be tolerated and complaints about such behaviour will be addressed through the disciplinary policy.

Good Faith & Reasonable Belief

Any disclosure made under this policy must be made in good faith and with reasonable belief in the matter being complained of. Malicious or vexatious allegations may result in action under the disciplinary policy. Disclosures in good faith will not result in any such action even if investigation about the concern raised subsequently does not confirm it.

How to make a disclosure

You may make a disclosure by bringing the matter to the attention of your immediate manager or the Town Clerk. If the matter relates to the Town Clerk the disclosure may be made to the Mayor. Health & Safety concerns amounting to a disclosure should be made without delay. Failure to make a disclosure when aware of malpractice will be regarded as misconduct.

A meeting will then be arranged as far as reasonably possible within 7 days of your raising the matter. At that meeting, unless the concern is particularly sensitive you may be accompanied by a colleague. You will be invited to make a statement at the meeting explaining the malpractice which you are concerned about and your reasons for your beliefs regarding it.

How the disclosure will be investigated and action taken

An investigation will then take place into the allegation within a reasonable period. The investigation may find that:

- The matter is of a nature that it should be reported to an independent body;
- Disciplinary action should be commenced against those suspected of wrongdoing;
- The allegation was not well founded;
- Those involved cannot be individually identified;

You will receive written details relating to the findings and action taken, if any. The details of any disciplinary action taken will not normally be given to you unless Truro City Council decides this is appropriate in the circumstances.

If you are dissatisfied with the outcome of the investigation you may appeal this by using Stage 2 of the Grievance Procedure. This may result in further investigation or, if not, you will be informed of the reasons why this is not considered necessary.

Disclosure to an outside body

Only if you have reasonable grounds for believing that all those to whom a complaint could be made may be involved in the malpractice, may you contact an outside body in the first instance to make a disclosure.

Independent Advice

If you are unsure about making a disclosure or the outcome of an investigation you can contact the independent charity, Public Concern at Work, on 020 7404 6609 or at www.pcaaw.co.uk.

Records

All records relating to the grievance will be kept in accordance with the provisions of the Data Protection Act.

Council Image Policy

Appearance

You are required to be neat and tidy in appearance at all times whilst at work. You must wear appropriate business dress, which is fit for the purpose, while at work and outside working hours when representing the Council or attending Council or other functions on behalf of the Council. While you have discretion to decide what is appropriate dress, your manager retains responsibility for the interpretation and application of this. If your appearance is, in the Council's view, unacceptable you may be required to return home to change your attire or appearance and you will be asked to make up the time by your manager.

Prominent visible piercing or tattoos may not be appropriate to the nature of our work and customer expectations. You must discuss any plans that you have in this regard with your manager before going ahead with them. Your manager may advise you that a prominent visible piercing or tattoo would conflict with this policy. No member of staff should wear or display any insignia or slogans that could reasonably cause offence or create an intimidating environment for others.

If it is a requirement of your religion or belief that you adopt a particular dress or appearance, the Council will normally permit this unless there is a good business reason for not doing so. Your manager will discuss this with you should this situation arise. If a member of staff is undergoing gender reassignment then they may adopt the clothing of the gender they intend to take on.

Should you have a complaint about the application of this policy you should first discuss this with your manager, if your concern cannot be resolved informally then the complaint may be raised as a grievance.

Anti-Fraud, Theft and Corruption Policy

Introduction

Truro City Council is committed to its duty to ensure effective stewardship of the public money and other assets and resources for which is responsible. The Council is therefore committed to the prevention, detection and investigation of all forms of fraud and corruption which could threaten the security of its assets or its reputation as a strong and respected organisation.

The Council's anti-fraud, theft and corruption measures consist of a series of arrangements, policies and procedures designed to prevent and detect any attempted fraudulent or corrupt act.

What is meant by fraud, theft and corruption?

For the purpose of this policy, fraud, theft and corruption are defined as follows:-

Fraud

"The intentional distortion of financial statements or other records by persons internal or external to the Authority, which is carried out to conceal the misappropriation of assets or otherwise for gain. Fraud is a deliberate act by an individual or group of individuals. Fraud is therefore always intentional and dishonest".

Theft

"The dishonest appropriation of property belonging to another with the intention of permanently depriving the other of it."

Corruption

"The offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of a person.

Culture

Truro City Council is committed to the prevention of fraud, theft and corruption. This is achieved by promoting openness and honesty in all Council activities.

The Council's members and employees play an important part in creating, maintaining and promoting this culture. They are encouraged to voice any serious concerns about any aspect of the Council's activities.

The Council's Standing Orders includes officers' and members' Codes of Conduct which require that any concerns raised will be properly investigated in a professional and confidential manner.

The Council also requires all individuals and organisations associated with it to act with integrity at all times.

Members and employees, at all levels, will lead by example in these matters.

Employees

The Council recognises that a key preventative measure in the fight against fraud, theft and corruption is to employ staff who have high standards in terms of propriety and integrity. The Council strives to achieve this through effective recruitment policies and procedures which include:-

- Obtaining written references prior to appointing staff;
- Undertaking police checks for designated posts where the postholder may deal with vulnerable people or where the duties require the highest level of propriety;
- All of the Council's contracts of employment will also incorporate mandatory requirements arising from any Employee Code of Conduct for local authority employees issued by the government;
- All staff must operate and adhere to the Council's Standing Orders and Procurement Policy;
- Staff are expected to comply with the ethics and standards associated with any professional body to which they may belong;
- The Council has Disciplinary Procedures, which will be used, where the outcome of an investigation indicates improper behaviour by staff.

Members

As elected representatives, all members of the Council have a duty to all the citizens of Truro to ensure that the Council uses its resources prudently and in accordance with the law. As such they are required to operate and adhere to the Council's Standing Orders incorporating the Code of Conduct for members. The Code includes rules regarding the disclosure of relationships, personal interests, gifts and hospitality. All members must operate and adhere to the Council's constitutional arrangements.

The Treasurer

(Section 151 Officer)

The Treasurer has a key role in providing advice to all members and staff on the proper administration of the Council's affairs, financial propriety and probity and policy framework and budget issues.

The Treasurer undertakes the statutory responsibility under Section 151 of the Local Government Act 1972 to ensure proper arrangements for the administration of the Council's financial affairs. This role is supported by work undertaken by the independent Auditor.

The Monitoring Officer

The Monitoring Officer encourages the promotion and maintenance of high standards of conduct within the Council.

Other Senior Officers

Each manager is responsible for the successful implementation of controls designed to prevent and detect fraud within their service, and the security and efficient and effective use of the assets and resources within their area of responsibility.

Management at all levels are responsible for ensuring that their staff are aware of the Council's Financial and Procurement Procedure rules and that the requirements of each are being met.

Managers are responsible for ensuring that adequate and appropriate training is provided for staff and that checks are carried out from time to time to ensure that proper procedures are being followed.

Working with Others

Arrangements are in place and continue to develop to encourage the exchange of information between the Council and other agencies/partners in respect of fraud and corruption. These include:-

- Audit Commission
- CIPFA
- Police
- Independent Audit

The Accounts and Audit Regulations 1996 and 2003 requires the Council to maintain an adequate and effective system of internal audit. We have appointed Cornwall County Council to independently review the adequacy, efficiency and effectiveness of internal controls within the Council's systems by undertaking a comprehensive programme of work targeted at key risk areas.

Any weaknesses in internal control are reported to the relevant manager with recommendations to address the issues raised. It is the responsibility of the Manager to ensure that corrective action is taken. The independent review of systems and the implementation of agreed recommendations contribute to the prevention and detection of fraud, theft and corruption. All reports are circulated to the Town Clerk, Treasurer and Chairman of the Finance and General Purposes Committee.

External Audit

Independent external audit is a further safeguard of the stewardship of public money. All external auditors are required, under the Local Government Finance Act 1982, to carry out their audits in accordance with the Code of Audit Practice.

This Code emphasises management's role in preventing and detecting fraud and corruption. External Audit reviews the Council's arrangements in meeting this objective.

Detection and Investigation

The preventative measures undertaken by the Council, particularly the implementation of sound control systems, have been designed to deter fraud and provide indicators of fraudulent activity.

It is often the alertness of employees and the public to such indicators that enables detection to occur and the appropriate action to take place when there is evidence that fraud or corruption may be in progress.

Despite the best efforts of managers and auditors, many frauds are discovered by chance or by 'tip-offs' and the Council has in place arrangements to enable such information to be properly dealt with as set out in Appendix 'A'.

The investigation of any other suspected fraud, theft or corruption will normally be carried out by the manager responsible for the service. Upon completion of the investigation, an audit report is issued to the Town Clerk who will determine, in consultation with the Treasurer and Monitoring Officer, what further action to take. A copy of the report will also be issued to the Chairman of the appropriate committee.

The reporting procedure is essential as it ensures:-

- The consistent treatment of information regarding any suspected fraud, theft or corruption;
- An effective investigation by an experienced audit team;
- The proper implementation of a structured response to any suspected act of fraud, theft or corruption;
- That the investigation will be undertaken in accordance with the Regulations of Investigatory Powers Act.

Depending on the nature and anticipated extend of the allegations, the manager will normally work closely with the Town Clerk, Treasurer and enforcement agencies to ensure that all allegations and evidence are properly investigated and reported upon.

The Town Clerk, in consultation with the Monitoring Officer, Treasurer and Chairman of the relevant committee, will decide whether or not to refer the matter to the police with the view to charge offenders.

The Council's Disciplinary Procedures will be used where the outcome of the audit investigations indicates improper behaviour regardless of whether this has been referred to the Police.

Training

The Council recognises that the continuing success of the Anti-Fraud, Theft and Corruption Policy, and its credibility, will depend largely upon awareness and adherence of the policy by staff and members throughout the organisation.

The Town Clerk will be responsible for ensuring that all staff and members are properly trained and regularly refreshed in the procedures that they should follow when undertaking their duties.

Conclusion

The Council has in place a clear network of systems and procedures to assist in the fight against fraud, theft and corruption and hence protect public funds and assets.

The Council maintains a continuous overview of such arrangements through its officers, particularly through the Town Clerk, the Treasurer and the Independent Auditor.

Availability of the Policy

This Anti-Fraud, Theft and Corruption Policy will be included within the Council's Policy and Procedure notes and available, on request in hard copy form, from the Town Clerk, Truro City Council.

In addition the policy will be given to all new employees and made available to all contractors and partners.

APPENDIX 'A'

What a member of the public/outside organisation should do if they suspect fraud, theft or corruption.

(Please note: Your identity and personal details will be kept confidential in most cases by the Council who will only divulge them when the law requires it or with your consent).

- Make an immediate note of your concern;
- Note all relevant details: what was observed, details of conversations, the date, time and name of the parties involved. Do not attempt to investigate the matter yourself;
- Convey your suspicions in writing marked CONFIDENTIAL to:

Roger Gazzard, Town Clerk
Truro City Council
Municipal Buildings
Boscawen Street
Truro, Cornwall TR1 2NE
Or
councillorcomplaints@cornwall.gov.uk

The above demonstrates a number of ways in which your concerns can be raised to the Council. If you are not satisfied with the action taken, you may wish to take the matter outside the Council. The following are contact points:-

- The Audit Commission
- The Police
- The Ombudsman
- National Audit Office
- Commissioners of Her Majesty's Revenue and Customs
- Department for Work and Pensions
- Data Protection Registrar

Information & Computer Technology (ICT) Use Policy

Purpose & Scope

The aim of this policy is to raise awareness of the responsibilities that exist in using the Council's systems, equipment and data.

It applies to all employees, workers and contractors who use or have access to the Council's data, ICT systems and equipment.

Processing of personal data is regulated by the Data Protection Act 1998. The Council also states its intention and reminds all working under this policy to comply with the Regulation of Investigatory Powers Act 2000, the Telecommunications (Lawful appraisal Practice) (Interception of Communications) Regulations 2000, Compute Misuse Act 1990 and the Human Rights Act 1998.

Computer/Electronic Equipment Access

You are responsible for ensuring that computer and electronic equipment allocated for your use is not accessed by anyone else other than in accordance with this Policy. You must ensure that when your computer terminal (or any electronic device containing Council information) is unattended you are logged out so as to prevent unauthorised use.

If you are issued with a laptop, blackberry or wi-fi enabled equipment it is your responsibility to ensure that these devices are kept secure at all times and the information on them kept confidential. You should be particularly vigilant when travelling with such equipment or when it is used outside the office, to ensure its security from theft, eavesdropping or downloading of data from the device.

Council procedures should be followed and system protection always enabled, so that viruses are not imported or the security of Council ICT systems compromised. Passwords must be used at all times to ensure secure access to ICT devices. Such passwords should be kept confidential, not be obvious and should be updated regularly.

You must not access others' computers nor seek to gain access to information which is beyond that to which you have been authorised access. The Council's ICT system contains information and data confidential, some of which is subject to data protection legislation.

Use of the Internet & Email

This policy covers the use of laptops and portable computing devices as well as the Council's office based computing resources. All Council ICT systems & resources may be monitored and breaches of this policy will result in disciplinary action up to and including dismissal.

Use of Internet

Internet access facilities provided by the Council or available from laptops or other portable computing devices are solely for business use: no personal use of the internet is permitted from these facilities within or outside working time.

Unless expressly authorised by your manager you should not commit the Council to purchasing goods or services on-line. If it is an express part of your employment responsibilities to purchase goods and services then this responsibility must be exercised within the parameters and financial limitations agreed with your manager.

You may join on-line professional interest groups directly relevant to your work with your manager's permission. Any subscription service will need to be authorised, if it is not an express part of your duties to set up such subscriptions.

You must comply with any relevant licence terms and conditions when copying or downloading material from the internet.

For the avoidance of doubt, in using the internet for business purposes the following are prohibited:

- Sending, accessing, displaying, downloading, copying or circulating any information which contains or is directly related to:
 - Pornography (including child pornography) or sexually oriented images;
 - Gambling
 - Gaming (playing computer games);
 - Promoting unlawful discrimination of any kind;
 - Threats, including threats of violence;
 - Fraud or other illegal acts;
 - Offending or showing disrespect to others
 - Unauthorised copyrighted material including music.
- Accessing, downloading, displaying or distributing material which brings the Council into embarrassment, disrepute or damages its interests or could be regarded as immoral, offensive or illegal. This includes use of blogs and participating in message rooms;
- Downloading or email texting copyright material (in any format) unless it is definite that the owner of the material permits this;
- Generating spam or piracy, participating in chain letters;
- Disclosing confidential information or trade secrets or making misleading, false or defamatory statements;
- Creating a hyperlink between the Council's website and another website.

If you do access inappropriate material by accident you should report this immediately to your manager so that this can be taken into account in any monitoring reports of ICT usage that the Council receives.

The Council will report to the police if the internet facility is used for what appears to be the intentional accessing or exchange of images of child pornography or other unlawful material. The Council shall not be liable for any consequences of personal use of its internet facilities.

Use of Email

Care should be taken when using the Council's email facilities that the Council's reputation is not compromised and that messages are sent with the appropriate level of formality. You should bear in mind that emails have an equivalent status in law to written documents and may be disclosed for the purposes of litigation. Emails can give rise to legally enforceable contracts and you should therefore ensure that you are properly authorised before any agreement is entered into via the email system.

Before sending an email message you should review its contents and consider the implications and potential reactions of the recipient. Such communications should not be sent in haste or with the intention of enflaming a confrontational situation. When you forward messages check that their contents are suitable to be read by the new recipient. Caution must be exercised when opening messages from unknown external sources, or when the message or attachment appears for any reason suspicious. If you suspect a virus has been downloaded you should report this to your manager and/or computer support immediately.

The Council's email disclaimer signature relating to confidentiality, viruses, mistaken receipt etc., should always be used. Email contact lists are the property of the Council even if created by you. You may not copy or remove any contact list for use outside the organisation without the written permission of your manager.

Personal use of email at work is not permitted for any reason. Personal use of email at work will be considered a disciplinary matter and in some circumstances could be considered gross misconduct.

Reasonable personal use of email is permitted provided that:

- This is outside of working time;
- It is not impeding the effectiveness or productivity of the Council;
- It is not for commercial purposes;

Email must not be used to send, access, display, download, copy or circulate any information which contains or is directly related to:

- Pornography (including child pornography) or sexually oriented images;
- Gambling
- Gaming (playing computer games);
- Promoting unlawful discrimination of any kind;
- Threats, including threats of violence;
- Fraud or other illegal acts;
- Offending or showing disrespect to others
- Unauthorised copyrighted material including music.

The Council will report to the police if the email facility is used for what appears to be the intentional accessing or exchange of images of child pornography or other unlawful material. The Council shall not be liable for any consequences of personal use of its email facilities.

Social Media Policy

Introduction

The use of online social networking sites has become a very significant part of life for many people. They provide a very positive way to keep in touch with friends and colleagues, and can be used to exchange ideas and thoughts on common interests, both personal and work-related.

Social networking applications include, but are not limited to:

- Blogs
- Online discussion forums
- Collaborative spaces
- Media sharing services, for example YouTube
- 'blogging'
- applications, for example Facebook, Twitter, instagram, whatsapp etc..

Many of the principles of this policy also apply to other types of online presence such as virtual worlds and RSS aggregation services.

Purpose

The purpose of this policy is to ensure:

- that we are not exposed to legal risks;
- that our reputation is not adversely affected;
- that our users are able to clearly distinguish where information provided via social networking applications is legitimately representative of Truro City Council.

Policy

If your personal internet presence does not make any reference to Truro City Council and we cannot be identified, the content is unlikely to be of concern to us. If employment at Truro City Council is referred to then the information posted would need to comply with the employment conditions outlined below.

- If an employee wishes to initiate a social networking site or already has one in place, please use a disclaimer that protects Truro City Council, e.g. 'These are my personal views and not those of Truro City Council *or* my employer'.
- Our logo and other brand materials should not be used on personal social networking applications unless this has been agreed in writing with Truro City Council.
 - You should not disclose confidential information relating to your employment with Truro City Council.
 - Sites should not be used to verbally abuse colleagues, managers, directors, suppliers, clients, customers or those associated with Truro City Council. Privacy and the feelings of others should be respected at all times, for example, by obtaining the permission of individuals before posting contact details or pictures. Care should be taken to avoid language which could be deemed as offensive to others (c.f. the Dignity & Diversity at Work Policy).

- If information on a site raises a cause for concern with regard to conflict of interest, you should raise the issue with your Line Manager. If approached by a media contact about content relating to Truro City Council, you should advise your Line Manager before taking any action.
- Sites should not be used for accessing or sharing illegal content.
- You are free to talk about Truro City Council. However instances where we are brought into disrepute may constitute misconduct or gross misconduct and disciplinary action will be applied in these circumstances.

Use of Mobile Phones in Vehicles Policy

Purpose & Scope

The Road Traffic Act 1988 required drivers to exercise proper control of their vehicles at all times and there have been recent incidents reported where drivers have been prosecuted because they have been found not to be in control of their vehicles.

The Council recognises that the use of hand held telephones whilst driving is hazardous, because it might well reduce driver concentration, causing slower reaction times and increasing the risks of accidents.

Expectations

Members of staff must not answer their mobile phones whilst in control of a motor vehicle. This includes:

- Driving
- Waiting at traffic lights
- Delayed in a traffic jam or slow moving traffic
- Informing a caller that they are pulling over to enable them to take a call
- Reading or sending text messages.

Mobile phones must be allowed to ring and take messages. Calls may only be answered after the vehicle has been pulled over in a safe place with the engine switched off.

It is acceptable to have the phone switched on whilst in the vehicle, but no attempt may be used to answer it. If you feel you cannot resist the temptation to answer the phone it should be switched off.

The department of Transport does not encourage hands free devices. Their use is not permitted under this policy.

Measures available to the police against someone caught using their mobile phone whilst in charge of a vehicle include:

- Discretionary fines
- Disqualification
- Prosecution for careless or dangerous driving

All members of staff should be aware that the use of mobile phones whilst driving will now be considered by the courts as an aggravating feature in an accident and will carry a sentence of five years imprisonment for the charge of death by dangerous driving.

Young People Working Policy

Purpose and Scope

Truro City Council recognises its responsibilities when employing young people or children either through work experience, or via apprenticeship schemes. This policy sets out the requirements for such situations in terms of ensuring the health and safety of the young person or child and the responsibilities of various personnel within the Council.

For the purposes of the relevant legislation, a young person is someone aged 16 or 17, whilst a child is someone under school leaving age.

It is not the intention of Truro City Council to employ a child; therefore, this policy will relate to the employment of young workers only.

Restrictions on Working Hours

Young workers have special rights under the Working Time Regulations. The rights of young workers (those over the school leaving age but under 18, and those under the school leaving age on approved work experience schemes) differ in the following ways:

- A limit of eight hours working time a day and 40 hours per week (unless there are special circumstances);
- Not to work either between 10pm and 6am or between 11pm and 7am (except in certain circumstances);
- 12 hours' rest between each working day; and
- Two days' weekly rest and a 30 minute in-work rest break when working longer than four and a half hours.

NB: school or college time does not count as work unless it is part of job related training.

It is not expected that any young worker would be required to undertake any night work with Truro City Council; however, if this was required, the young worker would be granted a free health assessment prior to any night work assignment and free health checks at regular intervals thereafter.

Truro City Council will ensure it adheres to the above restrictions on working hours for all young workers.

Employment Rights

Young workers have the same employment rights as people over the age of 18, although the National Minimum Wage rates vary with age. Truro City Council will ensure that it pays any young worker it employs at least the Apprenticeship or National Minimum Wage rate as determined by the age of the worker.

Truro City Council will ensure that any young worker it employs does not suffer any detriment at work with regards to his/her terms and conditions of employment.

Truro City Council's aim is to provide a working environment that is free from all forms of discrimination and where all are treated with dignity and respect. All workers and

employees will be made aware of the Council's Dignity and Diversity at Work Policy and will be expected to abide by its principles.

Management of Health and Safety at Work Regulations 1999

In addition to Truro City Council's normal duty to assess the health and safety risks, there are particular responsibilities towards young workers. These are:

- To assess risks to all young people under 18 years of age **before** they start work;
- To ensure the risk assessment takes into account their psychological or physical immaturity, inexperience and lack of awareness of existing or potential risks;
- To introduce control measures to eliminate or minimise the risks, so far as is reasonably practicable.

In addition, Truro City Council will:

- Let the parents/carers of any young worker undertaking work experience know the key findings of the risk assessment and the control measures introduced before the period of work experience commences. This information will be provided via the work experience organiser at the particular educational establishment.
- Address certain specified factors in the risk assessment, such as:
 - The fitting-out and layout of the workplace and the particular site where they will work;
 - The nature of any physical, biological and chemical agents they will be exposed to, for how long and to what extent;
 - What types of work equipment will be used and how this will be handled;
 - How the work and processes involved are organised;
 - The need to assess and provide health and safety training; and
 - Risks from the particular agents, processes and work.
- Take account of the risk assessment in deciding whether the young worker should be prohibited from certain work activities, except in specified circumstances.

Truro City Council maintains Employers Liability Insurance and young workers on work experience will be treated as employees for the purposes of this insurance.

Young Worker Risk Assessment

Prior to any young worker commencing employment or a period of work experience with Truro City Council, a Young Worker Risk Assessment (see Appendix A) will be completed in relation to the specific role the young worker will undertake.

Truro City Council will carefully consider the following risks:

10 June 2019

Staffing - Employee Policies and Procedures Manual Update

Background

Periodically Truro City Council reviews its employee policies and procedures. This was last carried out in 2015.

In 2018 the Council agreed an update to its Single Status agreement with employees.

I have attached the proposed updated manual of policies and procedures. They will also be considered by the Finance and General Purposes Committee at their meeting on 17 June 2019.

Summary of Changes

Below is a list of the changes that have been made to the policies approved in 2015.

- 'Welcome to Truro' page updated.
- Standards and Dismissal Policy name changed to Disciplinary Policy.
- Health and Safety Policy removed, referred to separate document at bottom of contents page - separate document to include smoking/vaping.
- Mortgages and Tenancy paragraph within Home Working Policy updated.
- Hospitality and entertaining paragraph within Code of Conduct and Organisational Standard Policy updated.
- Complaints address within Anti-Fraud, Theft and Corruption Policy updated.
- Conflict of interest policy added.

Recommendation

That the Employee Policies and Procedures be approved.

Roger Gazzard

Town Clerk

5 June 2019

Work beyond psychological capacity:

in the majority of roles there will be no difference in the kind of mental and social skills used by young workers and adults. However, Truro City Council recognises that there will be large differences in the psychological capacity of young workers, based on differences in their training, experience, skills, personality and attitudes. Truro City Council will ensure that young workers are not placed in situations where they may have to encounter violent or aggressive behaviour, or require them to make decisions in stressful situations.

Work beyond physical capacity:

Accidents, injuries and/or musculoskeletal disorders can occur in jobs that require repetitive or forceful movements, particularly when combined with awkward posture or insufficient recovery time. Truro City Council recognises that young workers may not have the physical strength required to undertake certain tasks and will take account of this within each individual risk assessment. Full training and effective supervision will be provided at all times.

Pace of work:

Truro City Council recognises that young workers may be more subject to peer pressure to take on tasks that are too much for them, or to work too quickly. This will be factored into each individual risk assessment, and a suitable supervisor will be assigned to work with the young worker at all times.

Extreme cold or heat:

Exposure to extremes of cold or heat carries risks for employees of all ages. If the risk assessment identifies this is a potential risk for a young worker, Truro City Council will minimise the risks by introducing suitable working patterns, reducing work rates, controlling work periods, getting a medical assessment for the young worker prior to them starting work where necessary, and ensuring proper supervision of the work.

Exposure to noise:

Truro City Council complies with the Noise at Work Regulations and will therefore protect the hearing of most young workers. Ear protection will be provided to the young worker where required.

Exposure to vibration:

Truro City Council will ensure that any exposure to hand-arm or whole body vibration is kept to a minimum and adequate supervision is provided for the young worker.

Optical radiation:

Truro City Council will ensure that young workers working outdoors reduce their exposure to the sun in the summer months as much as is reasonably practicable.

Substances hazardous to health:

Truro City Council recognises that if these substances are not adequately controlled, exposure can result in ill-health; and that young workers may lack awareness of the hazards and risks they may encounter. These substances fall within the scope of COSHH and Truro City Council will ensure full training and supervision is provided where young workers may be exposed to such substances.

Where young workers are employed in a role which makes it likely they will come into contact with machinery, Truro City Council has set the following restrictions:

- Young workers who are undertaking an approved work experience scheme will not be permitted to operate any machinery, other than hand tools.*
- Young workers employed on an apprenticeship scheme will not be permitted to operate any machinery, other than hand tools, mowers, blowers, hedge trimmers and strimmers.*

* providing that the young worker has received adequate training and has been assessed as being physically and psychologically capable of using such machinery; and is supervised at all times by a responsible adult worker skilled in the use of such machinery.

Young workers employed as Apprentices will not handle pesticides or operate chain saws until they have obtained the relevant qualifications in their use.

Safeguarding Young Workers

Truro City Council is determined to ensure that all necessary steps are taken to protect children and young people from harm. Every young worker who works with Truro City Council should be able to participate in an enjoyable and safe environment and be protected from harm.

Truro City Council will ensure that:

- The welfare of the young worker remains paramount.
- All young workers whatever their age, culture, disability, gender, language, racial origin, religious beliefs and/or sexual identity have the right to be protected from harm.
- All suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately.
- All staff (paid/unpaid) working within the Council have a responsibility to report any concerns to the Town Clerk.

Staff contact with young workers

Where Truro City Council staff are required to have contact with children, these members of staff will be deemed suitable to work with children based upon their declarations of unspent and exempt convictions, in accordance with the Rehabilitation of Offenders Act 1974. These details will be gained by obtaining an Enhanced Criminal Records Bureau (CRB) check.

Only staff who have been approved as suitable adults will be able to work unsupervised with the young worker.

All employees of Truro City Council who may come into contact with the young worker will be expected to act as role models; keep a professional and physical distance; be aware of the effect their words and actions could have and always put the welfare of the young worker first.

Dealing with reports of abuse

If a young worker discloses that he/she is being abused, Truro City Council will train its employees to:

- React calmly.
- Reassure the young worker he/she was right to tell and that they are not to blame and take what he/she says seriously.
- Be careful not to be deemed as putting words into the young worker's mouth.
- Not promise confidentiality.
- Inform the young worker what will happen next.
- Make a full and written record of what has been said and forward to the local Children's Services.

The report will:

- Include the young worker's known details including name, date of birth, address and contact numbers.
- State whether or not the person making the report is expressing his/her own concerns, or those of someone else.
- Detail the nature of the allegation, including dates, times, specific factors and any other relevant information.
- Make a clear distinction between what is fact, opinion or hearsay.
- Include a description of any visible bruising or other injuries and any indirect signs, such as behavioural changes.
- Include details of witnesses to the incident(s).
- Include the young worker's account, if it can be given, of what has happened and how any bruising or other injuries occurred.
- Include accounts from others, including colleagues and parents.

In some cases it may be necessary to protect the young worker immediately, and in these cases the Police will be contacted upon receipt of the disclosure.

Truro City Council recognises it is not its responsibility to decide whether abuse has taken place or not; however, it will pass on information to the appropriate authority immediately.

Responsibilities

It is the responsibility of every employee within Truro City Council to familiarise themselves with this policy and to act upon its guidance where required.

Truro City Council will ensure that all members of staff receive a copy of this policy and are reminded of its contents at regular intervals.

Young Worker Risk Assessment Form

Department / section:		Work Activity / Process:	
Name of person conducting risk assessment:		Date of risk assessment:	

Risk to Young Worker	Risks identified	Precautions taken to reduce those risks	Further action necessary (including dates when action will be taken and who is responsible for taking action)	Are any significant risks remaining?
Work beyond psychological capacity (work that could be beyond a young worker's mental and emotional coping ability, e.g. dealing with violent and aggressive behaviour, or making decisions in stressful situations)				
Work beyond physical capacity (jobs that require repetitive or forceful movements, particularly when combined with awkward posture or insufficient recovering time; or driving or operating machinery designed for adults)				

Risk to young worker	Risks identified	Precautions taken to reduce those risks	Further action necessary (including dates when action will be taken and who is responsible for taking action)	Are any significant risks remaining?
Place of work				
Exposure to extremes of hot or cold				
Exposure to noise				

Exposure to vibration				
Exposure to substances hazardous to health				
Any other risks identified				