

1.0 Staff Handbook

This staff handbook contains the following policies and procedures for Bishop Auckland Town Council Staff. The staff are employed under the 'Green Book Terms and Condition. The following policies are in addition to those.

- [Mental Wellbeing Policy](#)
- [Leave policy to cover annual, emergency and dependent leave.](#)
- [Anti-harassment and anti-bullying](#)
- [Flexible working](#)
- [Lone working](#)
- [Maternity Leave](#)
- [Paternity Leave](#)
- [Performance Improvement Policy](#)
- [Whistleblowing policy](#)
- [Appraisal / performance](#)

2.0 Mental Wellbeing Policy

2.1 Introduction

The council is committed to achieving a healthy workforce by placing value on both physical and mental health. Mental health problems can be triggered by stress arising from the workplace or outside work and mental wellbeing at work is determined by the interaction between the working environment, the nature of the work and the individual.

We would like to create a working environment that promotes and supports the wellbeing of all employees and encourages employee to take responsibility for their own mental health and wellbeing.

The council recognises that mental health issues can be triggered by excessive levels of work-related stress and that they have a duty of care to take measures, as reasonably practicable, to preserve the mental health and wellbeing of its employees whilst at work.

2.2 What is mental ill health?

Mental ill health can encompass a wide range of experiences that affect an individual's ability to cope with life and/or work responsibilities. These difficulties can range from stress and anxiety through to serious mental health conditions diagnosed and treated by the health services.

The Health and Safety Executive define stress as "an adverse reaction people have to excessive pressure or other types of demand placed upon them". This makes an important distinction between pressure, which can be a positive state if managed correctly, and stress which can be detrimental to health.

Symptoms of stress can be both physical and/or psychological and can include:

Physical

- Headaches
- Muscle tension
- Stomach problems
- Bowel and bladder problems
- Increased heart rate

Psychological

- Mood swings
- Short temper
- Constant worrying
- Low self esteem
- Poor concentration

2.3 Policy aims

The council aims to:

- Build and maintain a workplace environment and culture that supports mental health and wellbeing and prevents discrimination;
- Increase employee knowledge and awareness of mental health, including stress, and wellbeing issues and behaviours;
- Promote a positive working environment that does not adversely impact on the mental health and wellbeing of employees;
- Support the effectiveness of its employees to enable them to fulfil the demands of their role;
- Ensure that employees who have, or who have had, symptoms of mental ill health are treated responsibly and in an understanding manner.

The council recognises that the majority of people who experience mental health difficulties recover and learn to manage their symptoms, especially if they are supported in the early stages.

2.4 Responsibilities

The council is responsible for:

- Actively supporting the implementation of this policy by promoting good mental health and wellbeing in all aspects of council activity;
- Promoting a positive attitude to mental health and wellbeing within the council;
- Ensuring advice and information about how to access support is provided for all employees;
- Ensuring managers understand their duty of care for employees;
- Ensuring stress, which is likely to lead to ill health, is reduced as far as practicably possible in the work environment.

Clerk/line managers are responsible for:

- Encouraging a workplace culture where mental health, wellbeing and physical wellbeing are regarded as equally important;
- Ensuring employees are appropriately trained to do their job and understand their role;
- Communicating effectively with employees, particularly when there are organisational or procedural changes;
- Considering the implications for employees of any changes to working practices, ways of working, new policies or procedures and the need for appropriate support and training;
- Recognising and resolving work-related issues at an individual and team level where possible;
- Managing absence in accordance with the policy, liaising with HR and Occupational Health to maximise support to employees who have mental or physical issues;
- Ensuring employees are managing the demands of the job by monitoring workloads, working hours and monitoring absence;
- Recording any work-related mental ill health on the corporate accident form.
- Ensuring employees returning to work after a period of absence due to mental ill health are treated in a sensitive and sympathetic manner;
- Using the Mental Wellbeing Toolkit to identify any areas that are causing or could cause mental health issues and take action to eliminate or reduce them where practicable.

Employees are responsible for:

- Taking positive steps to safeguard their own mental health e.g. by taking regular breaks and working reasonable hours;
- Informing the council, usually with the Clerk or line manager, of any mental health difficulties to ensure they can deal with them fairly and provide appropriate support;
- Supporting their colleagues if they are experiencing poor mental health, encouraging them to talk to their manager;
- Seeking support from their GP or other appropriate agencies if they are experiencing health issues;
- Discussing with their manager any appropriate measures to make their work less stressful;

- Recognising the principles and importance of work life balance;
- Participate in initiatives intended to eliminate or reduce work-related mental health issues and contribute towards a non-stigmatising culture.

2.3 Mental Wellbeing Toolkit

Managers play a vital role in the identification and management of stress in the council and will often be the first point of contact when an employee feels stressed. They are likely to see the areas causing stress first-hand and will be best placed to notice changes in employee behaviour that may indicate that their mental wellbeing is suffering.

The Mental Wellbeing Toolkit, which includes the Mental Wellbeing Questionnaire and Mental Wellbeing Action Plan, should be used when work-related stressors are identified as a problem either by the employee or observed by the Clerk, line manager or colleague. It can be used as a tool to raise and discuss work-related stressors during a meeting, such as a Return to Work Interview, Attendance Management Interview or Appraisal.

The toolkit helps the employee to identify the specific areas within the workplace that are causing or contributing to their ill health and provides the opportunity for both the employee and Clerk (or appropriate manager) to consider what actions could be taken to resolve or improve the situation.

2.4 HSE Management Standards

The Mental Wellbeing Questionnaire is based on the HSE Management Standards that have been developed to help employers tackle work-related stress and reduce the occurrence and negative impact of mental ill health.

The Management Standards cover six areas of work design that have been identified as having the potential to contribute to work-related mental ill health. Essentially, they represent a framework for good organisational and management practice.

| Demand | Definition |
|---------------|---|
| Demands | Workload, work patterns and the work environment |
| Control | How much say the person has in the way they do their work |
| Support | Encouragement and resources provided by the council, line managers and colleagues |
| Relationships | Promoting positive working to avoid conflict and dealing with unacceptable behaviour |
| Role | Whether people understand their role within the council and whether the council ensures that they do not have conflicting roles |
| Change | How organisational change (large or small) is managed and communicated. |

2.5 Mental Wellbeing Questionnaire

This should be issued to an employee in circumstances where the individual has identified that work-related issues are impacting on their mental health or where the Clerk or a colleague has observed that this may be the case.

The Clerk (or line manager) should meet with the employee to discuss the initial concerns that have been raised and suggest that it would be useful if the employee completed the Mental Wellbeing Questionnaire. This will help them to narrow down the specific workplace issues that are causing or contributing to their mental ill health.

The employee should be given sufficient time and privacy to complete the questionnaire but should be asked to return it before the next planned meeting to ensure that consideration can be given to the issues and appropriate support options identified.

2.6 Mental Wellbeing Action Plan

A meeting to formulate an action plan to address the issues identified should be scheduled within 2 weeks of receiving the Mental Wellbeing Questionnaire.

The Mental Wellbeing Action Plan is designed to enable both the manager and employee to develop effective solutions to the issues raised in the questionnaire. A jointly developed and agreed action plan should:

- Help set realistic goals to work towards – prioritising the main stressors will help identify the most effective interventions;
- Help to identify any actions that are required – operational feasibility must be considered, and timescales should be noted;
- Demonstrate the council is serious about addressing the employee's concerns – the employee and Clerk (or line manager) must sign the action plan once completed;
- Provide something to evaluate and review against in the future – the action plan should be regularly reviewed until actions are complete.

2.7 Review meetings

It is essential that the Clerk (or line manager) and employee meet to review and evaluate the actions that have been implemented to tackle the issues raised on the Mental Wellbeing Questionnaire. At least one review meeting will be required no more than 4 weeks after the action plan is agreed.

It is important to discuss whether the employee feels that the actions are improving the work-related issues originally highlighted. It may be necessary to update or change the action plan at review meetings.

2.8 Special considerations

When management is the stressor

Interpersonal difficulties with line managers are a well-recognised potential stressor within the workplace. In these circumstances, it may be appropriate for someone else within the council to participate in the discussions about the Mental Wellbeing Questionnaire and formulation of the Mental Wellbeing Action Plan to enable the employee to raise concerns and engage in meaningful discussion about the issues of concern.

Alternatively, it may be appropriate for the Clerk (or line manager) to participate in the discussions but with the inclusion of the employee's Trade Union Representative or work colleague and an HR representative.

Circumstances when the toolkit may be inappropriate

This toolkit is the preferred method of managing work-related stressors and the resulting mental ill health, however, it is recognised that there may be occasions where the toolkit may create further unnecessary stress for the individual.

If other management actions e.g. disciplinary procedures or suspension are the trigger for the employee's stress, timely resolution of these may prove to be more effective. In these circumstances, the consideration regarding the use of the toolkit could be deferred until after the conclusion of the other procedures.

2.9 Conclusion of the process

The action plan should be reviewed for as long as deemed necessary and until all the actions have been completed as far as possible.

If the employee does not return to work or continues to raise concerns regarding their health and work, an Occupational Health referral should be made either as part of the Attendance Management process or as a management concern. Where a Mental Wellbeing Questionnaire and Action Plan has been completed the referral to Occupational Health should include a copy.

2.10 Clerk (or Line Manager) guidance

Everyone experiences pressure on a daily basis and some level of pressure is required to motivate us and enable us to perform at our best. If employees experience too much pressure without the opportunity to recover, they may feel unable to cope, resulting in increased stress and a decrease in mental wellbeing.

Mental ill health can happen to anyone and it should not be seen as a weakness. The impact of stress on an individual's mental health will vary from one individual to another and may even vary at different times of an individual's life. It is therefore important to learn to recognise mental ill health at an early stage and understand what to do in order to reduce it.

The toolkit recognises that whilst dealing with their mental ill health is an employee's responsibility, the council has a responsibility to help reduce any factors that may arise within their workplace.

2.11 Mental Wellbeing Questionnaire

The experience of stress is subjective and, as Clerk, you may not see things the same way as your employee.

The purpose of the MWQ is to enable you to understand the way your employee sees the issue(s) and the reality of these perceptions should not be debated.

The questionnaire provides you with an insight into how the employee sees and experiences issues that arise within the workplace. Whilst you may not agree with their perception of the situation, the validity of this should not be debated, and the information should be used as the basis for your discussion when formulating the action plan.

All instances of work-related mental ill health must be recorded.

2.12 Mental Wellbeing Action Plan

The action plan should be drawn up in conjunction with the employee, based on the responses provided on the Mental Wellbeing questionnaire.

It provides a clear and structured framework through which to try to address the stressors identified by the individual employee.

The action plan ensures that the council have done all that it can reasonably do to address the source of stressors to the individual, subject to the organisational demands and resources present.

2.13 Suggested actions

The table below shows some examples of how stressors within each of the six Management Standards could be addressed:

| Demands | Relationships |
|--|---|
| <ul style="list-style-type: none"> • Hold regular team or 1-1 meetings to discuss the workload for the forthcoming week(s); • Develop a personal work plan to ensure the employee knows what their job involves; • Allocate additional resources; • Provide training (informal or formal) and resources to help the employee prioritise; • Consider changes to the employee's work pattern to help them cope with external pressures e.g. childcare, commuting; • Allow regular breaks, especially when the work is complex or emotionally demanding; • Provide realistic deadlines. | <ul style="list-style-type: none"> • Communicate the council's policy for dealing with unacceptable behaviour e.g. Resolution Policy, Disciplinary Policy; • Highlight the council's Confidential Reporting Code; • Provide support to help employee deal with and diffuse difficult situations; • Encourage good communication; • Discuss how individuals work together and how they can build positive relationships; • Identify ways to celebrate success; • Create a culture where colleagues trust and encourage each other. |
| Control | Role |
| <ul style="list-style-type: none"> • Agree systems that enable employee to have a say over the way their work is organised or undertaken; • Talk about the skills people have and if they believe they are able to use these to good effect? How else could they use their skills? • Allow and encourage employees to participate in decision making; • Allow employees some control over the pace of their work. | <ul style="list-style-type: none"> • Hold regular team and/or 1-1 meetings to ensure individuals are clear about their role and know what is planned for the coming months; • Ensure job descriptions are up to date; • Ensure all new employees receive a thorough induction and that colleagues understand the roles and responsibilities of the new recruit; • Define work structures clearly so all team members know who is doing what and why. |
| Support | Change |
| <ul style="list-style-type: none"> • Hold regular team or 1-1 meetings to discuss emerging issues or pressures; • Include 'emerging pressures' as a standing item in employee meetings or appraisal meetings; • Ask how employees would like to access managerial support e.g. open door policy, agreed times; • Use policies in the workplace to enable employees to cope with domestic commitments e.g. flexible working request, parental leave; • Talk about ways the council can provide help if someone is experiencing issues outside of work e.g. health assured; • Ensure employees receive sufficient training to undertake their role; • Provide opportunities for career development. | <ul style="list-style-type: none"> • Ensure all employees are aware of why the change is happening and agree a system for doing this; • Define and explain the key steps of the change. Ensure employee consultation is a key element of the programme; • Agree methods of communicating e.g. meetings, letters, emails and the frequency; • Ensure that employees are aware of the impact of the change on their roles; • Involve employees in discussions about how jobs might be developed and changed. • Explain what the council wants to achieve and why it is essential that the change(s) take place. |

2.14 Available support

| | |
|---|--|
| <p>Welfare Rights (Durham County Council)</p> <p>For advice relating to benefits or tax issues.</p> <p>www.durham.gov.uk/welfarrights</p> <p>03000 268968 Monday to Friday, 9am – 12pm</p> | <p>Citizens Advice Bureau (CAB)</p> <p>For advice relating to benefits, work, debt, consumer, family, housing, law and courts, immigration and health issues</p> <p>www.citizensadvice.org.uk 03444 111 444</p> |
| <p>Talking Changes</p> <p>Self-help and talking therapies service designed to help anyone living in the County Durham and Darlington area to deal with common mental health problems, such as stress, anxiety, depression, panic, phobias, OCD and post traumatic stress disorder.</p> <p>www.talkingchanges.org.uk</p> <p>0191 333 3300</p> <p>Monday, Tuesday and Thursday, 9am – 8pm, Wednesday and Friday, 9am – 5pm.</p> | <p>Access to Work</p> <p>To get help at work if you are disabled or have a health condition.</p> <p>www.gov.uk/access-to-work</p> <p>0800 1217479 Text phone: 0800 121 7579 Monday to Friday, 8am – 6pm</p> |
| <p>Cruse (Bereavement Care)</p> <p>Provides support, advice and information to children, young people and adults when someone dies, offering face-to-face, telephone, email and website support.</p> <p>www.cruse.org.uk www.hopeagain.org.uk (specifically for children and young people)</p> <p>0808 808 1677 Monday and Friday, 9.30am – 5pm, Tuesday, Wednesday and Thursday, 9.30am – 8pm</p> | <p>Samaritans</p> <p>For someone to talk to on any issue including:</p> <ul style="list-style-type: none"> • loss of a friend or family member; • Financial worries; • Job related or study stress; • Loneliness and isolation; • Depression; • Dependency on alcohol or other drugs; • Thoughts of suicide. <p>Telephone: 116 123 (free from landlines and mobiles, including PAYG)</p> |
| <p>Age UK</p> <p>Information and advice relating to money and legal, health and wellbeing, care and support, travel and hobbies, work and learning.</p> <p>www.ageuk.org.uk 0800 0556112 8am – 7pm, 365 days per year</p> | <p>Macmillan Cancer Support</p> <p>Provides support for people who have been diagnosed with cancer, including advice on money and work.</p> <p>www.macmillan.org.uk 0808 808 0000 Monday to Friday, 9am – 8pm</p> |

3.0 Leave Policy

3.1 Annual leave entitlement

Employees are entitled to the annual leave set out in their Contract of Employment and are encouraged to take their leave during the current leave year, to help ensure an effective work-life balance. However, annual leave arrangements are subject to prior approval by Managers, who must take into account the operational needs of the Council.

3.2 Annual Leave - working part-time

If your entitlement to Bank Holidays exceeds the number days that fall on your normal working days (typically because you don't work on Mondays) you will be able to take the excess as leave. If your entitlement to Bank Holidays is less than the number of Bank Holidays that fall on your normal working days, (typically because your normal working days include Mondays) then you can make up the difference by using your leave entitlement. With agreement from the Clerk (or the Council in the case of the Clerk), you may be able to work additional hours to make up the deficit or take unpaid leave.

3.3 Leave year

The leave year runs from 1st April to 31st March. It is your responsibility to manage your leave in such a way that you are able to take it all during the leave year. Your annual leave entitlement will be pro-rated in your first and last year of employment with the council.

3.4 Carrying over leave

Where it has not been possible to take all your leave in the current leave year, and only with prior consent from the Clerk, you will be permitted to carry forward up to 5 days leave. This must be taken within the first two months of the new leave year.

Subject to the above, and the provisions of the Council's Sick Pay and Maternity/Paternity/Shared Parental and Adoption Leave Policies, any untaken leave will be carried over into the next financial year. Employees will not be entitled to pay in lieu of untaken holidays.

3.5 Requesting leave

You should request leave from the Clerk with as much notice as possible. This will allow the council to plan workloads. Before granting leave we will consider;

- The team's workload,
- The need for office or team cover, and,
- Whether other staff have or are likely to ask for the same time off (e.g. a popular holiday time).

Every effort will be made to accommodate requests for annual leave, the council will balance your needs against the needs of other staff before agreeing to leave. However, during peak operating periods or when planned major events are taking place, approval of leave requests will be at the Manager's discretion. Unused leave will be lost if not used at the end of the year.

Annual leave should be planned over the year and not "saved" until the end of the financial year.

In some years, employees will be required to retain annual leave for use during any period of Council close down e.g. Christmas and New Year period. Employees will be notified of this as soon as practicable, and by no later than October of that year.

Where multiple requests are received in the same operational area for leave during the same peak period - e.g. factory summer break - it may not be possible to approve all requests. In such circumstances, approval will be granted on the basis of date the request is received. In subsequent years where the same employees request the same period, a rota arrangement will be applied.

If you take leave without such permission it will be treated as unauthorised absence and dealt with under the Disciplinary Procedure.

Employees must advise their Manager of any changes to their holiday plans in advance of such changes. This includes changes to dates of holidays which will require further management approval and cancellation of a planned holiday which may require consequent changes to holiday relief cover arrangements.

3.6 Sickness during leave

If you become ill during a period of paid annual leave, you must comply with the requirements of the sickness reporting and certification procedure, if you wish to have this sickness period discounted from the period of paid leave taken. It is important that you contact the Clerk (or the Council in the case of the Clerk), on the first day of sickness and keep the council up to date during the period of sickness.

3.7 Payment of annual leave

The council does not offer payment in lieu of leave entitlement unless you are leaving the council and have not taken leave entitlement that you have accrued at the time of leaving.

3.8 Payment in lieu

If you leave during the course of a leave year, and cannot take any outstanding accrued leave before your last day, you will receive a payment in lieu of any outstanding accrued leave. In such a case, a calculation will be made of the amount of paid leave due to you, on a pro rata basis, for that part of the leave year up to the date of termination of the contract. Holiday pay will be based on your current rate of pay including any regular overtime.

If, however, you have taken more paid leave than is due by this calculation, then a deduction will be made from your salary payments for an amount at your basic daily rate for the days in question. Such a deduction will be deemed to be a contractually authorised deduction.

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

3.9 Procedure for Obtaining Approval for Annual Leave

The Town Clerk must approve all annual leave in advance. Members of staff wishing to take annual leave should follow the procedure set out below:

- All requests for annual leave should be discussed with the Town Clerk at the earliest reasonable opportunity.
- The Town Clerk will consider the application, having regard to the needs of the service and leave already in place, before a final decision is made.
- Only on receipt of a signed Annual Leave Card should the member of staff commit themselves to any leave plans, particularly where a deposit has to be paid.
- When approval has been granted, the Annual Leave Card should be completed, signed by the Town Clerk and recorded on the leave record.
- If leave is refused, the Manager will notify the member of staff within 3 days.

3.10 Bereavement/ Compassionate Leave

The Bereavement/ Compassionate Leave Policy is intended for all employees regardless of employment status. There is no qualifying time period or service requirement. The Town Council recognises that bereavement/ compassionate leave is an emotional matter and will treat all applications for this leave with sensitivity.

Leave may be granted by the Town Clerk for bereavement/ compassionate reasons. Paid leave of absence of up to three days shall be granted by the Town Clerk in the case of a staff member of their partner losses a member of their immediate family. For other family members one day of compassionate leave will be granted.

In the case of the Town Clerk requiring bereavement leave he/she should discuss the circumstances with the Mayor, (or in his/her absence the Deputy Mayor).

That where considered appropriate, the bereaved employee be offered the provision of counselling support.

Any misuse of this policy will be dealt with under the Council's Disciplinary Procedures.

3.11 Emergency/ dependants Leave

All employees with dependants can take reasonable unpaid time off to deal with unforeseen emergencies. This is unlikely to amount to more than a day or two a year.

This policy covers all instances where you may need to take unplanned absence to attend to urgent or serious situations affecting your dependants and where no alternative provision is available.

Emergency leave is designed to provide carers with the opportunity to make alternative arrangements for the care of dependants. The Emergency leave policy is not intended to be used to allow carers to look after dependants on an ongoing basis (although time off may be available under other policies).

3.12 Taking emergency leave

Dependents include parents, husband, wife, partner, civil partner, children or individuals living as part of the family for whom you are the main carer or an individual who depends on you for care, e.g. an elderly neighbour.

Emergency leave is only intended to cover unplanned absence to attend to urgent or serious situations affecting your immediate family or dependants. It is impossible to provide a complete list of circumstances that are covered under the policy; however, the most common circumstances are as follows: -

- to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted
- to make arrangements for the provision of care for a dependant who is ill or injured,
- as a result of the death of a dependant,
- because of the unexpected disruption or termination of arrangements for the care of a dependant, or
- to deal with an incident which involves a child of the employee and which occurs unexpectedly when the child is at school

As soon as is reasonably practicable in the circumstances, contact the Clerk (or Chair of the Council) by telephone to explain the circumstances, and if possible, an indication of the length of time-off you are likely to need in order to make alternative arrangements. If the Clerk (or Chair of the Council) is unavailable you must contact another councillor instead.

If you need to stay and care for a dependant on an ongoing basis you can agree with the Clerk (or Chair of the Council) to take annual leave; or where you have insufficient annual leave to take a period of unpaid leave. Alternatively, you may be able to take Parental Leave where the care is for your child.

4.0 Anti-harassment and anti-bullying

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

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

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

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

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

4.1 What type of treatment amounts to bullying or harassment?

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

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

Examples of bullying and harassment include:

- Verbal abuse or offensive comments, jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Lewd or suggestive comments
- Deliberate exclusion from conversations or work activities
- Withholding information, a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Subjecting a person to humiliation or ridicule, belittling their efforts, often in front of others
- Abusing a position of power

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

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

4.2 Reporting concerns

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

If you witness such behaviour you should report the incident in confidence to the Clerk or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you feel you are being Bullied or Harassed by a member of the public or supplier (as opposed to a colleague)

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with the Clerk or a councillor in the first instance. They will then decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being Bullied or Harassed by a councillor

If you are being bullied or harassed by a councillor, please raise this with the Clerk or the Chair of the Council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of Code of Conduct breaches will be investigated by the Monitoring Officer.

What you should do if you are being Bullied or Harassed by another member of staff

If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

4.3 Informal resolution

If you are being bullied or harassed you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to our policy and must stop. Alternatively, you may wish to ask the Clerk, a colleague or another councillor to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own manager, you should raise the issue with the Chair of the Council. The Chair (or another appropriate individual) will discuss with you the option of trying to resolve the situation informally by:

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

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

In certain circumstances we may be able to involve a neutral third party to facilitate a resolution of the problem. The Chair will discuss this with you if it is appropriate.

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

4.4 Raising a formal complaint...

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about the harassment or bullying to the Clerk or the Chair of the Council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The Clerk or the Chair of the Council will appoint someone to investigate your complaint. You will need to co-operate with the investigation and provide the following details (if not already provided):

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

... against a colleague or contractor

The alleged perpetrator(s) would need to be told your name and the details of your complaint for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as

possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to separate you whilst the matter is being investigated.

... against a member of the public or supplier

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

... against a councillor

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

4.5 During the investigation

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

The Council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to better understand your complaint. Whilst there is no Statutory right to be accompanied at investigation meetings, the Investigator will consider your request if you want to have a work colleague or union representative with you at that meeting.

4.6 Hearing

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

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

4.7 Victimisation

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

4.8 False allegations

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. False allegations made in bad faith will be dealt with under our disciplinary procedure.

4.9 Disclosure and confidentiality

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

4.10 Use of the disciplinary procedure

Harassment and bullying constitute serious misconduct. If, at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. Any employee found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal.

5.0 Flexible working

5.1 What is flexible working

Every staff member has a contract of employment that sets out the working hours. A request to work flexibly is a request from the employee to change either the number of working hours, when or where they are worked. Flexible working does not mean a member of staff can work the hours they wish from day-to-day, week-to-week.

Flexible working arrangements take account of employees' preferences, interests and non-work responsibilities whilst also meeting the needs of the council. Common examples of flexible working include part-time working; zero-hours / casual working; variable hours; flexitime; job-sharing; term-time working; compressed hours; career breaks; and sabbaticals.

Flexible working can result in benefits to councils, in that such arrangements can help make the most of today's diverse workforce and improve the council's ability to recruit and retain staff. It is good practice to make flexible working open to all staff.

This policy has been written to explain the process which we will use to respond to requests by staff to vary hours, pattern or place of work.

5.2 Scope

You have a statutory right to request a change to your contractual terms and conditions of employment to work flexibly provided you have been continuously employed with us for at least 26 weeks at the date the application is made, regardless of whether you work full or part-time or have a temporary contract of employment. It does not apply to agency staff.

5.3 Our Policy

Our policy is to comply with both the spirit and the letter of the law on the right to request flexible working. To this end its aim is to inform all staff of their right to request flexible working and to ensure those rights are understood and that staff feel confident any decisions regarding their requests will be handled objectively, fairly, free from discrimination, and that staff will not be treated detrimentally because they have asked for flexible working arrangements.

5.4 Making the request

To apply for flexible working, please provide the following information in writing, and submit this to the Clerk. In the case of the Clerk, the request should be submitted to the Chair of the Council:

- The date of the application,
- A statement that this is a statutory request,
- Details of how you would like to work flexibly and when you want to start,
- An explanation of how you think flexible working might affect the council and how this could be dealt with, e.g. if you're not at work on certain days, and,
- A statement saying if and when you've made a previous application.

You can only make one statutory request in any 12-month period. You are asked to let us know if you are making the request because you consider the change could be a reasonable adjustment to support a disability. In such a case some of the requirements of this policy would not apply (i.e. the minimum period of service; one request per annum).

5.5 Responding to your request

Once we receive your written request, we will arrange a discussion with you as soon as possible, unless we agree immediately to your request. It may be that we need to ask you to supply further details before the meeting. If there is likely to be a delay in discussing your request, we will inform you. You may be accompanied at the meeting by a work colleague.

Having the right to request a change to your working arrangements does not necessarily mean that your request will be accepted. Your request will be fully discussed at the meeting. We will carefully consider your request looking at the benefits of the requested changes on working conditions for you as an employee and the council and weighing these against any adverse impact of implementing the changes.

Having considered the changes, you are requesting and weighing up the advantages, possible costs and potential logistical implications of granting the request, we will write to you with the decision. The decision will be either:

- To accept the request and establish a start date, with or without a trial period and review date. Where the request is granted, we will set out what changes will be made to your terms and conditions of employment, or,
- To propose an alternative, which may require further discussion, or,
- To confirm a compromise agreed at the discussion, or,
- To reject the request, setting out the reasons, how these apply to the application and the appeal process.

Requests to work flexibly will be considered objectively, however we may not always be able to grant a request to work flexibly if it cannot be accommodated. If we turn down your request, it will be because of one, or a combination of the following reasons, and we will explain why.

- The burden of additional costs is unacceptable to the council
- Detrimental effect on the council's ability to deliver for the community
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes to the council

If you are only looking for an informal change for a short period to your working hours or conditions, for instance to pursue a short course of study, we may consider allowing you to revert back to your previous conditions after a specified period, e.g. three months, or after the occurrence of a specific event, such as the end of a course of study.

You must be aware that if your request is approved you do not have a statutory right to make a further request for a period of 12 months, although you may still ask without the statutory right.

5.6 Timeframe for dealing with requests

We will do what we can to respond to your request as soon as possible although the law requires the consideration process to be complete within three months of first receiving a request, including any appeal. If the request cannot be dealt with within three months, we may ask to extend the consideration process, provided you agree to the extension.

5.7 Handling requests in a fair way

We may receive more than one request to work flexibly closely together from different employees and it may or may not be possible to accept all requests. If we agree to a request for flexible working arrangements this does not mean that we can also agree to a similar change for another employee. Each case will be considered on its merits looking at the business case in the order they have been received. We may need to take others' contractual terms into account and we may ask you if there is any room for adjustment or compromise before coming to a decision.

5.8 Appealing the decision

If we decline your request and you wish to appeal, you must do so, in writing, within 5 days of receiving the letter informing you of the outcome. We will then write to you to arrange a meeting to discuss your appeal.

This meeting will be held as soon as reasonably possible and will normally be with a sub-committee of councillors. You may wish to be accompanied at that meeting by a work colleague.

There may be circumstances when the council is unable to meet within the required timeframes, in which case a meeting will be held as soon as is practically possible.

5.9 The effect on your contract of employment

Any change in your hours or pattern of work will normally be a permanent change to your contractual terms and conditions. This means that you will not automatically be able to revert back to the previous working pattern (unless otherwise agreed). So, for example, if your new flexible working pattern involves working reduced hours, you will not automatically be able to revert to working full time hours.

Changes to your working pattern may affect other terms and conditions of employment. For example, reducing your hours of work will mean that your pay and leave will be pro-rated accordingly. Your pension may also be affected.

Any changes to your terms and conditions as a result of a change to your working pattern will be confirmed in your decision letter, however if you have further queries about how a proposed change to your pattern of work might affect your terms and conditions please speak to the Clerk or Chair of the Council in the first instance.

5.10 Data protection

When managing a flexible working request, we will process personal data collected in accordance with the data protection policy. Data collected from the point at which we receive a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

6.0 Lone working

Bishop Auckland Town Council recognises that on occasions, individuals are required to work by themselves without close or direct supervision. Lone working includes both working alone in a building and also outside where there is no close, frequent or regular contact with other colleagues.

Under the Health & Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999, it is the employer's duty to assess risks to lone workers and take steps to avoid or control risk where necessary.

Employees have responsibilities to take reasonable care of themselves and other people affected by their work and to cooperate with their employers in meeting their legal obligations.

This policy does not set out to identify all the situations where individuals may be at risk from working alone but concentrates on describing the arrangements that must be in place to eliminate or manage the associated risks. Lone working itself is not necessarily high risk but the activity that is performed may well be. It is important that these individuals are made aware of the outcome of the risk assessment and informed of all necessary control measures.

The Town Clerk/RFO will regularly review the policy and procedure to ensure its implementation and to ensure that it is relevant to working practice.

To enable the Council to comply with its statutory duties with regard to lone working, the Council will, through procedures adopted at all levels, avoid the need for lone working wherever possible.

Where individuals have to undertake lone working, personal safety will be of paramount importance.

Lone working must not be viewed in isolation, other relevant policies already adopted will also apply, which will identify the protective and preventive measures necessary for employees to undertake lone working activities.

The Council will, as far as is reasonably practicable, ensure that:

- employees required to work alone are protected from risks to their health, safety and welfare;
- any risks are identified in discussion with their Line Manager and any actions required to mitigate high risks are taken before lone working is undertaken;
- employees take responsibility for their own safety and understand that they must remove themselves immediately from any such situation. Such actions and concerns must be reported immediately to their Line Manager.

Employees should:

- Follow guidance and procedures designed for safe working;
- Report all incidents that may affect the health and safety of themselves or others and ask for guidance as appropriate from their Line Manager;
- Take part in training designed to meet the requirements of this policy;
- Report any dangers or potential dangers they identify of any concerns they might have in respect of working alone to their Line Manager.

If an individual has a medical condition which would make them unsuitable for working alone, they have a duty to inform the Town Clerk/RFO. Where a medical condition is known, a risk assessment must be conducted to enable consideration to be given to routine work and foreseeable emergencies that may impose additional or specific risks.

6.1 Definition for Lone Working

Lone workers are those who work by themselves without close or direct supervision. For example:

- Working alone in an office or other base;
- Working outside normal working hours i.e meetings, events;
- Visiting another agency's premises or meeting venue;
- Making a home visit to an individual;
- A staff member/volunteer who is required to travel alone to and from a fixed based;
- Working one to one with children and young people;
- Working from your own home.

6.2 Potential Risks

Some of the main risks have been highlighted below however, this list is not meant to be exhaustive.

- Accessibility by members of the public, contractors etc;
- Requirement to lock up when leaving a building;
- Poorly lit entrance/exits;
- Isolated and poorly lit car parking facilities;
- Being taken ill whilst working alone;
- Lack of knowledge regarding Health and Safety Procedures.

6.3 Assessing the Risk

Line Managers are responsible for identifying and assessing the risks of lone working both in terms of the

Likelihood of causing harm and also the severity of the injury. Consideration should be given to whether the activity is one that can be safely accomplished by one person or whether the presence of another member of staff would be advisable.

If a risk cannot be eliminated completely, action must be taken to reduce the risk to the lowest level practically achievable.

The following factors should be taken into account when evaluating risk:

- the environment - location, security, access;
- the context - nature of the task, any special circumstances, the individuals concerned;
- the level of supervision and support;
- history - any previous incidents or accidents;
- contact or proximity with members of the public; and
- any other special circumstances.

Any person who is recruited for a job likely to involve lone working should be reasonably physically fit and must declare if they have any medical disability that may put them at risk whilst working alone.

A first aid kit should be readily available at all times in order to render first aid for minor injuries should they be sustained.

All lone workers will have access to a mobile phone which must be charged and switched on so that they may be contacted or to summon help should the need arise. For all high risk activities, it is imperative that the employee gives clear guidance to their Line Manager as to their location(s) during the day.

Lone workers must contact the Town Council office once they finish work for the day if they intend to go directly home.

If planning to work out of hours, this must be agreed in advance with their Line Manager.

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

6.4 Prohibition of Lone Working

Certain situations require that employees cannot work alone, these include:

- Young persons under instruction and training;
- Work with substances hazardous to health;
- Scaffolding and using unsupported access equipment.

6.5 Responsibility & Personal Safety

It is your responsibility to keep yourself safe. Individuals should take all reasonable precautions to ensure their own safety, as they would in any other circumstances.

Keeping track of individual movements is sometimes difficult but it is the responsibility of the staff member and the Line Manager to identify potential risks in carrying out the work and to minimise these risks, by maintaining regular communication.

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

Before working alone, an assessment of the risks involved should be made in conjunction with the Line Manager to minimise risks, as far as reasonably possible.

Staff must inform their Line Manager or other identified person when they will be working alone, giving accurate details of their location and following an agreed plan to inform that person when the task is completed. This includes occasions when a staff member expects to go home following a visit rather than returning to their base.

Managers must ensure that there is a robust system in place for signing in and out, and that staff use it.

If a member of staff does not report in as expected, an agreed plan should be put into operation, initially to check on the situation and then to respond as appropriate.

Where staff work alone, for extended periods and/or on a regular basis, managers must make provision for regular contact, both to monitor the situation and to counter the effects of working in isolation.

Lone workers have a responsibility to inform their Line Manager if they have any concerns over the effectiveness and efficiency of the agreed arrangements and also if there are any reasons why they would not be able to work alone or to continue to work alone in safety.

6.6 Risk Assessments

The risk assessment process will be undertaken as a collaborative exercise by both the lone worker and their Line Manager and that the agreed safe working procedures are recorded and communicated to all persons who may be required to work alone and any other employees who have a role in ensuring their safety.

The following outlines the steps that must be taken for a lone working risk assessment:

- Identify the Hazards - to which the person may be exposed.
- The hazards are likely to be the same for a particular activity whether lone working or not.

The assessment of the risks to which a lone worker may be exposed must take into account normal and foreseeable scenarios;

The hazards may be such that the risk cannot be controlled sufficiently and therefore, lone working is prohibited. Examples of high risk activities include:

- working on or near water;
- power tools and machinery;
- working at height;
- chemicals which are corrosive, toxic, explosive, flammable or asphyxiant products or reactions.

Identify all persons - who may be required to work alone. Consideration must be given to an individual's ability to carry out their activities safely on their own. Some individuals may be at greater risk than others. It may be necessary to make reasonable enquiries to ensure that lone workers are medically fit to undertake the work alone;

Assess whether current controls are adequate - and if not, consider what additional/alternative control measure(s) can be put into place;

- Record the findings - record the risk assessment findings for any significant risks identified. Ensure that the lone worker is made aware of the findings of the risk assessment.

6.7 Monitoring and Review

Arrangements which are implemented to ensure the safety of lone workers need to be subject to a monitoring regime which is commensurate with the risk, by their Line Manager. Risk assessments are to be reviewed if any significant changes take place, following an accident/incident or following any concerns being raised.

Any review should make sure existing control measures are adequate and check if any additional controls are needed.

6.8 Procedures for Staff Working in Fixed Bases

Staff should always adhere to the following guidelines in order to minimise risks when working alone at any fixed base:

- Avoid unnecessary 'out of hours' working wherever possible;
- Familiarise yourself with the layout of the building.
- Ensure you have keys and that doors are locked that allow direct access to the building/office you are working in
- Familiarise yourself with the fire safety procedures and identify escape routes
- Do not answer the door to unexpected visitors.

In the case of contractors, ask for identification and do not let them in until you have checked it

Out if you are at all unsure;

- Practice setting the alarm system;
- practice the locking up procedures;
- Do not use lonely exit routes if there are safer alternatives;
- If possible, avoid parking your car in badly lit areas, move it nearer to the place you exit the building if possible;
- Notify people at home when you intend leaving work and what time to expect you home;
- Leave contact numbers at home so that the Town Council can be contacted if there are concerns for your safety;
- Should you feel ill whilst working alone, seek help immediately. Dial 999 if necessary.

6.9 Procedures for Mobile Workers Working Away from their Fixed Bases

All staff should leave details of their movements and give an idea of how long they are going to be away from base and when to expect to be back.

If plans change, the staff member must ring in to the Town Council office.

Details of venues being visited and a contact number should always be provided.

Think about the location of the place you are going. Check out the venue and prepare for the visit beforehand.

Meet unfamiliar people in public areas.

6.10 Reporting an Incident

It is important to report any incident that occurs to you, whether it is aggression, violence, a transport breakdown or a personal accident to your Line Manager. In this way, a full investigation can be made to assess any further potential risks and identify an additional safety procedures needed in order to prevent a similar incident happening to someone else.

7.0 Maternity Policy

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

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

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

7.1 Procedure

Telling your manager that you are pregnant

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

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

Note on the MAT B1 certificate

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

7.2 Entitlements

Ante-natal care

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

Maternity leave

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

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

Sick leave during your pregnancy or maternity leave

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

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

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

Early births

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

7.3 Maternity pay

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

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

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

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

7.4 Shared Parental Leave (SPL)

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

7.5 The effect of maternity leave on contractual benefits

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

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

Annual leave

Your contractual annual leave entitlement continues to accrue during your maternity leave. You can choose to take any leave accrued, as a block, either before you commence maternity leave, immediately upon your return to work or a combination of the two. You should be aware that if you take the annual leave before

starting maternity leave and then leave employment mid-way through the maternity leave, the usual deductions will apply from your final salary or we may ask for an appropriate refund.

Pension scheme

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

7.6 Maintaining contact during maternity leave

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

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

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

7.7 Keep in Touch (KIT) Days

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

7.8 Returning to work

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

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

You have the right to resume working in the same job if returning to work from OML. If you return to work after a period of AML, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

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

7.9 Requesting a change to your pattern of work

You have the right to request that we consider changing your pattern of work (subject to eligibility criteria). See the Flexible Working Policy.

7.10 Your health and safety

Risk assessment

Whilst most women are able to work normally during pregnancy there are some duties which are best avoided or minimised. We may be able to reorganise your work to avoid/minimise such duties or may arrange different

work for you for health and safety reasons. Only in exceptional cases would other action be required e.g. suspension on medical grounds or other appropriate action.

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

7.11 Data protection

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

8.0 Paternity Policy

The purpose of this policy and procedure is to provide clear information about our paternity provisions. This document sets out our policy on paternity leave and pay.

Immediately you discover your partner is pregnant, you should make the council aware so that you can be briefed on your entitlements. Ordinary paternity leave is also available to adoptive parents (either the adoptive father or the adoptive mother) where a child is matched or newly placed with them for adoption.

8.1 Eligibility

To qualify for ordinary paternity leave and pay, you will need to have at least 26 weeks service by the end of the 15th week before the expected week of childbirth (EWC) or ending with the week in which you were notified of having been matched with the child. You must also have, or expect to have, responsibility for the upbringing of the child.

8.2 Ante-natal appointments

An expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. The time off is capped at six and a half hours for each appointment. "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions, and intend to apply, for a Parental Order for the child born through that arrangement.

Employees who are adopting a child are entitled to take time off to attend adoption appointments. Please see the Adoption Policy for full details.

You should endeavour to give the council as much notice as possible of when you need the time off for the antenatal appointment. We may ask you for a declaration stating the date and time of the appointment and that you qualify for the unpaid time off through your relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

8.3 Ordinary Paternity Leave (OPL)

An employee whose partner gives birth to a child, or who is the biological father or either adoptive parent of the child, is entitled to two weeks' ordinary paternity leave. OPL can commence from the date of the child's birth, or child's placement with the adopter, or within 56 days of the birth or date of placement. If the child is born early, OPL may be taken between the date of birth and up to the 56th day after the EWC.

Ordinary Paternity Leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. Only one period of leave is available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

If you choose to start your OPL on a fixed and predetermined date and the child is not born or placed for adoption by that date, you must change the date you want to start your leave and notify us in writing as soon as you reasonably can. If you take both OPL and shared parental leave you must take ordinary paternity leave first.

Notification of Ordinary Paternity Leave

You must inform the council in writing of your intention to take OPL by the end of the qualifying week, unless this is not reasonably practicable. You must tell us:

- The week the baby is due,
- Whether you wish to take one or two weeks' leave, and,
- When you want your leave to start.

In the case of an adopted child, you must give notice of your intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date you intend to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

You can change your mind about the date on which you want the leave to start providing you tell your manager at least 28 days in advance (unless this is not reasonably practicable).

8.4 Ordinary Statutory Paternity Pay (OSPP)

You will qualify for OSPP if your weekly earnings in the 8 weeks up to and including the Qualifying Week (QW) are not less than the lower earnings limit for the payment of National Insurance contributions. The QW is 15 weeks before the baby is due or the week during which you are notified of being matched with a child for adoption.

Paternity leave will be paid at the prevailing rate of SPP or 90% of average weekly earnings if this figure is less than OSPP.

8.5 Shared Parental Leave (SPL)

The birth mother or primary adopter is entitled to curtail their maternity/adoption leave and pay and instead take SPL and pay in conjunction with the child's father (in the case of birth) or the spouse, civil partner or partner of the child's mother/adopter, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. See the Shared Parental Leave Policy.

8.6 Pay increases awarded during paternity leave

We will ensure that whilst you are on PL you are not left out of a pay award which you would ordinarily have been entitled to. This means that if we make a pay award which takes effect during your PL, then when you return to work, you will return to the 'new' rate of pay that applies to the job you are returning to.

8.7 Returning to work

On resuming work after PL, you are entitled to return to the same job as you occupied before commencing paternity leave on the same terms and conditions of employment as if you had not been absent.

7.8 Requesting a change to your pattern of work

You have the right to request that the organisation considers changing your pattern of work (subject to eligibility criteria). See the Flexible Working Policy.

8.9 Additional paternity leave

Additional paternity leave is available to eligible employees who may take up to 26 weeks' unpaid additional paternity leave within the first year of their child's life provided that the mother has returned to work.

8.10 Data protection

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

9.0 Performance improvement policy and Procedure

This procedure is designed to help and encourage employees to achieve and maintain standards of job performance which are acceptable to the council. The aim is to ensure consistent and fair treatment for all.

This document:

- Supports both us and you to bring about positive changes in work performance and attitude, when needed, and,
- Explains how we will deal with instances of performance that fall below our standards, in a fair and consistent way.

It applies to all staff following successful completion of a probationary period, whether full time, part time or temporary. It does not apply to volunteers or agency staff.

9.1 Principles

- Informal coaching and supervision will be considered to improve performance
- No formal warnings will be given until the causes of poor performance have been considered
- For formal warnings you will be advised of the nature of the poor performance and will be given the opportunity to state your case at a formal performance improvement meeting before any decision is made
- You will be provided, where appropriate, with copies of examples of poor performance in advance of a formal performance improvement meeting
- At all formal stages of the procedure you will have the right to be accompanied by a fellow employee or trade union representative
- You will have the right to appeal against any formal warnings issued

Where poor performance is believed to be the result of deliberate negligence, or where serious errors have been made to the detriment of the council, we may decide to use our disciplinary procedure instead.

9.2 Informal feedback

Before this procedure is engaged, you will receive feedback setting out the concerns about your performance and how it must improve. This procedure is designed to be used when such informal discussions do not lead to an improvement in your performance to an acceptable level.

9.3 Process

Where informal discussions have not led to an improvement in performance, the council will follow the following procedure.

First stage of formal procedure - first written warning

You will be invited to a formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of what the council considers to be poor performance; and advise you of your right to be accompanied at the meeting.

At the meeting, you will be given the opportunity to respond; the causes of the poor performance will be considered; and where training and development is appropriate this will be considered.

Having listened to your response, you may be issued with a first written warning for unsatisfactory performance if your performance does not meet acceptable standards. This will set out: -

- The performance problem
- The improvement that is required
- The timescales
- Any help that may be given
- The right of appeal
- You will be advised that it constitutes the first stage of the formal procedure and
- That the warning will remain on your file for [12] months

A record of the warning will be kept on your file.

If your performance improves to an acceptable level following the first meeting, the council will meet with you to confirm that your performance is now satisfactory. This will be confirmed in writing to you. Providing that satisfactory improvement is sustained, the warning will be disregarded after [12] months for the purposes of providing an employment reference. However, the warning will be considered again if the poor performance re-starts.

Second stage of formal procedure - final written warning

If the concerns about your performance continue, you will be invited to a second formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of what the council considers to be poor performance; and advise you of your right to be accompanied at the meeting.

At the meeting, we will discuss the progress made following the first meeting and you will be given the opportunity to respond; and where training and development is appropriate this will be considered.

Having listened to your response, if your performance hasn't improved to a satisfactory level, you may be issued with a final written warning for unsatisfactory performance. This will set out: -

- The performance problem
- The improvement that is required
- The timescale
- Any help that may be given
- The right of appeal
- That the warning will remain on your file for 12 months
- Advise you that it constitutes the final written warning and will also warn that failure to improve may lead to dismissal

A record of the warning will be kept on your file.

If your performance improves to acceptable level following the second meeting, the council will meet with you to confirm that your performance is now satisfactory. This will be confirmed in writing to you. Providing that satisfactory improvement is sustained, the warning will be disregarded after [12] months for the purposes of providing an employment reference. However, the warning will be considered again if the poor performance re-starts.

Final stage of formal procedure – dismissal

If the concerns about your performance continue, you will be invited to a formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of what the council considers to be poor performance; and advise you of your right to be accompanied at the meeting. The letter will also advise you that dismissal may be considered.

At the meeting, we will discuss the progress made following the second meeting and you will be given the opportunity to respond. Having listened to your response, if your performance hasn't improved to a satisfactory level, dismissal will be considered, or where appropriate redeployment to an alternative role.

Any offer to redeploy you will be entirely at the council's discretion. Such an offer will be made only where there is a vacancy that we are confident you would be able to perform to a satisfactory level. The alternative job may be on different terms of employment. It will normally be offered only as an alternative to dismissal in circumstances in which we are satisfied that you should no longer be allowed to continue to work in your current role. While you will be free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

If the council believes that there is no alternative role available and suitable for you, but that you have not met an acceptable standard of performance, we may decide to dismiss. Any dismissal will be with full notice or payment in lieu of notice.

If the decision to dismiss is taken, you will be provided in writing with;

- Reasons for dismissal
- The date on which the employment will terminate
- The right of appeal

9.4 Appeals

If you wish to appeal against a formal warning or dismissal you must do so by writing to the Clerk within five working days. The Clerk will arrange for an appeal meeting to take place. Wherever possible, your appeal will be heard by a more senior officer or a subcommittee made up of councillors who have not previously been involved in the matter.

You have the right to be accompanied at the appeal meeting by either a work colleague or a trade union representative. At the appeal hearing, the decision to impose the sanction will be reviewed and you will be entitled to make representations about the appropriateness of that decision.

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

9.5 Rescheduled meetings

If you fail to attend a scheduled Performance Improvement Meeting without satisfactory reason, we will reschedule the meeting. We will advise you that if you do not attend the rescheduled meeting without a satisfactory reason, we reserve the right to make a decision in your absence. We will however confirm that if you do not wish to attend the hearing, you may send written representations, join the hearing by telephone or send a representative on your behalf.

9.6 Right to be accompanied

You have the right to be accompanied by a work colleague or a Trade Union representative to all formal meetings in this procedure. The council will also consider requests to be accompanied to any investigation meetings.

A work colleague will be allowed time off to accompany you to the meeting and the council will support any work colleague who agrees to be a companion. A companion must feel able to agree to the request on the basis that they will not be treated to any detriment if they accept. However, the companion can decline a request.

It is your responsibility to ensure your companion is aware of the meeting arrangements and that they have any documentation in good time. If your chosen companion is not available at the time proposed for the meeting, you must provide us with alternative dates that you are both able to meet. These dates must be within the following five working days unless the council can agree to alternative arrangements.

If you and your representative are unable to meet with the council within a reasonable time, we will discuss alternative arrangements to enable you respond to the concerns. If we are unable to meet with you personally, this may mean that the council considers the concerns in your absence with your companion attending on your behalf or considering a written response.

9.7 Confidentiality and data protection

We aim to deal with performance improvement matters sensitively and with respect for the privacy of the individuals involved. All staff must treat as confidential any information communicated to them in connection with a performance improvement matter.

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by the council to take notes.

The council processes any personal data collected during the performance improvement procedure in accordance with its data protection policy and privacy notice as issued to our employees. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the performance improvement procedure.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

10.0 Whistleblowing policy

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the council is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the council. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

10.1 Background

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

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

is being, has been, or is likely to be, committed. It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. You have no responsibility for investigating the matter - it is the council's responsibility to ensure that an investigation takes place.

If you make a protected disclosure you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

10.2 Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the council should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

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

10.3 Procedure

If you believe a Councillor has breached the councillor Code of Conduct, then raise it with the Chair of the Council. Concerns relating to an alleged breach of the councillor Code of Conduct will be referred to the Monitoring Officer for investigation.

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

Stage 1

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

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

Stage 2

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

Stage 3

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

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

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

10.4 Data protection

When an individual makes a disclosure, we will process any personal data collected in accordance with the data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

11.0 Staff Appraisal/ development

The Appraisal Scheme is designed to promote development by reviewing past performance and looking ahead to set achievable objectives. The objectives for the scheme are to:

- enhance the quality of service delivery by the council through encouraging each employee to achieve high standards of performance and instil good behavioural characteristics
- help all employees develop to their fullest attainable level of potential and achieve job satisfaction.

The Appraisal scheme applies to all employees including those on temporary/fixed term contracts in line with all of the Council's policies and procedures.

The appraisal process will be undertaken by the Town Clerk as the line manager. The Town Clerk will be appraised by the Mayor or the Chair of the HR, whomever has undertaken the appropriate training to undertake such a review.

This scheme is a two-way process which means that both you and your line manager contribute. It is about:

- Receiving feedback on how well you did your job since the last review.
- Making a link between your job and the services that we provide to the people of Bishop Auckland.
- Identifying the skills, knowledge and training you need to do your job.
- Giving you clear objectives and targets for the coming year so you know what your manager expects from you.
- Talking about any aspirations you may have in your career.

11.1 How does it work?

You sit down with your line manager to talk about your performance, targets, training and the future. Your manager will review your progress with you after an agreed period of time, probably within six months after the initial review meeting. If you are new to your job you will have an appraisal as soon as you start.

11.2 Roles in the process

There are two distinct roles within the performance appraisal system, each with their own tasks and responsibilities.

The appraisee is responsible for:

- Preparing for the performance appraisals by completing the relevant forms and forwarding them to their appraiser a minimum of 5 working days before the meeting.
- Gathering examples of their own performance and bringing these to the attention of the appraiser at the meeting.
- Giving the appraiser constructive feedback about the way in which they are managed.
- Drawing up objectives/targets in conjunction with the appraiser which satisfy SMART criteria and be committed towards achieving them.

The appraiser is responsible for:

- Maintaining regular contact with the employees they are responsible for appraising to ensure they are in a position to comment adequately and objectively on their level of performance and competency development
- Ensuring that their employees receive fair and objective performance appraisal according to the recognised guidelines and in accordance with time limits.
- Arranging the meetings and venues.
- Monitoring and recording the appraisee's performance and providing constructive feedback on a regular basis.
- Acting on constructive feedback they receive from the appraisee about their own performance.
- Providing help and support to assist the appraisee in achieving the work and developmental objectives and priorities and progressing identified learning and developmental needs.
- Ensuring that appraisees are aware that they must prepare for the performance appraisal by completing relevant documentation.
- Completing the relevant performance Appraisal form and recording that the meeting has occurred, for performance indicator purposes.

11.3 Confidentially

The conversation between you and your line manager during this review is private and confidential, although any specific concerns or issues may be brought to the attention of the Council for consideration or action if necessary.