



Gillingham Town Council  
School Road, Gillingham, Dorset SP8 4QR

# **Gillingham Town Council Employee Handbook**

**Revised April 2023**

## **WELCOME AND INTRODUCTION**

Welcome to Gillingham Town Council. Our strength as a Council is due to the skills and abilities of colleagues like you. We look forward to a long and successful working relationship with you and sincerely hope that your time with us is enjoyable and rewarding.

This handbook is designed to explain the way in which we work and to set out the key procedures, rules and policies designed to ensure an efficient workplace and a safe and supportive environment for all employees.

The contents of this handbook do not form part of the terms of your contract of employment unless otherwise stated.

The Council may need to alter or amend any policy or procedure contained in this handbook to ensure that it remains relevant and consistent with the needs of the Council and/or legislation. Any such change will be notified to all employees.

The Council recognises the 'Green Book' which includes enhancements above the statutory minimum to certain employee benefits.

You are expected to comply with the requirements set out in this handbook. Failure to do so may lead to disciplinary action up to and including dismissal.

	<b>CONTENTS</b>	<b>Page No</b>
<b>1.</b>	<b>Key Principles</b>	
1.1	Council Code of Conduct	5
1.2	Health and Safety	5
1.3	Equality	6
1.4	Dignity at Work	6
1.5	Ethical Conduct	7
1.6	Whistleblowing	7
1.7	Good Faith and Loyalty	8
1.8	Data Protection	8
1.9	Environmental Statement	8
<b>2.</b>	<b>How We Do Things</b>	
2.1	Proof of Identity	9
2.2	Dress Code	9
2.3	Timekeeping	9
2.4	Adverse Weather and Traffic Disruption	10
2.5	Rest Breaks	10
2.6	Smoking	10
2.7	Computer Use	10-11
2.8	Social Media	12
2.9	Telephones	12
2.10	Drugs and Alcohol	12-13
2.11	Driving	13-14
2.12	Expenses	14
2.13	Council Property	15
2.14	Media Statements	16
<b>3.</b>	<b>Benefits</b>	17-18
<b>4.</b>	<b>Absence</b>	
4.1	Unauthorised Absence	19
4.2	Medical Appointments	19
4.3	Sickness Absence and Pay	19-21
4.4	Jury Service	22
4.5	Time off for Public Duties	22
4.6	Compassionate Leave	22
4.7	Emergency Time Off for Dependants	22
4.8	Reservists	22
4.9	Annual Leave	23
4.10	Time off in Lieu (TOIL)	24

<b>5.</b>	<b>Maternity, Paternity, Adoption and Parental Leave</b>	
5.1	Maternity Leave and Pay	25-26
5.2	Adoption Leave and Pay	26-27
5.3	Paternity Leave and Pay	27
5.4	Parental Leave (unpaid)	27
5.5	Keeping in Touch Days	27
5.6	Contact during Maternity/Adoption or Shared Parental Leave	27
<b>6.</b>	<b>Flexible Working</b>	28
<b>7.</b>	<b>How We Resolve Issues</b>	
7.1	The Right to be Accompanied	29
7.2	Performance Improvement Procedure	29-31
7.3	Sickness Absence Procedure	32-33
7.4	Bullying and Harassment Procedure	33-34
7.5	Disciplinary Procedure	34-37
7.6	Grievance Procedure	37-38

## 1 KEY PRINCIPLES

*This section sets out some of the key commitments made to you by the Council and the key commitments expected from you in return*

### 1.1 Council Code of Conduct

The behaviour of employees is central to the continued success of the Council. This handbook sets out several requirements aimed at ensuring the smooth running of the Council and the fair treatment of all employees. A number of these are so important that any breach of them will amount to gross misconduct and these are clearly identified throughout the handbook. Your attention is particularly drawn to the following:

- The rules on gifts and hospitality
- The policy on smoking
- The policy on alcohol and drugs
- The policies on driving and the use of Council vehicles
- The policy regarding social media
- The rules concerning the use of computers, the internet and email

#### **Dishonesty**

It is important to stress that any form of dishonesty, however minor, will be regarded as gross misconduct. This includes theft of property, whether belonging to the Council, colleagues or any third party. It also includes an employee seeking to gain any advantage through deception - such as making a false claim for expenses or overtime, falsely claiming to be sick or falsely claiming to have completed a task.

It does not matter how small the monetary value is - the Council regards any dishonesty by employees as gross misconduct, which will usually result in dismissal.

#### **Refusal to carry out instructions**

The Council expects you to work in a spirit of cooperation with your colleagues and managers for the good of the business. You are required to carry out your manager's instructions and a deliberate and wilful refusal to do so will be gross misconduct.

If you believe that you have been instructed to do something that does not fall within your duties or which is in some other way unreasonable, the appropriate way of dealing with this is to raise a grievance under the grievance procedure (see Section 4). However, doing so will not prevent a refusal to carry out an instruction from amounting to gross misconduct if it is found to have been a reasonable one.

## **1.2 Health and Safety**

The primary duty owed to you by the Council is to ensure that you are safe while you are at work. Similarly, you are obliged to carry out your duties in a safe and responsible manner that does not risk harm to yourself, your colleagues or any other person.

A detailed health and safety policy/handbook ensuring that the Council meets its commitment to health and safety is available from your line manager. In addition, there is information on health and safety displayed throughout our premises.

Detailed risk assessments have been carried out on all aspects of the Council's activities and steps have been taken to ensure that all work can be done safely. If you are concerned that any aspect of the Council's activities poses a risk to health and safety, you must report this to a manager immediately. Concerns about health and safety will always be treated with the utmost seriousness and be thoroughly investigated.

You are required to comply with all instructions rules and procedures concerning matters of health and safety. Failure to do so may amount to gross misconduct. If you are required to wear personal protective equipment, failure to do so will be treated as gross misconduct which will usually result in dismissal.

## **1.3 Equality**

The Council is proud to be an equal opportunities employer. This means that decisions concerning recruitment, promotion, dismissal or any other aspect of employment will be based on the needs of the business and not any assumptions based on sex, race, age, disability, gender reassignment, sexual orientation, married or civil partnership status, pregnancy or maternity, religion or belief. This is an important commitment which all employees are expected to share.

You are encouraged to raise with management any discriminatory behaviour, assumptions or attitudes you encounter at work and are entitled to do so free from any reprisal providing you are acting in good faith.

## **1.4 Dignity at Work**

All employees are entitled to a working environment free from bullying and harassment. The Council takes all allegations of such conduct extremely seriously and will not tolerate harassment or bullying behaviour. Complaints will be dealt with under the Bullying and Harassment Policy set out in Section 7.4 of this handbook.

You are required to behave towards colleagues and the public with respect. Offensive behaviour which relates to sex, race, age, disability, sexual orientation, religion or belief, pregnancy or gender reassignment will be treated as gross misconduct and will usually lead to dismissal.

## **1.5 Ethical Conduct**

The Council aims for the highest possible standards of ethical conduct in all its activities and expects the conduct of individual employees to reflect this. Dishonesty of any kind will be treated as a serious matter, which may amount to gross misconduct and therefore to dismissal without notice.

### **Gifts and Hospitality**

The acceptance of gifts and hospitality from clients/customers or suppliers/potential suppliers must not give the appearance that employees or the Council may be unduly influenced in the decisions they make in respect of clients/customers, suppliers or in any other aspect of their work.

All gifts and hospitality given or received, of whatever value, must be entered in the Register kept by the Town Clerk.

No personal gifts of a value in excess of £10 should be accepted from a client/customer, supplier/potential supplier without express permission from the Town Clerk.

Acceptance of hospitality, such as lunch or drinks receptions, should be kept within common sense limits and should always be authorised by your manager.

You may be instructed to return any gifts or to refuse to accept hospitality from a particular supplier or potential supplier if your manager considers it to be inappropriate. Failing to obey such an instruction will be treated as misconduct.

Allowing gifts or hospitality to influence any purchasing/business decisions that you may make on behalf of the Council, or to otherwise influence the way in which you perform your duties, is an act of gross misconduct which will usually result in dismissal.

It is also an act of gross misconduct to seek to influence any other person to behave in an improper way or to confer a business advantage on you or the Council through the giving of any gift or hospitality.

## **1.6 Whistleblowing**

The Council encourages employees to raise any concerns they may have about any wrongdoing at any level within the business. Wrongdoing in this context means any breach of a legal obligation, risk to health and safety, a criminal offence being committed, a miscarriage of justice occurring or likely to occur, damage to the environment or an attempt to conceal any of the above.

Concerns should be raised with your line manager or the Town Clerk who will ensure that your concern is properly addressed.

If you raise a concern which is in the public interest under this policy, you will not be subjected to any disadvantage as a result. However, you must reasonably believe that the disclosure you are making is true.

Even if your concern proves to be unfounded, you will be protected against any reprisals from your manager, colleagues or any other employee of the business. Making a deliberately false allegation, however, against the Council, a fellow employee or any other person will be treated as an act of gross misconduct and will usually result in dismissal.

If you are the subject of an allegation of wrongdoing, you will be informed of the allegation and given the opportunity to explain the situation. Disciplinary action will only be taken following a full investigation, in accordance with the disciplinary procedure.

### **1.7 Good Faith and Loyalty**

The employment relationship is one built on trust and we all have a mutual interest in making the relationship a success. The Council has a duty to provide you reasonable support and you have a duty of good faith towards the Council.

In practice, this means not doing anything that undermines the Council's standing with members of the public and fellow employees. It also means not doing anything that undermines the Council's position by acting in competition with it, providing information to competitors or undermining the Council's standing with clients, customers and fellow employees.

### **1.8 Data Protection**

The Council will process personal data and sensitive personal data in accordance with the Privacy Policy.

### **1.9 Environmental Statement**

In the undertaking of your daily duties, we accept that you will have an influence on the environment. The Council commits to adopting working practices that will help to have a positive effect, assist towards continued environmental improvement, prevent pollution and reduce unavoidable negative influences caused by working practices.

The Council maintains a policy of 'minimum waste' which is essential to the cost effective and efficient running of all our operations. You have a responsibility to promote this by avoiding unnecessary or extravagant use of materials, lights, heating, water etc.



## 2 HOW WE DO THINGS

*This section deals with some important administrative requirements relating to your employment and sets out the standards the Council expects in various situations.*

### 2.1 Proof of Identity

The Council is legally obliged to ensure that you are permitted to work in the UK.

The Council will dismiss any employee who cannot demonstrate that they are legally entitled to work in the United Kingdom.

### 2.2 Dress Code

You should dress in a manner appropriate to the work you do. Key factors include whether you meet clients or customers and whether health and safety regulations require you to wear certain protective clothing. If your manager feels that you are dressing in an inappropriate way, they may ask you to dress differently the next time you come into work. A persistent refusal to comply with a reasonable standard set by a manager will amount to misconduct.

If you dress in a completely inappropriate way, for example, by wearing clothing with offensive images or slogans, you will be sent home to change – the time taken to do this will be unpaid.

#### Uniform

If you are provided with specific uniform for your role, you are expected to wear this while at work.

You must look presentable and make sure your uniform is maintained in a good condition. If you lose your uniform or do not look after it, the Council reserves the right to make a deduction from your pay to cover the cost of a replacement.

#### Personal Protective Equipment

If you are provided with Personal Protective Equipment (PPE) this must be worn as advised. Failure to do so will result in disciplinary action.

### 2.3 Timekeeping

If you are going to be late for work you must contact your line manager as soon as possible to explain the situation and give an estimate of your arrival time. You must make every effort to speak to your manager directly rather than leave a message with colleagues or send an email or message.

## **2.4 Adverse Weather and Traffic Disruption**

The Council's primary duty is to provide a safe place of work. If adverse weather means this cannot be achieved and the workplace needs to close, you will be sent home or told not to come in. In these circumstances you will be paid in full for any working time lost.

If the need to close the workplace persists the Council may invoke the lay-off clause in your contracts.

If the workplace remains open, it is your responsibility to attend work if you can. While the Council understands that this is not always possible, if you are unable to attend work you will be required to take annual leave or unpaid time off. At the discretion of the Council, it may be possible to work from home.

If you are not going to be able to get to work you must contact your line manager as soon as possible to explain the situation. You must make every effort to speak to your manager directly rather than leave a message with colleagues or send an email or message.

## **2.5 Rest Breaks**

The Council encourages you to take full advantage of scheduled rest breaks. These are provided not only for comfort but also to protect your health and prevent excessive fatigue causing accidents.

A rest break should be taken away from your workstation wherever possible.

## **2.6 Smoking**

Smoking (which includes the use of e-cigarettes and personal vaporisers) is strictly prohibited throughout all Council premises, including any Council vehicle.

Smoking is only permitted during designated break times and in the designated outside areas.

## **2.7 Computer Use**

It is very important that the Council is able to keep its data secure. To assist with this, you are required to comply with instructions that may be issued from time to time regarding the use of Council-owned computers or systems.

You should ensure that when leaving your workstation for any lengthy period you lock your screen or log off if appropriate.

You must not attach any device to Council IT equipment without authorisation from the Town Clerk and you must not open attachments or click on links unless you know you can trust the source. Council portable IT devices must always be kept secure and password protected.

Your computer password is an important piece of confidential information and you should treat it that way. Do not share it with others and make sure it is not written down anywhere where an unauthorised person can find it.

Unauthorised access to any of the Council's systems will amount to gross misconduct.

## **Internet use**

If you have access to the internet on Council-owned devices, you must use that access responsibly.

Personal use during working hours will be treated as misconduct. From time to time the Council may block access to sites which it considers inappropriate. You must not use the internet to view or download offensive or sexually explicit material, even if the site is not blocked. Any attempt to do so may amount to gross misconduct leading to dismissal.

You must not download any software, plugins or extensions onto Council-owned devices unless authorised by your line manager. This also applies to the downloading of music, video or any other entertainment content on any Council-owned device.

Firewalls and anti-virus software may be used to protect the Council's systems. These must not be disabled or switched off without express permission from your line manager.

## **Email**

If you have a Council email account, you should be mindful of the fact that any email you send will be identifiable as coming from the Council. You must therefore take care not to send anything via email that may reflect badly on the Council.

The sending of any content of a sexual, racist or discriminatory nature, junk mail, chain letters, cartoons or jokes from any email address associated with the Council is strictly prohibited and may amount to gross misconduct. Should you receive any offensive or inappropriate content via email you must inform your line manager, who will report it to the ICT team.

You should also take care that emails will be seen only by the person intended. When sending confidential information, ensure that the email has been correctly addressed, marked 'private' / 'confidential' and not copied to those not authorised to see the information. Sending confidential information via email without proper authorisation or without taking enough care to ensure that it is properly protected will be treated as misconduct.

## **Privacy**

Monitoring of email usage takes place without notice. You should have no expectation of privacy in respect of personal and business use of email and the internet while at work.

Your email remains the property of the Council and therefore you should not use your Council email to send or receive any information that you regard as private. The Council may read emails that you have sent or received - although in the absence of evidence of wrongdoing, the Council will try to avoid reading personal emails if possible.

## **2.8 Social Media**

An employee's behaviour on any social networking or other internet site must be consistent with the behaviour required of employees generally. Where it is possible for users of a social media site to ascertain who you work for, then you should take particular care not to behave in a way which reflects badly on the Council.

Inappropriate or disparaging comments about the Council, colleagues or clients will be treated as misconduct. Because social media interactions can be copied and widely disseminated in a way that you may not be able to control, the Council will take a particularly serious view of any misconduct that occurs using social media.

You must not operate a social media account or profile that purports to be operated on behalf of the Council without express permission to do so from your manager.

You must not access social networking sites on Council computers for personal use. This includes during break times.

## **2.9 Telephones**

Council telephones must be used for legitimate business purposes only.

Personal use of mobile phones should wherever possible be restricted to formal breaks.

## **2.10 Drugs and Alcohol**

The Council's approach to the consumption of alcohol, drugs and any other substances that have intoxicating and/or behaviour-altering effects or impair judgement (referred to in this policy as "other substances") is based on the need to ensure a safe and productive working environment. Because of the serious nature of the risks posed by the abuse of alcohol, drugs and other substances in the workplace, any breach of the rules in this area will be treated as gross misconduct which will usually result in dismissal.

An employee will be regarded as 'under the influence' of alcohol, drugs or other substances if their behaviour, speech, ability to concentrate or otherwise perform their duties is in any way affected. An employee will also be regarded as under the influence if they fail a drug, other substance or alcohol test.

### **Dependency**

Employees who have a dependency on alcohol, drugs or other substances may be offered support and encouraged to seek appropriate counselling or medical help. Absence arising from treatment or counselling related to drug, alcohol or other substance abuse will be treated as sickness absence under the Council's absence management policy. However, while the Council will always try to be supportive toward employees with a drug, alcohol or other substance problem, this will not prevent disciplinary action being taken when employees act in breach of the rules laid out in this policy.

Wherever an employee informs the Council that they have a drug, alcohol or other substance problem this will, as far as possible, be treated in the utmost confidence. However, the Council may need to disclose circumstances to managers, regulatory authorities or others should this be necessary to ensure safety or compliance with legal requirements.

## **Drugs**

The consumption, storage, distribution or sale of illegal drugs or any other behaviour-altering and/or intoxicating substance on Council premises or during working time is strictly prohibited. The Council will report any illegal activities to the police or other relevant authorities.

You must not present yourself for work under the influence of illegal drugs or any other substance taken for non-medical purposes.

## **Medicines and Prescription Drugs**

If you are taking prescription drugs or any other medicine that may affect your performance at work or your ability to carry out any of your duties, you must inform the Town Clerk so steps can be taken to ensure that the work can be done safely. It is your responsibility when beginning any course of medication to check whether it may adversely affect your ability to work.

## **Alcohol**

You must not attend work under the influence of alcohol.

Consumption of even a small amount of alcohol may be enough to adversely affect your ability to work and could pose a risk to health and safety. Remember that alcohol remains in the bloodstream for up to 24 hours following consumption and that the consumption of a significant amount of alcohol in the evening may leave you unfit to work in the morning.

You must not consume any alcohol during working time, lunchtime or during any break, unless this has been specifically authorised by your manager.

Where alcohol is available at Council organised events or occasions when you are representing the Council – even outside working hours - it is important to behave responsibly and not drink to excess. Behaviour that reflects badly on the Council will be a disciplinary matter and in serious cases may amount to gross misconduct.

## **2.11 Driving**

Where driving is required as part of your job, it is your responsibility to ensure that you are legally qualified to drive.

Licences will go through the Council inspection procedure which requires us to check individual licences once a year with the DVLA, or as otherwise requested. The Council will require you to share your driving licence information by supplying your driving licence number and a check code provided by the DVLA. If you receive any points on your licence you must inform your manager immediately.

If you use your own vehicle to drive on Council business, it is your responsibility to arrange to be insured for business use. The Council may require you at any time to allow a copy of your insurance and MOT test certificate to be made and kept in our records.

You are responsible for any driving offences committed while driving as part of your duties, including any parking fines. Dangerous, careless, inconsiderate or aggressive driving, as well as causing a risk to others, can be damaging to the Council's reputation and can amount to gross misconduct.

If you are banned from driving for any reason, the Council is not obliged to find alternative work for you and may choose to dismiss you if the ban renders you incapable of performing your duties as required.

Any journey carried out on Council business must be scheduled in such a way as to allow adequate rest breaks – usually one break of 15 minutes for two hours of driving. Where possible, driving on Council business should be avoided either late at night or very early in the morning.

Safety is the Council's prime responsibility and you should not be required to compromise safety in any way when driving on Council business. If you are concerned about any driving requirements, you should discuss these with the Town Clerk and appropriate arrangements will be made to ensure that any work-related journey can be completed safely.

## **Council Vehicles**

If you are required to drive a Council vehicle as part of your job, it is your responsibility to take care of the vehicle, keeping it in a clean and roadworthy condition, including checking the oil/water levels are at the required levels. You should report any damage or fault immediately. The Council will arrange for appropriate maintenance or servicing to be carried out.

Any personal use of a Council vehicle is at the sole discretion of the Council and must in any event be kept within reasonable limits.

If you have possession of a Council vehicle overnight or at the weekend, you must ensure that it is securely parked in an appropriate location. In general, equipment or stock should not be left in a vehicle overnight. Where this is unavoidable, you must ensure that the vehicle is parked in a locked garage. If this is not possible, you should discuss appropriate parking and security arrangements with the Town Clerk.

## **2.12 Expenses**

You will be reimbursed for authorised and legitimate expenditure reasonably incurred in the course of the proper performance of your duties, ie travel, accommodation, agreed out-of-pocket expenditure.

Expenses are claimed using the Time, Travel and Expenses (TTE) online system – receipts must be provided to the Town Clerk.

## **2.13 Council Property**

You are not permitted to use Council property for any purpose other than its intended use. Council property must not be removed from the premises without prior approval.

### **Damage to Council Property**

Any damage to or loss of Council property must be immediately reported to your manager.

If it is found that the Council has suffered loss or damage of cash, stock, fixtures and fittings or property (including vehicles) as a result of your carelessness, negligence or failure to comply with Council procedures or by wilful act, this will be construed as serious breach of the rules which could result in your summary dismissal on grounds of gross misconduct.

You may also be liable to pay the full or part cost of making good the Council's loss.

If the Council makes a claim to its insurers for repair or replacement or other losses incurred, it reserves the right to require you to pay any insurance excess that may accrue.

It is an express term of your contract of employment that if Council property is damaged, lost or stolen through your negligence or fault, the Council may deduct the cost of repair or replacement from your salary.

Before any decision is made to deduct, the matter will be fully investigated and you will be given an opportunity to state your case and appeal any decision.

### **Return of Council Property**

Upon termination of employment you must return to the Council all property belonging to the Council including laptop, uniform, equipment, keys, records and documents within your possession or control belonging or relating to the affairs and business of the Council and its customers.

The Council may deduct the cost of replacement of any items not returned or repair of items that are returned damaged from your salary or any monies owed to you.

### **Employees' Property**

You are requested not to bring personal items of value onto the premises and not to leave any items overnight. The Council does not accept liability for any loss of, or damage to, property that you bring onto the premises.

Any loss or theft of items must be reported to your manager.

### **Lost Property**

If you find any items of lost property they must be handed to your manager, who will retain the items for three weeks. The property will either be handed over to the police or disposed of accordingly.

## 2.14 Media Statements

Any statements to reports from newspapers, radio, television, social media etc in relation to Council business will be given in accordance with the Council's media policy.

## 3. BENEFITS

There are a number of areas where Gillingham Town Council are pleased to be able to offer enhanced benefits which are more beneficial than the statutory requirements. These include annual leave (section 4.9), sick pay (section 4.3), maternity/adoption pay (sections 5 & 6) and paternity pay (section 7).

Other benefits:

### Pension and Life Insurance

All employees under the age of 75 with a contract for at least 3 months will automatically join the Local Government Pension Scheme (LGPS). This is a defined benefit scheme administered by Dorset Council – both you and the Town Council will make monthly contributions to the scheme.

You will receive details from Dorset Council soon after commencing employment. You can also look at the following site: [The LGPS scheme \(Pension provision\) - tasks and guides \(dorsetcouncil.gov.uk\)](https://www.dorsetcouncil.gov.uk)

As a member of the LGPS, if you should die while in the employment of Gillingham Town Council, a lump sum payment equal to 3 x your annual pensionable salary will be payable to your nominated beneficiary.

An 'Expression of Wish' form will be provided by Dorset Council to make your nomination. You should remember to complete a new one if your personal circumstances change. You can do this by logging onto the following site: [Civica Pensions - Home \(dorsetcouncil.gov.uk\)](https://www.dorsetcouncil.gov.uk)

### Eye Tests

If you use a laptop/computer on a daily basis or are required to drive in your role, you are entitled to request a free eye test – please speak to your manager.

If the test shows that you are one of the very few people who need glasses with a special prescription solely for using a laptop/computer, the Town Council will pay the cost of a basic pair of glasses – these should be available for around £20. If you wish to purchase more costly glasses, eg with designer frames or special coatings on the lenses, the Town Council will make a contribution of £20 towards these.

Expenses can be claimed using the Time, Travel and Expenses (TTE) online system.

### Occupational Health

Gillingham Town Council uses the services of an Occupational Health provider to make recommendations regarding any workplace adjustments needed to enable you to carry out your role successfully.



Services include a pre-employment health assessment, the provision of Hepatitis B vaccinations for the Grounds Team and support for the Town Clerk in cases of persistent or long-term sickness absence.

## **Free on-site Parking**

Please note that all cars parked at the workplace are parked at your own risk and must be parked so as not to obstruct access. It is your responsibility to ensure that your vehicle is parked in a safe area.

## **4 ABSENCE**

*This section sets out the approach the Council takes when you are unable to attend work, are taking annual leave or need time off.*

### **4.1 Unauthorised Absence**

If you deliberately fail to attend work without good reason, you will be committing gross misconduct which could result in dismissal without notice or payment in lieu.

### **4.2 Medical Appointments**

Appointments to see a GP, dentist or optician should be made outside of working hours.

The Council appreciates, however, that it is not always possible to avoid appointments during the working day and will allow the time to be made up.

If you have an ongoing medical condition that requires regular appointments during the working day, this should be discussed with your manager.

You may be required to provide evidence of any appointment for which time off is needed.

In line with the 'Green Book', necessary paid time off will be granted for cancer screening.

### **4.3 Sickness Absence and Pay**

Regular and reliable attendance at work is an important commitment that the Council asks all employees to make. Unjustified or excessive absence can put unfair pressure on colleagues and seriously damage the Council's business, to everyone's detriment.

The Council will always be supportive when you are genuinely too ill to attend work. This section sets out the Council's approach and the steps you need to take if you are off sick.

## **Infectious Diseases**

If you are prevented from attending work because of contact with infectious disease the period of absence will not be reckoned against your entitlements under this scheme. The list of infectious diseases can be found here: <https://www.gov.uk/guidance/high-consequence-infectious-diseases-hcid>

If you contract a disease or are involved in an accident or assault in the normal course of your employment, this will be considered separately from normal sickness absence and therefore will not be off set against your entitlement under the sick pay scheme.

## **Reporting Sickness Absence**

If you are too ill to come into work, you should inform your line manager as soon as possible and in any event by no later than an hour after your normal starting time.

You must make every effort to speak to your manager directly. Do not leave a message with a colleague, send an email or message. If you need to leave a message, your manager will contact you during the day to discuss your absence with you.

It is important that you keep in touch with your manager about the likely length of your absence so that appropriate arrangements can be made for cover. You should phone in sick on every day of your absence unless agreed otherwise with your manager.

Hangovers are not regarded as legitimate reasons to take sickness absence. Absence by reason of hangovers will be regarded as a disciplinary offence which may result in dismissal without notice or payment in lieu. You should also be aware of the rules governing the consumption of alcohol set out in the Alcohol and Drugs Policy.

The Council requires any absence to be certified by a 'self-certification form'. Absence of more than a week must be certified by a 'Fit Note' from your GP. Uncertified absence may be treated as misconduct and will not be paid.

Where any period of sickness absence occurs immediately before or immediately after a period of annual leave, the Council may require this to be certified by a GP at your own expense.

If you are absent for three weeks or more the Council may refer you to an occupational health professional and/or seek a medical report from your GP or Consultant. The purpose of this will be to ascertain when you are likely to be able to return to work and to identify any measures that can be taken to help you return as soon as possible.

While off sick, you must not undertake any activities likely to be detrimental to your recovery and must cooperate with the appropriate medical professionals in taking steps to ensure that your recovery is as swift as possible.

The Council will maintain regular contact while you are off sick for an extended period.

You will be required to attend a return to work meeting after any period of sickness absence. The purpose of the meeting is to check on your health and wellbeing, to catch up about anything you may have missed and to discuss any concerns in respect of absence levels.

## **Annual Leave during Sickness Absence**

The Council understands that for certain long-term illnesses, going away on holiday can help with your recovery. In these circumstances, you can request to take annual leave while off sick.

## Sickness during Annual Leave

If you are ill during, or just before, a period of annual leave and the illness would have prevented you from being able to work, you can convert annual leave to sick leave, providing you follow the normal sickness notification and certification process.

## Phased Return to Work

Following a long period of sickness absence, a phased return to work may be recommended by a medical professional. This could involve lighter duties or working less hours for a short period. The Council will endeavour to accommodate phased returns. Hours not worked will be classed as sickness absence.

## Alternative Work

If your illness or injury results in you requiring a permanent change to your duties and/or working hours, the Council will do its best to accommodate these changes. If, however, this is not possible, your employment will be terminated.

## Disability and Reasonable Adjustments

The Council will endeavour to put in place any reasonable adjustments to your duties or working hours as required under the Equality Act 2010.

<https://www.gov.uk/guidance/equality-act-2010-guidance#:~:text=The%20Equality%20Act%202010%20legally,strengthening%20protection%20in%20some%20situations>.

## Contractual Sick Pay

In addition to Statutory Sick Pay (SSP) the Council offers an enhanced Sick pay scheme in line with the 'Green Book'. Entitlement under this scheme is linked to length of service as follows:

Length of service	Full Pay	Half Pay
Up to 4 months	1 month	Nil
Over 4 months, up to 1 year	1 month	2 months
Over 1 year, up to 2 years	2 months	2 months
Over 2 years, up to 3 years	4 months	4 months
Over 3 years, up to 5 years	5 months	5 months
Over 5 years	6 months	6 months

Sick pay is calculated taking into account previous sickness over a rolling 12-months.

Please Note:

**'Full Pay'** period = Sick Pay includes SSP and any Incapacity Benefit

**'Half Pay'** period = Half pay plus SSP and Incapacity Benefit, so long as this total does not exceed your normal pay.

SSP will be paid if you are not eligible for enhanced sick pay.

#### **4.4 Jury Service**

Employees undertaking jury service will be entitled to paid time off. Where an allowance is available for loss of earnings, the employee should claim and pay the allowance to the Town Council.

#### **4.5 Time Off for Public Duties**

You are entitled to reasonable time off to perform Public Duties. The amount of time off must be discussed and agreed with the Town Clerk and may be limited depending on your role.

There is no legal requirement for this time to be paid, however, in line with the 'Green Book', the Council will pay full basic pay for the agreed time.

Public Duties are listed here: <https://www.gov.uk/time-off-work-public-duties>

#### **4.6 Compassionate Leave**

Paid compassionate leave of between 1 and 5 days will be given in the case of a family bereavement. The maximum will normally be given only to those responsible for making all the arrangements following the bereavement. The length of time does not reflect the need for grieving time – sickness absence may be appropriate if more time off is needed.

There may be other circumstances where compassionate leave is appropriate. These will be considered on a case-by-case basis at the discretion of the HR Committee.

#### **4.7 Emergency Time Off for Dependants**

If you need time off to deal with an emergency involving someone who is dependent on you, you are entitled to reasonable time off – this is unpaid. For further details, please see: <https://www.gov.uk/time-off-for-dependants>

It is important to note that this is only available for unexpected emergency situations and the time off should only be short. For longer term needs, annual leave will need to be used.

Please contact your line manager as soon as you know you need to take time off.

#### **4.8 Reservists**

The Council supports employees who are reservists by allowing 5 days' additional paid leave for the annual training period.

Details of employment rights can be found here: <https://www.gov.uk/employee-reservist>

## **4.9 Annual Leave**

Annual leave starts at 23 days per year and increases to 26 days after 5 years' continuous employment. You are also entitled to all Bank/Public Holidays (normally 8 days per year) plus 2 statutory days to be taken between Christmas and New Year.

These days are pro-rata if you are contracted to work less than 5 days per week or days of different lengths.

All leave must be agreed in advance with your line manager. You should not make firm travel plans or commitments until a request for leave has been granted - the Council will not take such plans into account when dealing with conflicting holiday requests.

Normally, no more than two consecutive weeks' leave can be taken. If you would like to take more, you must discuss with your line manager who will consider the implications.

### **What notice do I need to give?**

All requests for leave should be made at least 4 weeks in advance where possible. Your manager may refuse any request for leave if it would result in the workplace being understaffed or otherwise prejudice the Council.

Certain times of year are particularly popular times for requesting leave. Generally, subject to the needs of the business, leave will be granted on a first come first served basis. However, exceptions may be made in the interests of ensuring that leave is spread through the year on a fair and equitable basis.

### **Holiday Year**

You are encouraged to take your full leave entitlement during the holiday year which runs from 1 April to 31 March. It is your responsibility to schedule your leave so it can be taken at an appropriate time.

Leave will only be permitted to be carried over into the next holiday year in exceptional circumstances, by agreement with the Town Clerk.

When you leave the Council's employment during a holiday year you will be entitled to a pro-rata payment for any leave accrued but not taken. If you have taken more than your accrued entitlement, a deduction will be made from the final payment of salary to reflect the holiday which has been taken but not accrued.

The Council may require annual leave to be taken at specific times, depending on the needs of the business. In such circumstances, the notice given will be at least twice the number of working days required to be taken.

The Council may require annual leave to be taken during the notice period if you have resigned or been dismissed.

## 4.10 Time Off in Lieu (TOIL)

If you are required to work more than your contractual hours in any week and are not entitled to paid overtime, these additional hours may be taken off at a time agreed with your manager.

Working additional hours should not be viewed as a way to increase your holiday entitlement and should only be worked when there is a business need.

TOIL hours must be taken within 1 month of accrual unless agreed as an exception by the Town Clerk.

## 5. MATERNITY, PATERNITY, ADOPTION AND PARENTAL LEAVE

### 5.1 Maternity Leave and Pay

The following site gives full details of eligibility for maternity leave, maternity pay, time off for antenatal appointments and the processes that need to be followed:

<https://www.gov.uk/maternity-pay-leave>

Please note, however, that if you have more than one year's continuous service by the 11<sup>th</sup> week before the Expected Week of Childbirth (EWC), you will receive enhanced maternity pay, in line with the 'Green Book', as follows:

- 6 weeks at 90% of your average weekly earnings, followed by
- 12 weeks at 50% of your average weekly earnings\*, plus Statutory Maternity Pay (SMP) (capped at 100% of normal pay), followed by
- 21 weeks SMP

\* If you do not return to work for at least 3 months, the difference between enhanced maternity pay and SMP for this 12 week period will need to be repaid.

### Antenatal Appointments

If your partner is pregnant, you are entitled to unpaid time off for up to two antenatal appointments. You must notify your manager of the date and time of the appointment and may be asked to provide evidence of the appointment.

### Returning to Work

You will be expected back at work after your 52 weeks of maternity leave unless you are taking annual leave or Parental Leave. If you are sick on your return date, you need to follow the normal process for sickness absence notification.

Not everyone, however, will want to take the full 52 weeks of maternity leave. You may want to return to work earlier or take shared parental leave (see below).

If you would like to take less than 52 weeks of maternity leave, you need to give the Council 8 weeks' notice of your planned return date.

Please note that the law does not allow you to return to work during the two weeks immediately following the birth.

Shared parental leave may be available for your partner if you decide to return to work early – the following site provides details: <https://www.gov.uk/shared-parental-leave-and-pay>

## **Stillbirth or Miscarriage**

If your child is stillborn after 24 weeks of pregnancy the:

- birth mother can get up to 52 weeks of statutory maternity leave or pay
- birth father can get up to 2 weeks of paternity leave or pay
- partner of the birth mother or adopter can get up to 2 weeks of paternity leave or pay

In addition, you are entitled to 2 weeks of parental bereavement leave after you finish maternity or paternity leave.

If a miscarriage happens in the first 24 weeks of pregnancy, there is no entitlement to statutory maternity, paternity or parental bereavement leave.

## **Parental Bereavement Leave and Pay**

You may be eligible to take 2 weeks' leave per child if your child dies before they turn 18, or if you have a stillbirth after 24 weeks of pregnancy. This link sets out the eligibility for this type of leave and pay: [Statutory Parental Bereavement Pay and Leave: employer guide: Overview - GOV.UK \(www.gov.uk\)](#)

Please note that Gillingham Town Council will pay enhanced Bereavement Pay of 100% of normal pay.

## **5.2 Adoption Leave and Pay**

Subject to eligibility, adoption leave and pay applies to one person in a couple – the other person may be eligible for paternity leave and pay.

The entitlements for adoption leave and pay are similar to maternity leave and pay – the following site gives full details: <https://www.gov.uk/adoption-pay-leave>

Please note, however, that if you have more than one year's continuous service by the 11<sup>th</sup> week before the Placement Date, you will receive enhanced adoption pay, in line with the Green Book, as follows:

- 19 weeks at 90% of your average weekly earnings, followed by
- 12 weeks at 50% of your average weekly earnings, plus Statutory Adoption Pay (SAP) (capped at 100% of normal pay), followed by
- 21 weeks SAP

## **Returning to Work**

You will be expected back at work after your 52 weeks of adoption leave unless you are taking annual leave or parental leave. If you are sick on your return date, you need to follow the normal process for sickness absence notification.

Not everyone, however, will want to take the full 52 weeks of adoption leave. You may want to return to work earlier or take shared parental leave.

If you would like to take less than 52 weeks of adoption leave, you need to give the Council 8 weeks' notice of your planned return date.

Shared parental leave may be available for your partner if you decide to return to work early – the following site provides details: <https://www.gov.uk/shared-parental-leave-and-pay>

### **5.3 Paternity Leave and Pay**

Eligibility for paternity leave and pay can be found on the following site:

<https://www.gov.uk/paternity-pay-leave>

Please note that the Council provides enhanced paternity pay which means you will receive 100% of pay during your paternity leave of up to 2 weeks.

### **5.4 Parental Leave (unpaid)**

Full details of eligibility and processes can be found on the following site:

<https://www.gov.uk/parental-leave>

### **5.5 Keeping in Touch Days**

If you would like to keep in touch with what is happening at work during your maternity or adoption leave, you are able to come to work for up to 10 days - these are known as KIT days. In addition, up to 20 days can be taken during shared parental leave – these are called 'shared parental leave in touch' (SPLIT) days. These days can also be used for training.

KIT/SPLIT days are optional - both you and the Council need to agree to them.

Pay will be made up to full pay for any KIT/SPLIT days.

### **5.6 Contact during Maternity/Adoption or Shared Parental Leave**

The Council is keen to keep in touch with you while you are away on an extended period of leave, to keep you updated with any news/changes. Your manager will discuss this with you before you leave and agree the nature of the contact. You are not obliged to agree to this if you would rather not be informed.

Please be aware, however, that if an important issue arises on which you need to be consulted, the Council may have a legal obligation to discuss the issue with you and keep you informed.



## 6. FLEXIBLE WORKING

***The Council understands the issues faced by employees trying to balance their work and family life.***

The Council will endeavour, subject to the needs of the Council, to accommodate requests for changes to your working arrangements.

You can make a request if you have at least 26 weeks' continuous service at the time of the request. It is important to note that only one request can be made in any 12 month period and if an application is approved, this will be a permanent change to your employment contract.

Further details and the process for making a request can be found here:  
<https://www.gov.uk/flexible-working>

Ad hoc arrangements may be discussed and agreed with the Town Clerk.

## 7. HOW WE RESOLVE ISSUES

***When problems arise in the employment relationship it is important that they are dealt with fairly and promptly. This section sets out the procedures that the Council will follow in such cases.***

### 7.1 The Right to be Accompanied

You are entitled to be accompanied at any formal meeting held under the procedures in this section by a colleague or trade union official of your choice. You are responsible for arranging a companion and informing your manager if it is a colleague so appropriate paid time off to allow them to attend the meeting is given.

If your chosen companion cannot attend on the day scheduled for the meeting, the Council will agree a new date. This will normally be within 5 working days of the date originally scheduled. If your companion is not available within that timescale you will need to find someone else to take their place.

The companion's role is to advise you during the meeting and make representations on your behalf. Both you and your companion are required to cooperate in ensuring a fair and efficient meeting. Your companion is not entitled to answer questions on your behalf.

### 7.2 Performance Improvement Procedure

It is in everyone's interest for employees to perform well at their jobs and the Council aims to ensure that all employees are given the support needed to ensure that they do so.

Where there are issues with performance, you will receive feedback from your manager setting out any concerns and ideas as to how performance can be improved. This procedure is designed to be used when informal discussions do not lead to the employee's performance improving to an acceptable level.

Where poor performance is believed to be the result of deliberate neglect or where serious errors have been made to the detriment of the Council, it may be more appropriate to use the disciplinary procedure. Which procedure to use shall be at the discretion of the Council.

The Council also reserves the right not to follow this procedure in full for employees who are within their first two years of employment with the Council.

## **Stage One**

Your manager will inform you of the nature of the problem in writing and you will be invited to a meeting to discuss the issues. The meeting will be conducted by your line manager and will consider any representations you may make about your performance, whether it needs to be improved and, if so, what steps can be taken to help you reach the appropriate level.

The outcome of the meeting will be one of the following:

- No further action is necessary
- Investigation under the disciplinary procedure
- A formal Performance Improvement Plan

## **Performance Improvement Plan (PIP)**

A PIP is a series of measures designed to help improve performance. Each measure will ideally be agreed with you, although the Council reserves the right to insist on any aspect of the PIP in the absence of such agreement.

Each PIP will be tailored to the particular situation but will contain the following elements:

**Timescale:** the overall timescale in which the necessary improvement must be achieved, together with the timescale for reaching individual milestones where appropriate.

**Targets:** the particular areas in which improvement is needed and on what criteria your performance will be assessed. Where appropriate, specific targets will be set which will need to be achieved either by the end of the plan or at identifiable stages within it.

**Measures:** what measures will be taken by the Council to support you in improving your performance. Such measures may include training, additional supervision, the reallocation of other duties or the provision of additional support from colleagues.

**Feedback:** you will be given regular feedback from your line manager indicating the extent to which you are on track to deliver the improvements set out in the plan.

If at any stage the Council feels that the PIP is not progressing in a satisfactory way, a further meeting may be held with you to discuss the issue. As a result of such a meeting the employer may amend or extend any part of the plan.

## **Review**

At the end of the PIP, your performance will be reviewed. If satisfactory progress has been made, you will be notified of this in writing. If your manager feels that progress has been insufficient, they may decide to extend and/or amend the PIP as seems appropriate.

Alternatively, your manager may refer the matter to a meeting under Stage Two of this procedure.

Following the successful completion of a PIP, your performance will continue to be monitored. If at any stage in the following 12 months, your performance again starts to fall short of an acceptable standard, your line manager may decide to instigate Stage Two of this procedure.

## **Stage Two**

If a PIP has not led to enough improvement in your performance, you will be invited to attend a formal performance management hearing. The invitation will set out the respects in which your line manager believes that your performance still falls short of an acceptable standard. The hearing will be conducted by a member of the senior management team.

At the hearing, you will be given an opportunity to respond to any criticism of your performance and to make representations about any aspect of the way in which the process has been managed.

If the hearing concludes that reasonable steps have been taken which should have allowed you to perform to an acceptable standard but that these measures have not worked, a formal final warning may be issued. The warning will explain the nature of the improvement which is required and state that the improvement must be immediate and sustained. It will also explain that if this improvement does not take place, you may be dismissed. Where appropriate, the warning may be accompanied by an extended or revised PIP.

The warning will remain current for a period of 12 months, after which time it will cease to have effect and be removed from your personnel file.

## **Stage Three**

If you have been issued with a warning under Stage Two which remains current and your manager believes your performance is still not acceptable, the matter may be referred to a further performance management hearing.

You will be informed in writing of the grounds on which the hearing is being convened and will be told of the respects in which your performance continues to fall below an acceptable standard.

The hearing will be conducted by an appropriate manager.

At the meeting you will be able to respond to any criticisms made of your performance and make representations about how the situation should be treated.

The manager conducting the meeting may take such action as is judged appropriate up to and including a decision to dismiss.

Any dismissal under this procedure will be with notice or payment in lieu of notice and the decision to dismiss, together with the reasons for dismissal, will be sent to you in writing.

## **Appeals**

You may appeal against any decision taken under this procedure. The appeal should be submitted in writing within one week of the decision. An appeal hearing will then be convened. Any PIP that is in force, together with any measures or objectives included within it, will continue in place during the appeal process.

The outcome of the appeal will be confirmed to you in writing explaining the grounds of which the decision was reached. The outcome of the appeal will be final.

## **Redeployment**

There may be circumstances in which it becomes clear that you would be better suited to a different role within the Council. However, any offer to redeploy will be entirely at the Council's discretion and will only be made when the Council is confident that you will be able to perform well in the redeployed role and where there is a suitable available vacancy. While you are free to refuse any offer of redeployment, refusal will normally end in dismissal.

### **7.3 Sickness Absence Procedure**

The Council may need to dismiss an employee whose attendance does not meet an acceptable standard either because of a long-term absence or because of a series of short-term absences. Such dismissals do not depend on any wrongdoing on the employee's part and do not mean that the Council does not accept that their absences are genuinely due to illness or injury. Rather, dismissal is recognition that unfortunately the employee is no longer able to perform their role or attend work on a sufficiently regular basis to make their continued employment a viable option.

#### **Persistent Short-term Absence**

If the Council considers you have an excessive sickness absence record, you will be spoken to informally and have specific attendance targets set. If these are breached, you will be invited to a formal meeting with your manager to discuss your attendance. You have the right to be accompanied – see Section 7.1.

At the meeting you will be asked to explain the level of your absence. Where there is any indication that the absences are caused by an underlying medical condition, the matter may be dealt with under the procedure for long-term absence set out below. The Council may also seek medical evidence from your doctor, consultant and/or an occupational health specialist. In this case the meeting will be adjourned for reports to be obtained.

Subject to any medical evidence, the manager conducting this first-stage meeting may decide to issue a warning to you setting out the Council's expectations regarding attendance and indicating the level of improvement needed. A review period will normally be set which may range from 1 month to 12 months depending on the circumstances.

If your attendance does not improve to the extent required, you may at any stage in the review period be invited to attend a second-stage meeting to discuss the matter. The meeting will again be conducted by your line manager and you will be entitled to be accompanied, as before. This meeting may result in an extension of the review period or the issuing of a final written warning setting out the level of improvement required over a specified period of up to one year.

If you do not meet this standard and there is no underlying condition where reasonable adjustments would assist you to attend work, you may be dismissed. A final meeting will be convened which shall be conducted by a manager with appropriate authority to dismiss and will consider any representations made by, or on behalf of, you. Again, you have the right to be accompanied, as set out previously.

Any dismissal arising out of this meeting will be with notice.

There is a right of appeal against a decision to dismiss which must be exercised within five working days of the decision being communicated.

### **Long-term Sickness Absence**

If you are absent for an extended period, or your absence is likely to continue for some time, the Council will want to investigate the prospects of your return and consider what actions can be taken to facilitate this. The extent to which the Council can continue to accommodate absence will depend on a range of factors, including your role and the prevailing circumstances of the business.

The Council will seek medical advice as to your condition either from the appropriate professionals caring for you or from a specialist occupational health practitioner. The focus will be on ascertaining when you will be able to return to work and what steps the Council can take to facilitate this.

While you are not obliged to consent to any medical reports or records being shared with the Council as part of this process, in the absence of medical evidence the Council will work with the information available to reach a decision.

One or more meetings will be arranged with you to discuss your condition, the prospects for return to work and whether anything can be done by the Council to help. You have the right to be accompanied – see Section 7.1.

Every effort will be made to make suitable arrangements for the meeting to allow you to attend. If you are too ill to take part in the process, the Council may proceed to dismissal in the absence of a meeting, considering any representations made on your behalf.

Where the evidence indicates that you will be unable to return to work within a reasonable timeframe, the Council may need to consider dismissal. Any dismissal will be with notice.

There is a right of appeal against a decision to dismiss which must be exercised within five working days of the decision being communicated.

### **7.4 Bullying and Harassment Procedure**

Bullying or harassment in any form is completely unacceptable.

You should be aware that what one person considers to be a harmless joke may be offensive to others. It is your responsibility to ensure that your behaviour does not cause offence and to stop immediately if a colleague indicates that your behaviour is unwanted or offensive to them.

It is also extremely important that the views of those who object to behaviour in this way are respected and that they are not subjected to any adverse comment or behaviour.

## **Making a Complaint**

If you are being bullied or harassed in the workplace or you witness someone else being bullied or harassed, you must raise your concerns with your line manager or another appropriate manager.

All complaints will be taken seriously and fully investigated. Disciplinary action will be taken where it appears to the Council that an employee has engaged in bullying or harassment. In serious cases this may result in dismissal for gross misconduct.

Because of the serious nature of such complaints, the making of any malicious or deliberately false complaint will itself be treated as gross misconduct that will usually result in dismissal.

### **7.5 Disciplinary Procedure**

The Council always tries to deal with disciplinary issues fairly and promptly. This procedure sets out the framework under which allegations of misconduct will be investigated and considered.

While the procedure set out in this section will be appropriate in most cases, there may be situations in which it is not practicable to comply with a requirement of it. When this happens, the Council will do its best to deal with the matter fairly and will pay particular attention to the need to give the employee every opportunity to explain their version of events.

The Council reserves the right not to follow this procedure in full for employees who are within their first two years of employment with the Council.

#### **Definition of Misconduct**

Behaviour which is disruptive, disrespectful to colleagues or which falls short of the requirements set out in this handbook, will be treated as misconduct under the disciplinary procedure. While employees will not usually be dismissed for a first offence, a failure to remedy the behaviour or to adhere to required standards may ultimately lead to dismissal once appropriate warnings have been given.

#### **Definition of Gross Misconduct**

Gross misconduct is behaviour which is fundamentally at odds with the employee's duty to the Council and their colleagues. In accordance with the disciplinary procedure, gross misconduct will usually result in dismissal without notice or payment in lieu of notice, even in cases of a first offence.

It is not possible to list every example of gross misconduct but the following provides an illustration of the type of conduct that will fall into this category:

- Theft
- Deliberate acts of discrimination or harassment
- Refusal to carry out reasonable instructions
- Violent or intimidating behaviour
- Wilful damage to property
- Reckless behaviour posing a risk to health and safety

- Any act or omission constituting serious or gross negligence/or dereliction of duty
- Sleeping on duty
- Any illegal act during working time or on Council premises
- Any act described as gross misconduct elsewhere in this handbook.

### **Informal Action**

Most minor acts of misconduct can be dealt with informally through discussions between you and your line manager. This may consist of management guidance or an informal warning given orally or in writing. These steps are an everyday part of the management process and no formal procedure needs to be followed in respect of them.

Where informal action of this kind fails to resolve an issue, or where the misconduct alleged is considered too serious, then the matter will be dealt with formally under this procedure.

### **Investigation**

If it is alleged that you have committed misconduct, an appropriate investigation will be carried out aimed at gathering all the relevant evidence. You may be interviewed as part of this investigation and will have the opportunity to point the investigator towards any evidence that you feel is relevant. The right to be accompanied does not apply to any investigatory interview.

### **Suspension**

If an allegation of misconduct is made against you, you may be suspended from your duties on full pay while the matter is being dealt with.

The Council will make every effort to ensure that any period of suspension is kept as short as possible. The purpose of a suspension is either to allow an unhindered investigation to take place or to protect the interests of the Council and its employees.

During any period of suspension, you may be instructed not to contact other members of staff except for the purposes of preparing for any disciplinary hearing, where specific arrangements will be made with you. This is not a disciplinary sanction and should not be seen as a predetermination of any disciplinary process.

### **Hearing**

Once the investigation has been carried out, the investigating officer will decide whether there is enough evidence to warrant a disciplinary hearing. If there is, you will be informed and an appropriate date for the hearing will be arranged. This will take place within normal working hours wherever possible and you will be given at least two working days' notice.

To ensure you have adequate time to prepare for the hearing, the Council will provide you in advance with a copy of all the written evidence that will be considered at the hearing. However, where it is deemed necessary to protect individuals or the essential interests of the Council, certain evidence may not be provided.

The purpose of the hearing will be to consider the evidence gathered during the investigation and consider any representations made by you or on your behalf. The hearing will be conducted by an appropriate manager who, wherever possible, has not previously been involved in the case and who was not responsible for carrying out the investigation.

You are entitled to be accompanied at any disciplinary hearing – see Section 7.1.

### **Employee Absence**

It is important that disciplinary issues are dealt with promptly. The Council may therefore need to proceed with a disciplinary hearing even if you are absent due to ill health or you do not attend. Before hearing the matter in your absence, the Council will attempt to arrange the hearing in such a way that you are able to attend or submit written representations to the hearing and/or to arrange for an appropriate representative to attend the hearing on your behalf.

### **Evidence**

The hearing will consider any evidence you choose to present. Should witnesses be prepared to appear on your behalf they will be permitted to do so provided that their evidence is relevant to the issues that need to be decided. The Council will not compel or require any employee to appear as a witness on your behalf and in most circumstances, evidence arising from the investigation will be presented in written form. You will be entitled to challenge any of the evidence presented but will not be entitled to cross-examine witnesses.

### **Disciplinary Action**

After considering all the evidence, including any submissions made by you or on your behalf, the manager conducting the hearing will decide on the outcome. If misconduct is found to have taken place, the usual outcome will be a written warning which will be placed on your personnel file.

A warning will stay current for a period of 12 months, after which it will be removed from your personnel file and not be considered in any future disciplinary action.

If, however, a further instance of misconduct is found to have occurred (in accordance with this procedure) during the currency of a warning – or if any misconduct is considered to be serious enough to warrant it – then, subject to the formal process above being followed, you will be issued with a final written warning.

A final written warning will usually remain active for 12 months but a longer period may be specified if the manager conducting the hearing feels that the circumstances warrant it.

If you are found to have committed further misconduct during a period covered by a final written warning, following a hearing conducted in accordance with this procedure, you are likely to be dismissed.



## **Dismissal**

You will not normally be dismissed under this procedure for a single instance of misconduct unless a final written warning is already in place. However, where gross misconduct is found to have occurred, dismissal without notice or payment in lieu will be the usual outcome.

Gross misconduct is misconduct so serious that it fundamentally undermines the relationship between employer and employee. If you are accused of gross misconduct this will be made clear when you are invited to a disciplinary hearing. A wide range of behaviours can amount to gross misconduct but the most common involve dishonesty, violent or aggressive behaviour, the wilful destruction of Council property or a deliberate refusal to obey a reasonable instruction.

## **Appeal**

You may appeal against the outcome of a disciplinary hearing by doing so in writing within one week of being notified of the outcome. An appeal hearing will be convened and conducted by an appropriate member of the senior management team.

The appeal will consider any grounds you choose to put forward and you will have the same right to be accompanied as at a disciplinary hearing. The result of the appeal hearing will be final.

## **7.6 Grievance Procedure**

The Council aims to be responsive to concerns raised so if you are unhappy with something affecting you at work you are encouraged to raise this with your manager. If that is not possible then you should speak to another manager who will try to assist you in resolving any issue you may have. If your grievance is against the Town Clerk, this should be addressed to the Chairman of the HR Committee on an informal basis.

The following procedure is designed to be used when these informal attempts to resolve any dispute have not been successful.

Any written complaint or grievance raised which alleges that a member or co-opted member of the Council has failed to comply with the authority's Code of Conduct will be dealt with under the Code of Conduct Procedure.

### **Raising a Formal Grievance**

If you feel that the matter needs to be raised formally you should raise a grievance by making a written complaint, stating that it is being made under this procedure. You should give as much information about your grievance, including any relevant dates and times to allow for any investigations to take place.

A grievance will normally be dealt with by your manager and should be addressed to them directly. Where the grievance is directly concerned with your manager's behaviour, you should submit your grievance to another member of the management team who will arrange for someone who is not directly involved in the issue to deal with it. If your grievance is against the Town Clerk, this should be addressed to the Chairman of the HR Committee on a formal basis.

## **Grievance Hearing**

A grievance hearing will be arranged so you can explain the issue and suggest how it can be resolved. You have the right to be accompanied – see Section 7.1. The manager conducting the hearing will consider what you have said and may either deal with the matter immediately or decide to carry out further investigations. In that case, the hearing will be adjourned until the investigation has been completed.

Once the investigations are concluded, if new information comes to light that is considered appropriate, you may be invited to a reconvened meeting to have the opportunity to consider and respond to the findings of the investigation. Following this, a decision on the outcome of your grievance will be made.

## **Allegations of Misconduct**

If you are making allegations of misconduct on the part of other employees, the Council may need to carry out an investigation into the allegations and pursue the matter through the disciplinary procedure. Where this happens, the grievance will be held over until the disciplinary process has been concluded.

## **Relationship with other Procedures**

Where your grievance relates to the conduct of other procedures (such as the disciplinary or performance management procedures) the Council may choose to delay the consideration of the grievance until that procedure has been completed, deal with the grievance in the course of that procedure, or by way of appeal if that appears to be a fairer or more straightforward way of dealing with the issue.

## **Appeals**

If you are dissatisfied with the outcome of a grievance, you may appeal. You should submit your appeal in writing within one week of being informed of the outcome of your grievance. Your appeal should be directed to the Chair of the Council. An appeal hearing will then be convened and conducted by a Panel drawn from the Full Council. You have the right to be accompanied – see Section 7.1. The outcome of any appeal will be final.

The Council aims to be responsive to concerns raised by employees and if you are unhappy with something affecting you at work you are encouraged to raise this with your line manager. If that is not possible then you should speak to a member of the management team who will try to assist you in resolving any issue you may have. The following procedure is designed to be used when these informal attempts to resolve any dispute have not been successful.