

CYNGOR TREF SANCLÊR ST CLEARS TOWN COUNCIL



EMPLOYMENT POLICY & EMPLOYEE AND COUNCILLOR HANDBOOK

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ST CLEARS TOWN COUNCIL
EMPLOYMENT POLICY AND EMPLOYEE HANDBOOK

Introduction

St Clears Town Council is committed to being a good employer and recognise that our staff are our most valuable asset. This employment policy outlines the terms that can be expected by its employees. The policy conforms with all relevant legislation and also adheres to the terms of the National Joint Council for Local Government Services' 'National Agreement on Pay and Conditions of Service' ('the Green Book').

On appointment of staff, the Council and employee agree to abide by the conditions in the contract of employment and those included in this Employment Policy. For any matters not covered by the contract or Employment Policy, the provisions of the Green Book or relevant legislation should apply.

Equal Opportunities Statement.

Employees will be afforded equal opportunities in employment irrespective of disability, gender, race, religion, age, sexuality, marital status, parental status, caring responsibilities and hours of work.

The Council is an Equal Opportunity Employer and will always seek to recruit the person most suited to the job in question, irrespective of Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex, Sexual Orientation, Marriage and Civil Partnership or Pregnancy and Maternity. Those involved in the recruitment process must be aware of the Council's Equal Opportunities, Equality and Diversity and Data Protection Policies. Any queries should be addressed to the Town Clerk or in their absence to the Chair of Council.

1. **Recruitment & Selection Process**

Every possible step is taken to ensure that individuals are treated equally and fairly and that decisions on recruitment, selection and promotion are based solely on objective and job-related criteria. Recruitment must be undertaken in accordance with the Equal Opportunities Statement, so that there is no unlawful discrimination.

It is currently unlawful to discriminate against a person on grounds of age, sex, race, disability, sexual orientation or religion or belief:

- In the arrangements made for offering a job
- In the terms on which employment is offered
- By refusing to offer, or deliberately not offering a person employment

It is also unlawful to discriminate against a part-time employee by giving them less favourable terms than a comparable full-time employee.

Before the recruitment process

Prior to beginning the recruitment process the Town Council will review the job description for the vacancy. If it is a new position or the job content has changed, then a new job description should be drawn up.

The Town Council or nominated members should identify the essential characteristics required for the successful candidate, using the person specification. The Person Specification identifies key skills, qualifications, experience, competencies and any other relevant information necessary for the job.

Consideration should be given to allowing the work to be done as a job share or part time hours.

The Full Council must approve any vacancy prior to this being advertised. Realistic timescales should be considered when recruiting to fill a vacancy.

If the vacancy is for the Town Clerk, the Community, Finance and General-Purpose Committee (or nominated members) must form part of the recruitment and selection panel. In all other instances, the Town Clerk and nominated members can complete this process.

The Recruitment Process

Where appropriate, a job pack should be sent to each potential candidate. This should include:

- Job description
- Person specification
- Equal opportunities form
- Application form

The Town Clerk must ensure that all candidates are kept informed as to the status of their application in a timely manner. In the absence of the Town Clerk, the services of a recruitment agency should be used.

Applicants should be given the opportunity to declare whether they have a disability and whether they would require any reasonable adjustment(s) to be made to the interview process.

Interviewers must also be aware of making assumptions and if unsure about a disabled applicant should refer to the Town Clerk / Recruitment Agency for advice.

Recruitment should be carefully targeted to attract applicants most likely to meet the job requirements.

Where a recruitment agency is not used, applicants should apply by using the designated application form. CVs are only acceptable if accompanied by an application form. A clear deadline for receipt of all applications should be set.

In some circumstances, it will be necessary to make a reasonable adjustment in relation to a disabled applicant's application.

Short listing Procedure

Once the deadline for all applications has passed the Town Council or nominated members will assess all applicants against the person specification. Applicants will be scored and the highest scoring individuals will be shortlisted and invited to interview.

Interviews

Interviews should be structured around the job description and a record of the discussion is made. It is also an opportunity for the candidate to ask about the position and the Council. A minimum of three persons will conduct the interviews.

Individuals should be assessed against the person specification and scored on their performance. A record should be kept and provided to the candidate with appropriate feedback if requested.

Travel expenses may be claimed by candidates attending an interview.

Qualification Check

If required, original certificates are requested at interview together with a copy for the Council's records.

Evaluation Session

At the end of the selection process the interviewer(s) evaluate all assessment information gathered on each candidate. Candidate results are considered against the person specification for the position. The evaluation process is

objective and structured in order to identify the most suitable candidate for the position.

Unsuccessful Applicants

Where the post has been advertised, all candidates receive a letter or telephone call informing them of the decision not to appoint them. The Town Clerk or a member present at interview and nominated for this purpose can provide constructive feedback via the telephone if requested by an applicant.

The Successful Applicant

The Town Clerk will decide, in consultation with the interview panel, on the detail of the offer for any employee other than the Town Clerk. The terms and conditions offered should not discriminate against any individual.

In the case of the Town Clerk the interview panel will decide the offer.

Making the Offer

A conditional offer letter is prepared clearly outlining the terms and conditions of the proposed employment. This offer is subject to satisfactory qualifications, references and right to work in Great Britain. The successful applicant is made aware of these conditions.

The Council will seek employer references and where relevant, verify qualifications (if not available at interview) before the offer of employment is confirmed.

All candidates will be asked to provide evidence of entitlement to work in the United Kingdom.

When satisfactory responses are received for qualifications, right to work and references the successful candidate is given a formal contract of employment. If unsatisfactory responses are received the offer of employment is reconsidered.

Induction

Induction of new employees is essential. This includes basic induction of terms and conditions of employment, information about the Council, Council policies and procedures.

New employees should also expect to receive an explanation of their role and duties, and provided with training needed to carry out their position to the best of their ability. Please see the Training & Development section below.

2. Contract of Employment

Under the legislation, the written statement of particulars (the Contract) must include the following:

- Name of the employer and employee;
- Date when the employment began;
- Date on which the employee's period of continuous employment began;
- Scale or rate of remuneration or how remuneration will be calculated;
- Intervals at which remuneration is paid, be it weekly, monthly etc;
- Terms and conditions relating to hours of work;
- Terms and conditions relating to : o Holiday entitlement and pay; o Incapacity for work due to sickness or injury, including provisions for sick pay; and o Pensions and pension scheme and whether a contracting-out certificate is in place.
- The notice the employee is obliged to give and entitled to receive to terminate their employment;
- Title of job which the employee is employed to do or a job description;
- Period for which the employee is employed if the contract is not permanent; □
Place of work; and
- Any collective agreements which affect the terms and conditions of the employment e.g. National Agreement on Pay and Conditions of Service and any disciplinary and grievance procedures which the Council has.

3. Pay & Grading

The pay and grading of jobs must be fair and non-discriminatory, complying with equal pay legislation and associated Codes of Practice. The basic pay of each employee will consist of either a point or points on the local government pay spine.

An employee dissatisfied with the grading of their job is entitled to appeal for a reconsideration of the grading. Criteria for job grading will be obtained from the SLCC.

4. Working Time

The standard working week for full time employees is 37 hours. All pro-rata allowances shall be calculated on this basis. Employees who are required to work non-standard patterns of work shall be compensated in accordance with the provisions noted in section XX below/

Variations to the established working week or patterns of work will be reasonable and subject to adequate notice. Working arrangements will comply with relevant Health and Safety legislation, including the European working time directive and its associated UK legislation.

Employees are required to work in the evening when there is a Council meeting. A pattern for Council meetings will be established at the start of the Council year and any additional meetings or changes must be agreed with reasonable notice.

An employee may request changes to meeting dates when necessary. Any changes must be agreed by Full Council or the Committee(s) affected.

Working Arrangements

The arrangement of the working week shall be determined by the Council in consultation with the recognised unions with a view to reaching agreement.

All employees required to work:

- Beyond their agreed hours for the period in question
- On Saturday or Sunday
- At night
- Public Holidays

will have the arrangements for remuneration for these working patterns, clearly set out in their contracts of employment. The provisions of the flexible working policy also apply.

In seeking to ensure work-life balance and the needs of the service, working time arrangements should avoid:

- Short notice changes to expected patterns of work
- Excessive hours in any particular week

Additional Hours

Employees who are required to work additional hours beyond their working week are entitled to receive enhancements on the following basis:

- Saturday: Time and a half
- Sundays and Public and Extra Statutory holidays: Double time (min 2 hours)

The employee may opt to take time off in lieu at the same rate rather than increased rates of pay. A record of time off in lieu will be kept and authorised by the line manager(s) of the employee.

5. Annual Leave

Employees are entitled, in addition to the 8 normal bank and public holidays, to 21 working days' leave in each leave year (pro rata for part time employees).

In addition to normal bank and public holidays, employees are entitled to two extra statutory days. (bank holidays and statutory days pro rata for part time employees).

The leave entitlement will increase to 25 working days per year (pro rata for part time employees) after five years' continuous service.

If your employment commenced or terminates part way through the leave year, your leave entitlement will be calculated on a pro rata basis. Deductions from your final salary payment will be made for any leave taken in excess of your entitlement. Any untaken leave must be taken during the notice period unless Council authorises payment of unpaid leave.

Annual leave must be taken at times agreed with the Council. You may carry forward up to 5 days' leave into the following leave year, subject to the approval of the Council.

6. Training & Development Policy

6.1 Introduction

St Clears Town Council are committed to the ongoing training and development of its employees and Councillors to ensure the best possible performance and contribution to the community. The objectives of Council are as follows:

- To provide suitably trained, qualified and motivated employees for the Council at the right time and level.
- To provide a means of training and retraining to meet the changing --needs of the Council.
- To provide employees and members with a greater understanding of the purpose and working of the Council and their part in it and to foster the development of role / job satisfaction and positive attitude towards personal development.

This policy outlines how St Clears Town Council will fulfil their commitment and objectives by detailing:

- The identification of training needs
- How training requests can be made
- Corporate training
- Paying for training
- Study leave
- Short courses / workshops
- Evaluation of training
- Reporting on progress

St Clears Town Council recognises that its most important resources are its employees and members and wants to encourage them to enhance their knowledge and qualifications through further training. Some training will also be required to ensure compliance with legal and statutory requirements.

Training and development will have an allocated budget which will be reviewed for adequacy every year when the Council budget is set. Council will also take advantage of any free training or sharing the cost with others where possible to further increase the amount of training available.

All are entitled to:

- Equality of opportunity in all aspects of their development
- An induction programme into their own roles as well as the workings of the Council
- An understanding of the Council's role in the Community
- An understanding of the direction and objectives of the Council

- An understanding of the contribution that is expected of them

For staff:

- Clear and measurable objectives for their performance at work
- An annual review of their performance, role and training needs
- A personal development plan which addressed their development needs
- A Council that is committed to staff development
- Release from work commitments to undertake relevant and agreed training
- Training and certification in accordance with all legal and statutory requirements according to their role

For Members:

- General training including;
- Roles and duties of a Councillor
- Code of Conduct
- Standing Orders and Financial Regulations

Specialist training:

- Chairmanship
- Planning

6.2 Identification of Training Needs

There are many ways that developmental needs can be identified:

- Employees appraisal
- At interview
- Informal discussions
- Meetings
- Training needs questionnaires
- Identifying needs against Council aims and objectives
- Responding to changes in requirements upon members and employees (e.g. change in audit procedures, legislative changes).
- New courses or qualifications available
- Accidents
- Professional negligence / mistakes
- Complaints to the council
- Request from members or employees
- New services to be delivered
- New members or new employees

6.3 How to Make a Request for Training

- a. Members and employees must feel free to request training to develop their ability to make a meaningful contribution to Council and the community.
- b. Employees and members should be made aware of the procedures for requesting training and how their request will be considered. Documents should be made available by the Clerk to all members and employees to facilitate requests. Any requests for training should be made to the Clerk in the first instance.
- c. Training needs of employees should be considered at performance appraisals where possible. This will give an opportunity to determine if the training request(s) is/are relevant to the needs of the Council and / or service delivery. If relevant, the request will be presented to Council for approval.
- d. Training requests from members, or from employees outside of the performance appraisal meeting, will be considered by the Community, Finance and General-Purpose Committee who will make a recommendation as to whether the training should be supported or not to Council.

6.4 Corporate Training

Corporate training is necessary to ensure that employees are aware of their legal responsibilities or corporate standards. E.g. Health and Safety, Risk Management and Equal Opportunities. Employees will be required to attend training courses, workshops or seminars where suitable training is identified. In the same way, members will from time to time be required to attend training deemed necessary for them to carry out their role properly, e.g. Code of Conduct training.

6.5 Paying for training

- a. All funded training must be relevant to the Council's needs and to the individual's role.
- b. Funding is subject to the availability of financial resources which will be reviewed each year when Council sets the budget.
- c. Each request will be considered on an individual basis identifying the benefits to the Council of the requested training.
- d. Where possible, training should be at the nearest possible venue and employees / members should travel together to reduce the costs associated with training. If overnight accommodation is required, the usual limits as identified by HMRC will apply.¹
- e. Council will seek the most economic but effective means of training.
- f. The impact of the release of employees for training on the operations of the council.
- g. For approved courses, members and employees can expect the following to be sponsored:
 - The course fees

- Examination fees
 - Associated membership fees
 - One payment to re-take a failed examination
- h. Members and employees attending assisted courses are required to inform the Clerk immediately of any absences, giving reasons.
- i. Failure to sit an examination may result in the Council withdrawing future course funding and/or requesting the refunding of financial assistance. Each case will be considered on an individual basis.
- j. Where training is approved under the policy to enable an employee to acquire a recognised qualification, it is a condition of awarding the training that the officer shall be required to undertake to remain in the service of the Council for a period of two years from the date on which the qualification is obtained. If an officer leaves within this two-year period, proportionate costs can be reclaimed at the discretion of the Council.

6.6 Study Leave

Employees who are given approval to undertake external qualifications are granted the following:

- Study time to attend day-release courses
- Time to sit examinations
- Study time of one day per examination
- Provision of study time must be agreed with the line manager prior to the course being undertaken

6.7 Short courses and workshops

Where attendance is required at a short course, a full day of paid leave will be granted.

Members and employees attending approved short courses / workshops and residential training can expect the following to be paid:

- The course fees
- Travelling expenses and subsistence in accordance with the Council's policy
- Overnight accommodation costs in accordance with the limits identified by HMRC.

6.8 Evaluation of Training

Member and employees will be required to provide feedback on any training, evaluating the value and effectiveness of the course highlighting any areas Council should be made aware of (e.g. new legislation).

6.9 Reporting on progress

An annual report on training will be presented to the Community, Finance and General-Purpose Committee, detailing attendance at training over the year and any relevant evaluation comments.

6.10 Freedom of Information.

In accordance with the Freedom of Information Act 2000, this document will be posted on the Council's website and copies will be available from the Clerk.

7 Sickness Absence

7.1. Employees are entitled to receive sick pay for the following periods:

During 1st year of service: 1 month's full pay and, after completing 4 months' service, 2 months' half pay.

During 2nd year of service: 2 months' full pay and 2 months' half pay.

During 3rd year of service: 4 months' full pay and 4 months' half pay.

During 4th and 5th year of service: 5 months' full pay and 5 months' half pay.

After 5 years' service: 6 months' full pay and 6 months' half pay.

Council shall have discretion to extend the period of sick pay in exceptional cases.

The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

In the case of full pay periods sick pay will be an amount which when added to Statutory Sick Pay and Incapacity Benefit, Employment and Support Allowance or equivalent social security benefit receivable will secure the equivalent of normal pay.

In the case of half pay periods sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay and Incapacity Benefit, Employment and Support Allowance or equivalent social security benefit receivable, so long as the total sum does not exceed normal pay.

Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.

The Employment and Support Allowance or equivalent social security benefits to be taken into account for the calculation of sick pay are those to which an employee is entitled on the basis that the employee has satisfied so far as is possible:

- the conditions for the reporting of sickness as required by the authority;
- the claiming of benefits
- the obligation to declare any entitlement to benefits and any

- subsequent changes in circumstances affecting such entitlement.

An employee who is prevented from attending work because of contact with infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlements under this scheme.

If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer sick pay may be suspended.

The Council shall advise the employee of the grounds for suspension and the employee shall have a right of appeal to the appropriate committee of the Council. If the Council decide that the grounds were justified then the employee shall forfeit the right to any further payment in respect of that period of absence. Repeated abuse of the sickness scheme should be dealt with under the disciplinary procedure.

An employee shall not be entitled to claim sick pay under the scheme unless:

- notification is made immediately to the person identified for this purpose by the authority;
- further notification is made as required by the authority;
- a doctor's statement is submitted to the authority not later than the eighth calendar day of absence;
- subsequent doctor's statements are submitted as necessary;
- in cases where the doctor's statement covers a period exceeding fourteen days or where more than one statement is necessary, the employee must, before returning to work submit to the authority a final statement as to fitness to resume duties;
- on return to work the employee signs a statement detailing the reasons for absence for all absences up to and including seven days.

An employee shall, if required by the Council at any time, submit to a medical examination by a medical practitioner nominated by the Council, subject to the provisions of the access to Medical Reports Act 1988 where applicable. Any costs associated with the examination should be met by the Council. Where it is necessary to obtain a second medical opinion, it should be provided by an independent medical referee.

Where, for the purpose of qualifying for sick pay under the scheme, the Council requires a doctor's statement from an employee, the Council will reimburse the employee the cost of such a statement on the provision of a receipt.

An employee who falls sick during the course of annual leave shall be regarded as being on sick leave from the date of a doctor's statement. Where an employee is receiving sick pay under the scheme, sick pay should continue if a public or extra statutory holiday falls during such sickness absence. No substitute public or extra statutory holiday should be given.

8 Other absences

Public Duties

Paid leave of absence will be granted for employees undertaking jury service or serving on public bodies or undertaking public duties. Where an allowance is claimable for loss of earnings the employee should claim and pay the allowance to the Council.

Special Leave

Additional leave with or without pay may be granted in special circumstances at the discretion of the Council. Particular consideration should be given to granting reasonable paid time off for dependants as defined under the Employment Relations Act 1999.

Medical appointment

Council will make reasonable time-off arrangements for employees who need to attend medical appointments where it isn't possible to attend those appointments outside of normal work hours.

Temporary Employees

Temporary employees shall receive pay and conditions of service equivalent to that of permanent employees.

9 Disciplinary & Grievance Procedure

St Clears Town Council have adopted stand alone Disciplinary and Grievance procedures. A copy can be obtained from the Town Clerk.

10 Appraisal procedure

Appraisals are used in organisations to help employees achieve and full their potential and for the employer to continue to monitor performance in order to achieve its goals and improve the quality of the products/ services which it provides. An appraisal interview is an opportunity to take an overall look at work content and volume, look back at what has been achieved, agree objectives for the future and consider what development needs the employee may have for the year ahead.

The Community, Finance and General Purpose Committee take responsibility for the line management of the Clerk and nominated representatives of that committee carry out the Clerk's appraisal. It is not appropriate for the whole council to take part in the appraisal interview but Council will have an opportunity to contribute to the targets agreed for the year ahead. Any comments on performance should be directed to the nominated members responsible for the appraisal.

For any other members of staff, the Clerk will be responsible for their appraisal.

The appraisal document will be the SLCC's template for appraisals and the sections will be completed at the appropriate times in the year. Appraisal interviews will be held once a year in April with an interim review in October. Any issues with performance should be raised immediately with staff and not for the first time at an appraisal interview.

The interview should consider if the job description adequately reflects the duties of the member of staff and if any review is needed. It should also seek to identify any training needs and how those needs can be fulfilled and built in to the training budget.

The appraisal should be a two way process that enables the employer and the employee to raise any issues they may have.

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11 Dignity at Work Policy

In support of our value to respect others St Clears Town Council will not tolerate bullying or harassment by, or of, any of its employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. The council is committed to the elimination of any form of intimidation in the workplace. This policy should be read in conjunction with the council's policies on Grievance and Disciplinary handling and the Elected Members Code of Conduct. The council will issue this policy to all employees as part of their induction and to all Members as part of their Welcome Pack.

11.2 Definitions

Bullying: "Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress." Harassment is "unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment." This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

These definitions are derived from the ACAS guidance on the topic. Bullying and Harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, turnover, damage to the council's reputation and ultimately, legal proceedings against the council and payment of legal fees and potentially unlimited compensation.

11.3 Examples of unacceptable behaviour are as follows; (this list is not exhaustive) Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, making threats of physical violence against a person or their family, deliberately undermining a competent worker by overloading work and/or constant criticism, blaming a person for others' mistakes, preventing an individual's promotion or training opportunities.

Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

11.4 Penalties: Bullying and harassment by any employed persons can be considered examples of gross misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the council. If elected Members are bullying or harassing employees, contractors, fellow councillors, others then a referral through the Standards process in place at the time reported as a contravention of the Member's Code of Conduct could be an appropriate measure. If an employee is experiencing bullying or harassment from a third party the council will act reasonably in upholding its duty of care towards its own employees. In extreme cases harassment can constitute a criminal offence and the council should take appropriate legal advice, often available from the council's insurer, if such a matter arises.

11.5 The Legal position: Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the council and the perpetrator(s) as individual named Respondents. In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination. The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes, for instance; employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.

11.6. Process for dealing with complaints of Bullying and Harassment

- a. Informal approach – Anyone; employee, contractor, member or visitor, who feels he or she is being bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour, or an intermediary, that their conduct is unacceptable, offensive or causing discomfort. Anyone

concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

- b. Formal approach. Employees: Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Chair of the Staffing/Personnel committee or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance.

Procedure to be invoked. The employee will be expected to provide evidence of the conduct about which s/he is complaining.

11.7 Others Any other party to the council, other than an employee, who feels he or she is being bullied or harassed should raise their complaint with the council, where possible, if an informal notification to the alleged perpetrator has been unsuccessful at eliminating the problem. The complaint should then be investigated and a meeting held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any Members or officers of a council should use the council's official Complaints Procedure. It is important that the Officer(s) or Member(s) being complained about do not prevent the council operating impartially in its investigation and decision making in this regard.

11.8 Grievance – Employees only - A meeting to discuss the complaint with the aggrieved party will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the council's Grievance Procedure. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by an officer, or other duly appointed person as appointed by the committee of the council which is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the aggrieved employee to demonstrate how the problem is to be resolved. It may be decided that mediation or some other intervention is required and the council should contact One Voice Wales, an employer's body or ACAS to this effect or the council may offer counselling. The employee will have a right of appeal. At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance will not be shared with the full council without prior approval by the aggrieved party. The council will commit not to victimize the aggrieved for raising the

complaint once the appropriate dispute resolution process has been concluded.

11.9 Disciplinary Action - Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour. For an Employee found to have been bullying/harassing others this will follow the council's Disciplinary procedure under the ACAS Code of Practice and would normally be treated as Gross Misconduct. For Members who the council reasonably believe have been bullying or harassing another person(s) whilst undertaking council activities the range of sanctions available to the council, are limited and must be reasonable, proportionate and not intended to be punitive. In some cases counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc. may be more appropriate than a penalty. Sanctions may include; admonishment, issuing an apology or giving an undertaking not to repeat the behaviour, removal of opportunities to further harass/bully such as removal from a committee(s) where direct contact with the employee or decision-making about that employee will take place, or removing the right to representation on any outside bodies where there will be contact with the employee who has raised the complaint. A referral under the Code of Conduct to the relevant reviewing body is usually an appropriate step and there may be further disciplinary sanctions available as a result of the Standards Committee (England) or Ombudsman (Wales) reviewing the evidence under the Code in place at the time. A referral to the Police under the Protection from Harassment Act 1997 may also be appropriate in the more extreme cases.
This list is not exhaustive.

11.10 False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/Member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure or a referral to the Standards process.

11.11 Responsibilities: All parties to the council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed then each individual can challenge the perpetrator and ask them to stop. There needs to be agreement about how "robust people management" and "bullying" differ; effective management of performance will usually include feedback based on objective evidence, delivered by a committee specifically designated and often trained to manage and appraise staff, with dialogue occurring on a face to face basis in confidential surroundings. Bullying is more likely to be complained about when

individual Members criticise staff, often without objective evidence, without the mandate from the corporate body of the council and in environments which are open to the public or other employees or by way of blogs, social media comments, or in the pub or local playground. The council undertakes to share its policy with all members and workers and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy. A review of the policy shall be undertaken each year (or as appropriate) and necessary amendments will be undertaken by the Clerk and reported to the full council for approval. The Council will undertake to ensure that its members and workers are trained in the processes required by this policy as deemed appropriate.

Useful contacts

- ACAS www.acas.org.uk tel: 0845 7 47 47 47
- Local Government Ombudsman for Wales www.ombudsman-wales.org.uk tel: 0300 790 0203
- Equalities and Human Rights Commission
www.equalityhumanrights.com
- SLCC www.slcc.co.uk
- Government website www.GOV.uk

12 Family policies

12.1 Maternity Leave

The occupational maternity scheme shall apply to all pregnant employees regardless of the number of hours worked per week. An employee shall notify Council at least 28 days before her absence begins or as soon as is reasonably practicable:

- (a) that she is pregnant;
- (b) of the expected week of childbirth (EWC);
- (c) of the date of the beginning of her absence.

The employee should provide a certificate from a registered medical practitioner or a registered midwife stating the expected week of childbirth (Form MAT B1) 15 weeks before the EWC.

12.1.1. Health and Well-being

- (a) Ante-natal Care

Any pregnant employee has the right to paid time off to attend for antenatal care and must produce evidence of appointments if requested Council.

- (b) Health and Safety

Consideration must be given to any health and safety implications for pregnant or breast-feeding employees identified in the Workplace Risk Assessment carried out in accordance with Part 2, Paragraph 4.

12.1.2. Maternity Leave Entitlement

- (a) All employees are entitled to 26 weeks' ordinary maternity leave followed by 26 weeks' additional maternity leave, giving a total of 52 weeks' continuous leave, 'the maternity leave period'.

- (b) Maternity leave shall commence no earlier than 11 weeks before the EWC, or from the day following childbirth if that is earlier.

Within 28 days of receipt of the initial notification the Council will write to the employee informing them of the last day of their maternity leave and the expected date of their return.

12.1.3. Keeping in Touch (KIT) Days

- (a) Keeping in touch (KIT) days are intended to facilitate a smooth return to work for women returning from maternity leave. Before

going on leave, Council and the employee should discuss and agree any voluntary arrangements for keeping in touch during the employee's maternity leave. An employee may work for up to 10 KIT days during Ordinary Maternity Leave or Additional Maternity Leave without bringing her maternity leave to an end. An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby.

(b) The work can be consecutive or not, and can include training or other activities which enable the employee to keep in touch with the workplace. Any such work must be by agreement and neither the Council nor the employee can insist upon it.

12.1.4. Maternity Pay

(a) Payments for employees who have less than 1 year's continuous local government service at the beginning of the 11th week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP), where eligible.

(b) Payments for employees who have completed 1 year's continuous local government service at the 11th week before the EWC shall be as follows:-

(i) For the first six weeks of absence an employee shall be entitled to nine-tenths of a week's pay offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.

(ii) An employee who declares in writing that she intends to return to work will for the subsequent 12 weeks' absence receive half a week's pay plus SMP, where eligible, without deduction except by the extent to which the combined pay and SMP (or MA and any dependant's allowances if the employee is not eligible for SMP) exceeds full pay. Alternatively the equivalent amount (i.e. 6 weeks' pay) may be paid on any other mutually agreed distribution.

For the remainder of the maternity leave period the employee will receive their entitlement to SMP (currently 39 weeks in total), where eligible.

(iii) For employees not intending to return to work payments during their maternity leave period following the first 6 weeks will be their entitlement to SMP (currently 39 weeks in total), where eligible.

(iv) Payments made by the authority during maternity leave under (ii) above shall be made on the understanding that the employee will return to Council employment for a period of at least three months, which may be varied by the Council on good cause being shown and, in the event of her not doing so, she shall refund the monies paid, or such part thereof, if any, as the authority may decide. Payments made to the employee by way of SMP are not refundable.

12.1.5. Right to Return To Work

(a) Subject to (b) to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable to her if she had not been absent. "Job", for this purpose, means the nature of the work which she is employed to do and the capacity and place in which she is so employed.

(b) Where it is not practicable by reason of redundancy for the Council to permit her to return to work in her job as defined in (a) above the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to her and appropriate to the circumstances, and that the capacity and place in which she is to be employed and her terms and conditions of employment are not substantially less favourable to her than if she had been able to return to the job in which she was originally employed.

(c) Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general reorganisation), which would have occurred if the employee had not been absent, necessitate a change in the job in which she was employed prior to her absence.

The work to be done should be suitable to her and appropriate to the circumstances and the capacity and place in which she is to be employed and her terms and conditions of employment should not be less favourable to her than if she had been able to return to the job in which she was originally employed.

12.1.6. Exercise of the Right to Return to Work

(a) Return before the end of the maternity leave period

(i) An employee shall notify the Council in writing if requested, at least 21 days before the day on which she proposes to return if this is before the end of the maternity leave period. Where the notice given is less than 21 days the employer may postpone the return to ensure 21 days' notice, but not beyond the end of the maternity leave period.

(ii) If an employee changes her mind about the day she proposes to return, she must give Council 21 days' notice of the new date, if this is earlier than the original date (see 11.7(a)(i)) she notified or if she is now proposing to return later than the original date, she must give notice of the new return date 21 days before the original return date.

(b) All employees

(i) Where an employee is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.

(ii) For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect her to return on the due date, she may instead return when work resumes, or as soon as reasonably practicable thereafter.

(c) Return to work - Flexible Working arrangements

Council should consider the full range of flexible working arrangements and support facilities for employees returning to work. The needs of breastfeeding employees should be taken into account. The Health & Safety Executive has produced guidance that employers should refer to if a facility for breastfeeding is requested.

12.1.17. Relationship with Sickness and Annual Leave

(a) Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sickness leave.

(b) Ordinary maternity leave and additional maternity leave shall be regarded as continuous service for the purposes of the National Joint Council's sickness and maternity schemes and annual leave. Annual leave continues to accrue during both ordinary and additional maternity leave.

12.1.7. Definitions

(a) A Week's Pay

The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the Council to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

(b) Childbirth means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks.

(c) Nothing in the above provisions shall be construed as providing rights less favourable than statutory rights.

12.1.8. Premature Birth

Where a baby is born prematurely authorities should consider each case on its merits and the action required. For example extension of the maternity leave period might be appropriate. The necessary discretion already exists under the scheme.

12.1.9. Miscarriage, Termination, Still-birth and Death of a Baby

If the baby dies or is still-born after 24 weeks' pregnancy the maternity scheme applies. Where this occurs before 24 weeks (miscarriage) or there is a termination, Council should give sympathetic consideration to the circumstances and where necessary grant special leave or sick leave, as appropriate on the basis of the individual circumstances. The decision should be based on the needs of the employee and medical opinion.

12.2 Paternity Leave

12.2.1. Employees may take time off when their partner is having a baby, if they're adopting a child or having a baby through a surrogacy arrangement. you might be eligible for:

- 2 weeks paid Paternity Leave
- Shared Parental Leave.

Employees must be taking time off to look after the child and be one of the following:

- the father
- the husband or partner of the mother (or adopter)
- the child's adopter
- the intended parent (if you're having a baby through a surrogacy arrangement)

Leave must be taken in one go. A week is the same amount of days that you normally work in a week.

You must:

- have worked for your Council continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week')
- give the correct notice (15 weeks before the baby's due date).

Leave can't start before the birth. It must end within 56 days of the birth. You don't have to give a precise date when you want to take leave (such as 1 February). Instead you can give the general time, including the day of the birth or 1 week after the birth.

12.2.2 Paternity Pay

You must:

- have worked for Council continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week')
- be employed by Council up to the date of birth
- earn at least the government's minimum qualifying amount a week (before tax) (see gov.uk)
- give the correct notice.

You can still get Paternity Leave or pay if your baby is:

- stillborn from 24 weeks of pregnancy
- born alive at any point during the pregnancy

Council must tell you within 28 days if you don't qualify and why using form SPP1.

12.2.3. Employment rights when on leave

Your employment rights are protected while on paternity leave. This includes your right to:

- pay rises
- build up (accrue) holiday
- return to work

Council allows time off for ante-natal care to fathers-to-be, partners or nominated carers. A nominated carer is as defined under Part 2, paragraph 7.6 of the Green Book. Examples could include time-off to attend parent-craft classes or to accompany the expectant mother when undergoing a medical examination. Authorities may request that the employee produce evidence of appointment.

If you're adopting a child, you can get time off to attend 2 adoption appointments after you've been matched with a child.

12.2.4 Leave for antenatal appointments

You can take unpaid leave to accompany a pregnant woman to 2 antenatal appointments if you're:

- the baby's father
- the expectant mother's spouse or civil partner
- in a long-term relationship with the expectant mother
- the intended parent (if you're having a baby through a surrogacy arrangement)

You can take up to 6 and a half hours per appointment. You can apply for leave immediately if you're a permanent employee.

12.3 Shared Parental Leave and Shared Parental Pay

12.3.1. You may be able to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if you're having a baby or adopting a child. If you're eligible for SPL you can use it to take leave in blocks separated by periods of work, instead of taking it all in one go.

To start SPL or ShPP the mother must end her maternity leave (for SPL) or her Maternity Allowance or maternity pay (for ShPP). If she doesn't get maternity leave (but she ends her Maternity Allowance or pay early) her partner might still get SPL.

If you're adopting then you or your partner must end any adoption leave or adoption pay early instead.

If you're eligible you can take:

- the remaining leave as SPL (52 weeks minus any weeks of maternity or adoption leave)
- the remaining pay as ShPP (39 weeks minus any weeks of maternity pay, maternity allowance or adoption pay)

If neither of you is entitled to maternity leave or adoption leave then SPL will be 52 weeks minus any weeks of maternity pay, Maternity Allowance or adoption pay. You can share SPL and ShPP between you if you're both eligible. SPL and ShPP must be taken between the baby's birth and first birthday (or within one year of adoption).

12.3.2. Eligibility

To qualify for SPL, you must share responsibility for the child with one of the following:

- your husband, wife, civil partner or joint adopter
- the child's other parent
- your partner (if they live with you and the child)

You or your partner must be eligible for maternity pay or leave, adoption pay or leave or Maternity Allowance.

You must also:

- have been employed continuously by Council for at least 26 weeks by the end of the 15th week before the due date (or by the date you're matched with your adopted child)
- stay with the same employer while you take SPL

During the 66 weeks before the week the baby's due (or the week you're matched with your adopted child) your partner must:

- have been working for at least 26 weeks (they don't need to be in a row)
- have earned at least the amount set by Central Government in total in 13 of the 66 weeks.

This can be as an employee, worker or self-employed person. Your partner doesn't have to be working at the date of birth or when you start SPL or ShPP.

12.3.3. Statutory Shared Parental Pay

You can get ShPP if you're an employee and one of the following applies:

- you're eligible for Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP)
- you're eligible for Statutory Paternity Pay (SPP) and your partner is eligible for SMP, Maternity Allowance (MA) or SAP

You can also get ShPP if you're a worker and you're eligible for SMP or SPP.

You can only start Shared Parental Leave (SPL) or Shared Parental Pay (ShPP) once the child has been born or placed for adoption.

12.3.4. For SPL to start

The mother (or the person getting adoption leave) must either:

- return to work, which ends any maternity or adoption leave
- give Council 'binding notice' of the date when they plan to end their leave (you can't normally change the date you give in binding notice)

You can start SPL while your partner is still on maternity or adoption leave as long as they've given binding notice to end it.

You can give binding notice and say when you plan to take your SPL at the same time. The mother or adopter must end any maternity pay, adoption pay or Maternity Allowance so that they or their partner can get SPL.

12.3.5 For ShPP to start

The mother (or the person getting adoption pay) must give their Council binding notice of the date when they plan to end any maternity or adoption pay. They can't restart maternity pay, Maternity Allowance or adoption pay once it's ended.

You can start ShPP while your partner is still on maternity pay, adoption pay or Maternity Allowance as long as they've given binding notice to end it. You can give binding notice and say when you plan to take your ShPP at the same time.

12.3.6. Compulsory leave

A mother can't return to work before the end of the compulsory 2 weeks of maternity leave following the birth (4 weeks if she works in a factory). If you're adopting, the person claiming adoption pay must take at least 2 weeks of adoption leave.

12.3.7. Cancelling the decision to end maternity or adoption leave

The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:

- the planned end date hasn't passed
- they haven't already returned to work

One of the following must also apply:

- you find out during the 8-week notice period that neither of you is eligible for SPL or ShPP
- the mother or adopter's partner has died
- the mother tells Council less than 6 weeks after the birth (and she gave notice before the birth)

If you're eligible and you or your partner end maternity or adoption leave and pay (or Maternity Allowance) early, then you can:

- take the rest of the 52 weeks of maternity or adoption leave as Shared Parental Leave (SPL)
- take the rest of the 39 weeks of maternity or adoption pay (or Maternity Allowance) as Statutory Shared Parental Pay (ShPP)

ShPP is paid at the statutory rate or 90% of your average weekly earnings, whichever is lower.

This is the same as Statutory Maternity Pay (SMP) except that during the first 6 weeks SMP is paid at 90% of whatever you earn (with no maximum).

12.3.8. Applying for leave and pay

To get Shared Parental Leave (SPL) or Shared Parental Pay (ShPP) you must:

- follow the rules for starting SPL and ShPP
- give Council at least 8 weeks' written notice of your leave dates

12.3.9. Booking blocks of leave

You can book up to 3 separate blocks of Shared Parental Leave (SPL) instead of taking it all in one go, even if you aren't sharing the leave with your partner. If your partner is also eligible for SPL, you can take up to 3 blocks of leave each. You can take leave at different times or both at the same time.

You must tell Council about your plans for leave when you apply for SPL. You can change these plans later but you must give Council at least 8 weeks' notice before you want to begin a block of leave.

12.4 Adoption Leave

12.4.1 When you take time off to adopt a child or have a child through a surrogacy arrangement you might be eligible for:

- Statutory Adoption Leave
- Statutory Adoption Pay

Your employment rights are protected while on Statutory Adoption Leave. This includes your right to:

- pay rises
- build up (accrue) holiday
- return to work

12.4.2 Leave

Statutory Adoption Leave is 52 weeks. It's made up of:

- 26 weeks of Ordinary Adoption Leave
- 26 weeks of Additional Adoption Leave

Only 1 person in a couple can take adoption leave. If you get adoption leave, you can also get paid time off work to attend 5 adoption appointments after you've been matched with a child.

Adoption leave can start:

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

Change your dates

You must tell your employer within 28 days if the date of placement (or UK arrival date for overseas adoptions) changes.

You must give your employer at least 8 weeks' notice if you want to change your return to work date.

12.4.3. Adoption Leave Pay

Statutory Adoption Pay is paid for up to 39 weeks. The weekly amount is:

- 90% of your average weekly earnings for the first 6 weeks
- Statutory Adoption Pay or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks.

Please see section 12.1.4 Maternity Pay for details of extra pay available for qualifying employees. For the purposes of Adoption Leave Pay, employees shall receive the same benefits as detailed in the Maternity section (Section 8) of this policy.

Statutory Adoption Pay starts when you take your adoption leave.

12.4.4 Eligibility

To qualify for Statutory Adoption Leave, you must:

- be an employee
- give the correct notice
- give proof of the adoption or surrogacy

To get Statutory Adoption Pay you must:

- have worked for Council continuously for at least 26 weeks by the week you were matched with a child
- earn the government specified minimum amount per a week (before tax) (see gov.uk)
- give the correct notice
- give proof of the adoption or surrogacy

The rules are slightly different if you're adopting from overseas or having a child through a surrogacy arrangement.

12.4.5. Overseas adoptions

The conditions are the same except for both leave and pay you must:

- have worked continuously for your employer for at least 26 weeks by the time you get your 'official notification'
- sign form SC6 if you're adopting a child with your partner

The official notification is permission from a UK authority that you can adopt from abroad. Form SC6 confirms you're not taking paternity leave or pay.

12.4.6 Surrogacy arrangements

To qualify for Statutory Adoption Pay you must:

- have worked continuously for your employer for at least 26 weeks by the 15th week before the baby's due
- intend to apply for a parental order
- expect the order to be granted (for example because you don't have any convictions involving children, and the birth mother or father agree to the arrangement)

All the other conditions for qualifying for pay and leave are the same as for adoptive parents.

If you're genetically related to the child (ie the egg or sperm donor), you can choose to get paternity leave and pay instead. You can't get both.

If you're eligible for adoption pay and leave, you'll receive them from when the child comes to live with you.

12.4.7 Exceptions

You don't qualify for Statutory Adoption Leave or Pay if you:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a stepchild
- adopt a family member or stepchild

If you're not eligible

Council must give you form SAP1 explaining why you can't get Statutory Adoption Pay.

12.4.8 How to claim adoption leave and pay.

Statutory Adoption Leave

Within 7 days of being matched with a child you must tell Council:

- how much leave you want
- your leave start date
- the 'date of placement' - the date the child is placed with you

Council can ask for this in writing and for proof of the adoption. Council must confirm your leave start and end dates within 28 days.

Statutory Adoption Pay

Tell Council you want to stop work to adopt a child and when you want your Statutory Adoption Pay to start. You must give at least 28 days' notice. Council can ask for this in writing and for proof of the adoption.

Council must confirm within 28 days how much Statutory Adoption Pay you'll get and when it will start and stop.

If Council decide you're not eligible, they must give you form SAP1 within 7 days of making their decision and explain why.

Proof of adoption

You must give your Council proof of adoption to qualify for Statutory Adoption Pay. Proof isn't needed for Statutory Adoption Leave unless requested.

The proof must show:

- your name and address and that of the agency
- the match date - for example the matching certificate
- the date of placement - for example a letter from the agency
- the relevant UK authority's 'official notification' confirming you're allowed to adopt (overseas adoptions only)
- the date the child arrived in the UK - for example plane ticket (overseas adoptions only)

Overseas adoptions:

You must tell Council:

- the date of your 'official notification'
- the estimated date the child arrives in the UK - within 28 days of getting the notification
- the actual date the child arrives in the UK - within 28 days of this date
- how much leave you want and your start date - giving Council 28 days' notice

Surrogacy arrangements:

If you use a surrogate to have a baby, tell Council the due date and when you want to start your leave at least 15 weeks before the expected week of birth. They may ask for this in writing.

Council may also ask for a written statement ('statutory declaration') to confirm you've applied or will apply for a parental order in the 6 months after the child's birth. You must sign this in the presence of a legal professional.

12.4.9 Adoption Support Leave

Adoption support leave of 5 days with pay shall be granted to the partner or nominated carer of the primary adopter at or around the time of placement. A nominated carer is the person nominated by the primary adopter to assist in the care of the child and to provide support to the primary adopter at or around the time of the placement.

12.5 Parental Leave

12.5.1 Entitlement

Unpaid parental leave of 18 weeks shall be granted to employees having or expecting to have responsibility for a child as defined in Regulation 13(2) of the Maternity and Parental Leave etc. Regulations 1999.

This might include foster parents; adoptive parents prior to placement; grandparents with a significant parenting role and stepparents. Leave shall be granted for the purposes of caring for a child up to the age of 18.

12.5.2 Notice

Every attempt will be made by the employee to give as much notice as possible with a minimum of 7 days' notice in writing before the day on which s/he proposes to take the leave.

Parental leave may be granted to employees who have not given the required notice in special circumstances at the discretion of Council. Such discretion shall not be unreasonably withheld.

12.5.3 Postponement

Every attempt will be made by Council to avoid postponement. In any event, leave shall not be postponed for more than three months except in exceptional circumstances.

Council shall agree guidelines with the recognised unions to deal with the procedures for postponement in exceptional circumstances where the service would be unduly disrupted if the employee took leave during the period identified in his/her notice. The following steps act as a guide:

(i) Consult between Council and the employee with a view to coming to agreement over alternatives. These might include:

- a different pattern of leave - eg part time rather than full time;
- a shorter or longer period of leave;
- alternative dates within the three-month period.

Where there is no agreement, Council must as a minimum, permit the employee to take a period of leave of the same duration and beginning on a date determined in consultation with the employee no later than three months after the originally notified start date.

Following consultation, and not more than seven days after the employee's notice was given to Council, they shall give the employee notice in writing of the postponement which states the reasons for it and specifies the date on which the agreed period of leave will begin and end.

Postponement may not be used where employees in the particular circumstances outlined below have requested parental leave. Following maternity support leave. The unpredictability of the timing of childbirth will also have implications for notice. It is recommended that employees expecting to take maternity support leave should discuss their likely requirements for parental leave.

Following maternity leave. Where a mother takes a period of parental leave following on from a period of maternity leave, Council should give guidance on the new interpretation of Part 2 provision 11.5 (b) (iv). Where parental leave is taken as a full-time block of leave following maternity leave, an employee should not be required to refund monies paid under this section unless she does not return to Council employment for a period of at least three months after the end of the parental leave period. At the time of adoption. At times prior to adoption where the parent is required to be at home by the adoption process, or following adoption leave.

12.5.4 Flexibility

Council shall be sympathetic to flexible parental leave-taking arrangements as requested by employees. Parental leave may be taken:

- as a single block of up to 18 weeks,
- as a number of shorter periods of a minimum of half a day
- in patterns which provide a part time or reduced hours working arrangement for a period of time equivalent to taking 18 weeks leave as a single block

12.5.5 Return

Employees on parental leave shall have the same right to return to their job as provided to those on maternity leave.

Terms and conditions during parental leave

Time taken as parental leave shall be treated as continuous service.

Employees who fall sick during a period of parental leave and who Council the relevant notification shall be entitled to pay under the sickness scheme and this period shall not count towards their parental leave entitlement.

12.6 Time Off for Dependants

12.6.1 Employees are allowed time off to deal with an emergency involving a dependant. A dependant could be a spouse, partner, child, grandchild, parent, or someone who depends on them for care. A reasonable amount of time off to deal with the emergency, at the discretion of Council. Pay will also be at the discretion of Council.

Examples of time off include:

Illness, injury or assault of dependants.

A dependant goes into labour unexpectedly and they rely on you to take them to the hospital.

Disruption of care arrangements e.g. childcare / care of elderly dependants.

If your child is involved in an incident during school time

In addition to time off for dependants under section 57A of the Employment Rights Act 1996, as amended, Council shall consider events which may be foreseen, but which are of a serious nature such as to make the presence of the employee necessary. For example, time off to settle an elderly relative into a care home or to attend a hospital appointment or planned operation with a child/partner.

The Clerk (or the Chair in the case of the Clerk) should be informed as soon as possible time off is needed.

13. Bereavement Policy;

St Clears Town Council acknowledges the personal nature of bereavement and grief and is committed to supporting employees in practical and reasonable ways.

Bereavement leave is paid leave that allows you time off to deal with your personal distress and related practical arrangements when a member of your family dies. St Clears Town Council acknowledges that bereavement impacts all individuals differently and some employees will need to take the full allowance of time off, some employees will need additional time, depending on their relationship with the person who has died and the circumstances of their death.

Group 1: In the event of the death of immediate relative five working days (pro-rata for part time employees) paid leave will be granted. An immediate relative includes a spouse, civil partner or partner, child, parent, stepparent, sibling or a person with whom the employee is in a relationship of domestic dependency.

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Group 2: In the event of the death of any relatives outlined below three working (pro rata for part time employees) days paid leave will be granted. Mother/father in law, grandparents, grandchildren, son/daughter in law.

Group 3: In the event of the death of an uncle/aunt, one working day will be allowed to facilitate the attendance at the funeral. In exceptional circumstances half to one day leave may be granted on the death of someone outside your immediate family. These circumstances would include (but are not limited to) situations where you are responsible for funeral arrangements or you have to travel abroad to attend the funeral.

14. Health, Safety and Welfare

Authorities have a duty to comply with the law governing the health, safety and welfare of employees, including the conditions under which they work and the provision and maintenance of necessary protective clothing.

Employees have a duty to take care of themselves and others affected by their activity at work and to co-operate with employers' actions taken to meet their duties under the relevant Regulations.

15. Retirement Policy

This policy sets out the council's approach to the retirement of employees.

The council values the contribution of all employees and seeks to maximise their potential, whilst allowing them flexibility and choice about when to end their career. To facilitate this, the council's policy is that it does not have a contractual retirement age and employees may continue working until they give their contractual notice that they wish to retire.

Employees may request flexible working hours through the council's Flexible Working Policy.

Employees are encouraged to give an early indication of their planned retirement date as this will assist the council in ensuring appropriate succession plans are in place prior to the employee's retirement.

Once an employee has decided that they wish to retire, they should inform their line manager / Council in writing of their intended retirement resignation date. The length of notice must be not less than their contractual notice period.

The council will write to the employee acknowledging receipt of the employee's notice of retirement resignation letter.

The line manager will meet with the employee to discuss arrangements for leaving the council, including the intended leaving date, succession and handover plans, pension details and flexible retirement, if applicable.

Once a leaving date has been agreed, the council will write to the employee confirming their last date of employment, and the normal arrangements for leaving the Council's employment will apply.

16. Flexible working policy

St Clears Town Council offers flexible working to its staff. The Council wants to support a family friendly working arrangement which allows for a good work-life balance whilst also ensuring that Council is able to function properly.

Every employee's contract sets out the hours that they are expected to work each week. The Town Council agrees the dates for meetings at the start of the Civic Year. Attendance at these meetings is required although there is some flexibility to change dates with sufficient notice and the approval of Council.

Outside of meeting times, staff hours are flexible so they can choose when they work. Staff should, where possible establish a general pattern of working and advise Council of this pattern and their availability. Arrangements should be in place for members of Council and members of the public to be able to contact staff and leave a message if they are not available.

Where possible, staff should also make themselves available for Council business and extra meetings if sufficient notice is given.

Flexible working hours should be recorded on a timesheet which should be approved by the employee's line manager.

17. Home working policy

A homeworker is someone who works away from the office or central base.

A home worker is entitled to the same rights as any other employee.

However, in addition to the normal rights of an employee, the following should also be borne in mind in relation to home workers:

- A home worker is entitled to re-imbusement of expenses;
- allowances for the use of private premises (such as support with electricity and phone bills);
- allowances for wear and tear of private equipment (such as a computer or phone if belonging to the employee);
- Training and support;
- Provision of public liability insurance by the employer, in addition to employer's liability insurance;
- Separate and bespoke risk assessments should be carried out for home workers to take into account of the different working environment;
- Home workers also need to work in a safe and secure environment and have access to be able to store documents in a secure place. The Council should ensure that there is an appropriate IT policy and Data Protection policy in place.

Home Workers' expenses and Taxation of expenses

Certain expenses incurred by a home worker in the performance of their duties may be tax free. Under Part 4 of the Income Tax (Earnings and Pensions) Act 2003, an expense may be exempt from tax if the expense has been:

“wholly, exclusively and necessarily incurred in the performance of duties of employment ...and... duties carried out at home are substantive duties of employment...with an objective requirement that work is carried out at home and nowhere else”.

HMRC has set the tax and NIC free guidance rate which employers can pay home workers without keeping records to £4 per week. Alternatively, an employer and employee can agree a “modest” scale rate payment or reimburse additional costs. In these circumstances, evidence and justification must be provided for the expenses.

Exempt payments can be made to meet or to reimburse reasonable additional household costs which an employee incurs in the completion of their duties whilst working at home. For example, the costs of heating, lighting or internet costs. However, mortgage repayments or council tax rates would not be included within the exemption payments.

A risk assessment of a home worker's working environment should take into account of the usual desk-based concerns, such as back strain, eye strain, RSI and manual handling. A full risk assessment should identify hazards,

decide on potential harm, assess risk and act to remove or reduce that risk and findings should be recorded fully.

17. Car Allowances

Employees required to use their motor vehicles for the efficient performance of their duties will receive allowances for the use of their motor vehicles on business only after being so authorised by Council. The use of a car for Council business would be on a casual basis. Casual users are those for whom it is desirable that a car should be available when required. The mileage rates and further requirements are set out in the Financial Regulations of Council.

18. Gifts & Hospitality Policy

This policy applies to all councillors and employees of St Clears Town Council and sets out the procedure that must be followed when giving or receiving gifts and hospitality.

From time to time, employees will be offered gifts or hospitality by St Clears Town Council's customers or business associates. Similarly, an employee may wish, on behalf of the Town Council, to offer gifts or hospitality to St Clears Town Council's customers, residents, volunteers or business associates.

A gift is given without expectation of receiving anything in return and may include hospitality or services.

Councillors or employees must never make improper use of their position within the Town Council to request or obtain gifts and/or favours from any individual or company that does or might do business with St Clears Town Council. The policy applies even if the gift or hospitality is offered outside of the workplace and applies regardless of whether councillors or employees are potential donors or recipients.

The rules:

- All councillors and employees must disclose any gifts or hospitality over the value of £25 by completing the Declaration of Gifts and Hospitality form prior to accepting the offer of a gift or hospitality, or as soon as practical following receipt of a gift. Forms must be submitted within 28 days of a gift or hospitality being accepted.
- Under no circumstances should councillors or employees accept any cash gifts, gift cards/vouchers or prepaid charge cards. It is the responsibility of councillors and employees to declare to the Town Clerk any offers of gifts, discounts and hospitality.
- No undeclared offers of gifts, payments, hospitality or payment in kind of goods or services will be accepted or asked for by Town Councillors or employees, or made by Town Councillors or employees to other people, businesses or organisations.

- All gifts and hospitality, including invitations from existing, or potential, contractors and suppliers, to attend functions which are only purely social or sporting, should only be accepted when these are agreed by the Town Clerk. They must be included in the gifts and hospitalities register held by the Town Clerk.
- It is the responsibility of the Town Clerk to make sure the Chairman of the Council is made aware of the information and is responsible for making sure the details are noted on the gifts and hospitalities register.
- When hospitality cannot be accepted, it should politely but firmly declined, informing those making the offer about the procedures and standards operating within the town council.
- Councillors and employees must not seek or accept discounts or other preferential rates on personal and private purchases of goods or services because they are a town councillors or employees. Discounts offered by any organisations to councillors and employees for personal and private transactions will need to be formally agreed and accepted by the Town Council.
- This policy does not apply to promotional gifts, such as stationery or pens that bear the logo or company name of another organisation, provided that these have no significant value.
- Any councillor or employee who has concerns that a gift or hospitality has been offered with an expectation of something in return (a bribe), should refer it to the Town Clerk immediately.
- Failure to declare the acceptance/provision/decline of hospitality and gifts in accordance with this Policy may be subject to disciplinary action.

Exceptions

Not all gifts and hospitality will be offered to you because you are a councillor or council employee. You may be offered gifts or hospitality by a friend, by your college, by business contacts etc. If, in your judgment, the offer of a gift or hospitality is prompted by something other than your status as a councillor or council employee, you do not need to declare it in the hospitality register. However, you may well need to declare the relationship and/or such gifts or hospitality at a meeting as a “declaration of interest” if they are relevant to an item under consideration.

Gifts and hospitality offered to the Chairman in his/her capacity as Chairman and which are to be used for the purpose of charity fund raising, do not have to be declared in the Gifts & Hospitality Register.