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# DISS TOWN COUNCIL ANNUAL LEAVE POLICY

## Statement

1. Employees are entitled to the annual leave set out in their Contract of Employment. Diss Town Council recognises the importance of employees taking their statutory annual leave to ensure the Council complies with working time legislation and to help ensure an effective work-life balance. However, annual leave arrangements are subject to prior approval by Line Managers, who must consider the operational needs of the Council.

## Purpose

2. The purpose of this policy is to ensure that annual leave is managed fairly and consistently across the Council, with due regard to the operational needs of the Council and to inform employees of the procedure for applying for and approving annual leave.

## Annual leave entitlement

3. The basic leave entitlement for a full-time member of staff is 29 working days per annum, which includes the normal bank and public holidays. Part-time employees receive a pro-rated entitlement according to their hours of work.
4. The Council also recognises long service and career progression and therefore after five years continuous service, employees will be granted an additional five days annual leave (pro rata for part-time employees). Your leave entitlement will increase to 34 working days per year (pro rata for part time employees), which includes the normal bank and public holidays, when you have five years' continuous service prior to the commencement of the leave year.
5. In addition to the normal bank and public holidays, employees are entitled to two additional statutory days (pro rata for part-time employees).

## Working part-time

6. If an employee's entitlement to bank holidays exceeds the number days that fall on her/his normal working days (typically because s/he does not work on Mondays) s/he will be able to take the excess as leave.
7. If an employee's entitlement to bank holidays is less than the number of bank holidays that fall on her/his normal working days, (typically because her/his normal working days include Mondays) then s/he can make up the difference by using her/his leave entitlement. With agreement from her/his Line Manager (or the Council Leader in the case of the Clerk), s/he may be able to work additional hours to make up the deficit or take unpaid leave.

## Leave year

8. The leave year runs from 1<sup>st</sup> April to 31<sup>st</sup> March. It is important that staff take their statutory annual leave to ensure the Council complies with working time legislation. It is the employee's responsibility to manage her/his leave in such a way that s/he can take it

during the leave year. Her/his annual leave entitlement will be pro-rated in her/his first and last year of employment with the Council.

### **Carrying over leave**

9. Where it has not been possible for employees to take all their leave in the current leave year, provided that the statutory minimum of 28 days has already been taken (pro rata for part-time employees) and only with prior consent from their Line Manager, they may carry forward a maximum of five days leave to the next year. Any holiday entitlement carried forward must be taken by 31<sup>st</sup> May that year.

### **Requesting leave**

10. Employees should request leave from their Line Manager (or the Leader of the Council in the case of the Clerk), with as much notice as possible. This will allow the Council to plan workloads. Before granting leave the following will be considered.
  - 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).
11. The Line Manager will balance employees needs against the needs of other staff before agreeing to leave. Every effort will be made to accommodate requests for annual 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.
12. Where multiple requests are received in the same operational area for leave during the same period, it may not be possible to approve all requests. In such circumstances, approval will be granted based on the date the request is received. In subsequent years where the same employees request the same period, a rota arrangement will be applied.
13. If employees take leave without such permission, it will be treated as unauthorised absence and dealt with under the Disciplinary Policy.
14. Leave requests of more than three days should be submitted at least one month before the dates requested.
15. Requests for annual leave should be made no more than 12 months in advance of the planned leave.
16. The maximum single period of leave, under normal circumstances, will be two weeks. Requests for longer periods of leave will require the approval of the Town Clerk.
17. Employees must advise their Manager of any changes to booked leave. This includes changes to dates of holidays or cancellation of a planned holiday, which will require further management approval or consequent changes to holiday relief cover arrangements.

### **Sickness during leave**

18. If an employee becomes ill during a period of paid annual leave, it is permissible to treat the days of incapacity as sickness absence instead of annual leave subject to compliance with the Council's Sickness and Absence policy. It is important that the employee contacts his/her Line Manager on the first day of sickness and keeps the Council up to date during the period of sickness. A medical certificate will need to be obtained after seven days sickness absence.
19. This will enable the Council to arrange alternative leave dates, subject to operational demands.
20. If an employee falls ill whilst on annual leave travelling abroad, they must produce acceptable documentation signed by an accredited medical practitioner, together with the employee's name and contact details. This should also state whether the employee is fit to travel. If declared unfit to travel, the certificate must give an indication of the date the employee is likely to travel, if this is after the last authorised day of leave. When employees return to the UK, they are required to submit a Fit Note by their UK doctor to return to work.
21. Employees will continue to accrue annual leave (excluding bank holidays) at their normal rate whilst on sick leave in accordance with legislation.
22. Where, as a direct result of long term sickness absence, employees have been prevented from taking their holiday entitlement, it may be possible for an employee to carry forward (dependent on the amount of annual leave) the statutory element of their remaining annual leave entitlement into the next annual leave year. This will need to be agreed by the Clerk.

### **Leaving employment during the year**

23. If an employee leaves their employment with the Council, they can take the statutory entitlement that has accrued up to the time they leave during the notice period, provided they have given the notice period required under the terms of their Contract of Employment.
24. If an employee does not take the statutory holiday entitlement that has been accrued, the employee has the right to be paid for the accrual.
25. If the employee has taken more leave than their accrual entitlement, they will be expected to reimburse the Council by deduction from their final salary payment.

### **Procedure for obtaining approval of annual leave**

26. All requests for annual leave should be made in writing on the annual leave request form at the earliest reasonable opportunity and submitted to the employee's Line Manager.
27. The Line Manager will consider the application, having regard for the needs of the Council and leave already in place before a final decision is made.
28. If approval is granted, the annual leave form should be completed, signed, and dated by the Manager and forwarded to the Finance / Administrative Assistant so that a record can be kept.

29. Only on receipt of a signed leave form, authorised by the Line Manager, should the member of staff commit her or himself to any leave plans, particularly where a deposit must be paid.
30. If leave is refused, the Manager will notify the member of staff immediately.
31. All leave requests will usually be dealt with and a response given within five working days.
32. If an employee wishes to make a complaint regarding the application of the procedure, they should do so in accordance with the Council's Grievance Policy.

# **BULLYING & HARASSMENT POLICY**

## **1. Introduction**

- 1.1 The Council is committed to creating a harmonious working environment that is free from harassment and where the dignity of employees is protected, which includes discrimination, victimisation, and bullying. Harassment is offensive and prejudicial to a productive working environment. It is indicative of a lack of respect for the person harassed, undermines the employee's position and may have a negative impact upon health, job performance and sense of personal welfare and security.
- 1.2 The Council regards harassment of any sort, as a most serious matter. Such behaviour constitutes discrimination and is unlawful. Harassment may also be a civil offence and a criminal offence.
- 1.3 Everyone, including employees and councillors, must comply with this policy and should ensure that their behaviour at all times does not cause offence or constitute harassment. Formal complaints will be investigated and in cases where the complaint is substantiated, appropriate disciplinary action, (including dismissal if appropriate), will be taken against the person or persons responsible.

## **2. Definition of Harassment**

- 2.1. Personal harassment takes many forms. It is uninvited and unwanted actions which cause offence and/or embarrassment, fear, stress or tension. It can be an isolated act such as a comment or wilful gesture, or it can take the form of repeated behaviour against a person.
- 2.2. The defining features of harassment is behaviour that is offensive or intimidating to the recipient and would be regarded as harassment by any reasonable person. Some incidents, if occurring only once, may cause only mild irritation but if they are then repeated, it becomes harassment. Other examples are clearly harassment even if they occur only once.

## **3. Definition of bullying and intimidation**

Bullying is generally behaviour that is identified as misuse of power. Bullying is primarily intimidating in nature, but may also be insulting, offensive or malicious. It is frequently recognised through the abuse or misuse of power through means intended to undermine, humiliate, denigrate or create a detriment for the employee. Bullying may occur as an isolated incident but is commonly persistent. Bullying in simple terms is when someone else's behaviour or actions to another person that is unwarranted and unwelcome which causes a detrimental effect.

Examples of bullying and intimidation might be:

- a) physical conduct ranging from the invasion of personal space to serious assault
- b) verbal, written and e-mail harassment through derogatory remarks, jokes, insults, offensive language, gossip and slander
- c) open aggression, threats and/or shouting
- d) damage or theft of personal belongings

- e) deliberately setting objectives with unreasonable deadlines or changing objectives unfairly
- f) intrusion by pestering, spying, following, stalking etc
- g) unfair allocation of work and responsibilities
- h) behaviour which makes direct or indirect reference to disability or impairment and which causes discomfort, patronises, insults or offends people with a physical, sensory or mental disability
- i) preventing individuals progressing by deliberately blocking promotion or training applications without a valid reason.
- j) Unfair treatment.
- k) deliberately blocking leave without a valid reason.
- l) treating someone adversely because they have (or it is suspected/believed that they have) a protected characteristic under the Equality Act 2010 (including age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, sexual orientation)
- m) repeated remarks in reference to personal traits or appearances, invasion of privacy, or practical jokes causing physical or psychological distress
- n) pressure to become involved in anti-social or unlawful behaviour
- o) deliberately and systematically excluding someone from conversation or inclusion in work activities or events.
- p) repeated statements to an individual or third parties which demean the employee's professional status and performance.

#### **4. Procedure for dealing with bullying & harassment**

- 4.1. Anyone experiencing harassment should report it immediately to their line manager or Clerk and not wait until things become intolerable. Sometimes the person may not realise that their behaviour is unwanted or unacceptable and, in such situations, misunderstandings can be resolved quickly.
- 4.2. It is helpful to make a note of the time, place and nature of any specific incidents and attempt to discuss them. This will provide useful information in following these procedures.
- 4.3. If the employee considers that they may have been subjected to conduct amounting to a criminal offence (such as sexual assault), the Town Clerk (or if the employee's issue is with the Town Clerk, the Deputy Town Clerk) will arrange for the employee to be assisted to make a formal complaint to the police or to provide the employee with any other assistance that they may require. Compassionate leave may be granted at the discretion of the Council.
- 4.4. If the complaint is against a Councillor, the Town Clerk or Council Leader will treat the complaint as a breach of the Council's Code of Conduct and take the appropriate action unless action at point 5. below proves sufficient. If the complaint is against a member of the public, the Town Clerk will take whatever action is deemed necessary following a thorough investigation (taking no more than two weeks) including reporting the matter to the police if considered appropriate, referring it to Council or writing to the member of the public. If necessary, advice will be sought from an external body before appropriate action is taken.

#### **5. Formal Procedure (If the complaint is against a member of staff)**

- 5.1. At any time, whether or not informal steps have been taken, an employee who feels that they or others have been bullied or harassed in a way that breaches this policy can raise the matter with the Clerk (or if the employee's issue is with the Clerk, the Deputy Town

Clerk), either verbally or in writing. The Clerk/Deputy shall form a Grievance & Harassment Panel from members of the Executive who will have no prior knowledge of the case. If the matter relates to a staff member and if the matter is serious enough, that staff member may be suspended on full pay pending the outcome of the investigation.

- 5.2. The Clerk/Deputy will conduct an investigation into the case as soon as possible to establish whether there is a need to take disciplinary action. The Clerk/Deputy will inform the person(s) against whom the complaint is made of the nature of the complaint and that the matter is being investigated formally. Investigations will be carried out with sensitivity and with due respect for the rights of both the complainant and the alleged harasser.
- 5.3. The investigation will focus on the facts of the complaint. Notes will be kept of all stages of the investigation and those interviewed will receive notes of the interview to agree. Parties will not be required to repeat distressing or embarrassing details any more than is necessary. Wherever possible investigations will be completed within two weeks of the complaint being made.
- 5.4. The importance of confidentiality will be stressed to all those interviewed, and everyone will be strictly required not to discuss the complaint with colleagues or friends. Breach of confidentiality may give rise to disciplinary action.
- 5.5. If the case is not judged serious enough to initiate disciplinary action, the Clerk/Deputy and the Grievance & Harassment Panel will determine appropriate methods of resolving the issue following discussion with both parties.
- 5.6. If the Clerk/Deputy and the Grievance & Harassment Panel upholds the complaint, they will immediately start the disciplinary procedure and the complainant must be advised of the outcome as soon as possible following disciplinary action.
- 5.7. Throughout the procedures, the complainant will, if they request, be entitled to an assisting member of staff or trade union official who will liaise with the Clerk/Deputy and the Grievance & Harassment Panel and accompany them to any meetings.

## **6. Appeal**

- 6.1. In the event that the complainant feels their grievance has not been satisfactorily resolved, they may then appeal in writing to the Clerk/Deputy, within five working days of the decision. The employee should also set out the grounds for their appeal.
- 6.2. On receipt of the appeal letter, the Clerk/Deputy, will appoint a Grievance Appeal Panel of the Council (none of the committee members will have had any previous involvement in the case) and shall make arrangements to hear the grievance at an appeal meeting. At this meeting the complainant may again, be accompanied by a trade union official or a fellow employee of their choice and must make every effort to attend the grievance appeal meeting.
- 6.3. Following the meeting, the Clerk/Deputy will endeavour to respond to the complainant's grievance as soon as possible, usually within five working days of the appeal hearing. If it is not possible to respond within this time period, the complainant will be given an

explanation for the delay and be told when a response can be expected. The complainant will be informed in writing of the Grievance Appeal Panel's decision.

- 6.4. This is the final stage of the grievance procedure, and the Grievance Appeal Panel's joint decision shall be final.

## **7. Investigations**

The Council is committed to ensuring that all grievances are fully investigated. This may entail carrying out interviews with the employee(s) concerned and third parties such as witnesses, colleagues and managers, as well as analysing written records and information. The investigation report will be made available to all the parties concerned. Where deemed necessary, the identity of witnesses will be kept confidential.

## **8. Notes**

- 8.1. All complaints will be treated with due regard for confidentiality.
- 8.2. Every effort will be made to ensure that employees are encouraged to raise grievances and will not suffer any detriment from so doing. However, it should be noted that if the grievance is found to be malicious or to have been made in bad faith, then the employee will be subject to the Town Council's disciplinary procedure.
- 8.3. The timescales listed above will be adhered to wherever possible. However, where there are good reasons, e.g. the need for further investigation or the lack of availability of witnesses or companions, each party can request that the other agrees to an extension of the permitted timescale.
- 8.4. The Council reserves the right to seek assistance from external facilitators at any stage in the grievance & harassment procedure, in the interest of seeking a satisfactory outcome for all concerned.

# CHILD SAFEGUARDING POLICY

## 1. Purpose of Policy

The purpose of the Safeguarding Policy is to provide a framework for safeguarding and promoting the welfare of children, young people and adults. The policy aims to ensure that:

- 1a) All children, young people and adults are safe and protected from harm;
- 1b) Other elements of provision and policies are in place to enable children, young people and adults to feel safe and adopt safe practices; and
- 1c) Everyone [e.g. Councillors, staff, volunteers and contractors] are aware of the expected behaviours and the organisation's legal responsibilities in relation to safeguarding and promoting the welfare of children, young people and adults.

## 2. Policy Statement

- 2.1 This policy develops procedures and good practice within the Council to ensure that each person can demonstrate that there is an understanding of the duty to safeguard and promote the welfare of children, young people and vulnerable adults. Our organisation will not tolerate failure at any level to prevent harm, support victims and bring offenders to justice.
- 2.2 This policy has been developed in line with government legislation, publications and guidance.
- 2.3 The Council takes seriously its responsibility under the current legislation to safeguard and promote the welfare of children, young people and adults; and to work together with other agencies to ensure that there are adequate arrangements within the Council to identify and support those who are suffering harm.

## 3. Individual responsibilities

- 3.1 The Council recognises that safeguarding is not just about protecting children, young people and adults from deliberate harm. It also relates to health and safety; meeting the needs of children, young people and adults with medical conditions; providing first aid; visits organised or sponsored by the Council; internet or e-safety; appropriate arrangements to ensure security, taking into account the local context.
- 3.2 Additionally, the Council recognises that safeguarding can involve a range of potential issues such as: bullying, including cyberbullying (by text message, on social networking sites), peer on peer and prejudice-based bullying; racist and homophobic or transphobic abuse; sexting; substance misuse; issues which may be specific to a local area or population, for example gang activity and youth violence and other particular issues affecting children including domestic violence, sexual exploitation, female genital mutilation, extremist behaviour and radicalisation, forced marriage and modern slavery.
- 3.3 Everyone associated with the Council maintains an attitude of 'it can happen here' and are aware of the signs and indicators of abuse.
- 3.4 Everyone has a responsibility to provide a safe environment for children, young people and vulnerable adults.

- 3.5 The Council will endeavour to ensure that everyone is provided with opportunities to receive appropriate training, in order to develop their understanding and indicators of abuse and of the Council's safeguarding procedures.
  - 3.6 The Council will endeavour to ensure that everyone knows how to respond to someone who discloses abuse, or for whom they have a concern, and the procedure to be followed in appropriately sharing a concern of possible abuse or a disclosure of abuse.
  - 3.7 All residents are made aware of the Council's responsibilities with regard to safeguarding through publication of this safeguarding policy.
  - 3.8 When services are delivered by a third party or agency, the Council will follow the requirements of the Disclosure and Barring Service (DBS) and check that the person presenting themselves is the same person on whom appropriate checks have been made. The Council will seek to ensure the suitability of adults working with and in the presence of children at any time. Community users organising activities for children, young people and vulnerable adults are aware of and understand the need for compliance with the Council's safeguarding procedures.
  - 3.9 The Council operates safer recruitment practices including making sure that:
    - a) statutory duties to undertake required checks on staff who work with children are complied with in line with the Disclosure and Barring Service requirements for Regulated Activity; the Child Care Act 2006 and Childcare (Disqualification) Regulations 2009
    - b) statutory guidance relating to volunteers is followed
    - c) recruitment panel members are properly trained.
  - 3.10 Should the Council dismiss or remove someone because they have harmed a child or poses a risk of harm to a child or would have done so if they had not left, the Council will report this to the (DBS) and any appropriate professional or regulatory body.
4. **If a child, young person or adult makes an allegation or disclosure of abuse against an adult or other child or young person, The Council will:**
- 4.1 stay calm and listen carefully;
  - 4.2 reassure the person that she/he has done the right thing in telling you;
  - 4.3 not investigate or ask leading questions;
  - 4.4 let the person know that they will need to tell the Safeguarding Lead;
  - 4.5 not promise to keep what they have been told a secret;
  - 4.6 inform the Safeguarding Lead as soon as possible; and
  - 4.7 make a written record of the allegation, disclosure or incident which will be signed, and dated.

## 5. **Confidentiality and Information Sharing**

- 5.1 Information sharing is vital to safeguarding and promoting the welfare of children, young people and adults. A key factor identified in many serious case reviews (SCRs) has been a failure by practitioners to record information, to share it to understand its significance and then take appropriate action.
- a) The Council recognises that all matters relating to protection are confidential;
  - b) The Council will disclose personal information about a child, young person or adult on a need to know basis only;
  - c) everyone is aware that they have a professional responsibility to share information with other agencies in order to safeguard children, young person or adult;
  - d) everyone is aware that they cannot promise to keep secrets which might compromise the safety or well-being of a child, young person or adult, or that of another; and

## 6. **Managing Allegations against individuals who work for the Council**

6.1 The Council is aware of the possibility of allegations being made against its Councillors, staff or volunteers who are working with or may come into contact with children, young person or adults. They can be made by children, young person or adults or other concerned adults. Everyone in the Council and volunteers have been made aware of the process to be followed if such an allegation is made.

6.2 In such circumstances the Council will:

- a) Report the matter to Norfolk County Council's Children's Services
- b) consider the safeguarding arrangements of the child, young person or adult to ensure they are not in contact with the alleged abuser;
- c) consider the rights of the individual concerned for a fair and equal process of investigation;
- d) ensure that the appropriate disciplinary procedure is followed, including whether suspending that person from work or volunteering for us until the outcome of any investigation is deemed necessary;
- e) advise the (DBS) and any other appropriate regulatory or professional body where the individual has been disciplined or dismissed as a result of the allegations founded or would have been if they have resigned.

## 7. **Whistleblowing**

The Council recognises that a child, young person or adult cannot be expected to raise concerns in an environment where the Council fails to do so. Everyone is advised of our Whistleblowing Policy and of how it can be implemented. Everyone is aware of their duty to raise concerns about the attitude and actions of colleagues where these are inappropriate or unsuitable.

## 8. **Supporting Staff and volunteers**

- 8.1 Everyone will be advised on the boundaries of appropriate behaviour – such matters form part of our staff and volunteer induction and they have access to support and guidance when required or requested
- 8.2 The Council recognises that staff and volunteers working for the Council who have become involved in the case of a child who has suffered harm, or appears likely to suffer harm, may find the situation stressful and upsetting. The Council support this by providing an opportunity for them to discuss their anxieties with the Safeguarding Lead, or another person as appropriate.

## 9. **Training**

- 9.1 Everyone has been provided with and signed to say that they have read and understood our Safeguarding Policy.
- 9.2 Everyone will have access to appropriate safeguarding training which is **regularly updated** in order to keep it updated in line with local and national guidance/legislation. The Council will also, as part of our induction, issue and promote information in relation to our Safeguarding Policy to all newly appointed individuals

# Compassionate Leave Policy

## 1. Introduction

- 1.1. The primary purpose of compassionate leave is to help employees to come to terms with the death of a loved one, a serious illness or injury involving a loved one, or serious personal relationship problems.
- 1.2. This policy does not apply in cases of domestic emergency. Where an employee is entitled to take unpaid time off under the statutory right to time off for dependants, any time off granted as compassionate leave is in addition to the time off under the statutory right.

## 2. Definitions

- 2.1. Immediate family member: defined as the employee's spouse, civil partner, partner, parent, child or sibling.
- 2.2. Dependant: defined as the employee's spouse, civil partner, partner, child or parent, and any person who lives at the same house as the employee (other than as a lodger, tenant, boarder or employee) or who would reasonably rely on the employee for assistance or arrangements for care in the event of illness or injury.

## 3. Bereavement

- 3.1 In the event of the death of a member of the employee's immediate family, the employee should contact their Line Manager to request compassionate leave as soon as reasonably practicable. Each case will be viewed sympathetically, and the amount of leave granted will depend on the individual's circumstances. The Line Manager will consider matters such as the employee's relationship with the deceased, domestic responsibilities and travel requirements, but will not normally grant more than three days' paid leave.
- 3.2 An employee may be granted paid time off to attend the funeral of a brother or sister, brother or sister-in-law, grandparent or person standing in a similar relationship. This would normally be one day but up to 3 days may be granted where this is deemed appropriate, e.g. if the employee is responsible for making funeral arrangements or, there is significant travelling required (annual leave should not be taken into account in these circumstances).
- 3.3 In the case of death of another close relative (who is not the employee's dependant), for example an aunt, uncle, cousin or parent-in-law, or a close friend, the employee may request and be entitled to unpaid leave to attend the funeral.
- 3.4 The Council acknowledges that not all employees will need to take the full allowance, whilst some employees may need additional time, depending on their relationship with the person who has died, and their personal responsibilities in respect of any arrangements to be made.
- 3.5 Any extra days over the granted number of compassionate days will need to be taken as holiday or unpaid leave, subject to agreement of the Clerk.

#### **4. Other circumstances where compassionate leave is considered**

- 4.1. Compassionate leave will also be considered if an employee has to take care of a dependant or to come to terms with severe personal problems or the injury or critical illness of an immediate family member.
- 4.2. The employee should inform their Line Manager of the need to take compassionate leave as soon as reasonably practicable. Employees in these circumstances will normally be able to request to take a maximum of three days' paid compassionate leave for a one-off incident. Each case will be viewed sympathetically, and the outcome of the employee's request will depend on the employee's circumstances. The Line Manager in conjunction with the Clerk will consider all factors such as the nature of the incident and, if applicable, the closeness of the relationship.
- 4.3. The Executive Chair will be responsible for authorising compassionate leave requested by the Clerk.
- 4.4. If the employee requires more than three days leave then this can only be given in agreement with the Clerk and will need to be taken as paid or unpaid leave, at the Clerk's discretion.
- 4.5. In all cases, the employee will be asked to use their annual leave before taking unpaid compassionate leave.

## Complaints Policy

1. The Council has adopted a standard procedure to provide a transparent process for dealing with complaints made about the administration of the Council or its procedures, either directly to the Council or referred on by another body.
2. Every effort should first be made by the Town Clerk or Council Leader to resolve complaints to the satisfaction of the complainant by less formal measures or explanations provided within 30 days before resorting to the formal complaints' procedure.
3. Where the complainant is not satisfied with the outcome at point 2, s/he will be invited to attend a meeting of the Executive Committee to resolve the matter to mutual satisfaction with any outcomes reported to the next Full Council meeting.
4. It should be noted that the procedure is not appropriate for a complaint made against an individual.
5. Complaints about a member of Council staff will be dealt with as an employment matter. The matter will be dealt with internally and appropriate action taken as required, if necessary, using the Council's Disciplinary Policy.
6. Complaints regarding Members are subject to the Council's Code of Conduct, pursuant to section 27 of the Localism Act 2011.
7. The Code of Practice below will be employed to ensure that any complaint is properly and fully considered.
8. ***Before the Meeting***
  - 8.1 The person making the complaint (complainant) should be asked to put the complaint about the Council's procedures or administration in writing to the Town Clerk.
  - 8.2 If the complainant does not wish to put the complaint to the Town Clerk, they may be advised to put it to the Council Leader.
  - 8.3 The Town Clerk or Council Leader shall acknowledge receipt of the complaint and advise the complainant when the matter will be brought to the attention of the Executive Committee.
  - 8.4 The complainant shall be invited to attend the relevant meeting and bring with them such representative(s) as they wish.
  - 8.5 Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The Town Council shall similarly provide the complainant with copies of any documentation upon which it wishes to rely at the meeting.
9. ***At the Meeting***
  - 9.1 The Executive Committee must consider whether the circumstances of the meeting warrant the exclusion of the public and press. However, any decision on a complaint shall be minuted and announced at the next Full Council meeting in public.
  - 9.2 Chairman to introduce everyone.

- 9.3. Chairman to explain procedure.
- 9.4 Complainant (or representative) to outline grounds for complaint.
- 9.5 Members to ask any questions of the complainant.
- 9.6 If relevant, the Town Clerk or Council Leader to explain the Council's position.
- 9.7 Members to ask any questions of the Town Clerk or Council Leader.
- 9.8 Town Clerk or Council Leader and complainant to be offered the opportunity of last word (in this order).
- 9.9 Town Clerk or Council Leader and complainant to be asked to leave the room while members decide whether or not the grounds for complaint have been made. (If a point of clarification is necessary, both parties to be invited back).
- 9.10 Town Clerk or Council Leader or other proper officer and complainant return to hear decision, or to be advised when a decision will be made.
10. ***After the meeting***
- 10.1 The Executive Committee to report its conclusions and any action recommended to the next Full Council meeting.
- 10.2 Decision confirmed in writing within seven working days together with details of any action to be taken.

# Computer, Email & Internet Policy

## 1. Computer

- 1.1 Some employees have access to computers at work for use in connection with the Council's business. Computers are provided to employees to undertake business-related activities only. Employees who are discovered unreasonably using the Council's computers for personal and private purposes will be dealt with under the Council's disciplinary procedure.
- 1.2 Vandalism of, or otherwise intentionally interfering with, the Council's computers/network constitutes a gross misconduct offence and could render the employee liable to summary dismissal.

## 2. Security

As many computer files contain some form of confidential or otherwise sensitive business information, the Council takes the security of these files very seriously. With this in mind, there are some basic security precautions that all employees must abide by as follows:

- a) if an employee needs to leave their computer for a long period of time, log off - never leave an unattended computer logged on
- b) computer passwords are considered Diss Town Council's confidential information even if the employee is using their personal password for social networking to login to our work systems. When creating a computer password, do not use one that is obvious, such as your date of birth or the name of a close family member
- c) Employee's should always keep their password private, do not write it down and do not divulge it to anyone else (including other members of staff), except for Town Clerk/Deputy Town Clerk
- d) always shut down the computer when you go home at the end of the day
- e) if an employee notices any suspicious activity, for example an employee trying to gain unauthorised access to another member of staff's computer, notify your line manager immediately
- f) if an employee is provided with a Town Council computer for use in their home, family members are not allowed to use it.

## 3. Data

- 3.1 The computers and the data they contain are provided to undertake business-related activities and to enable employees to carry out their job duties. As such, data should not be amended, deleted, copied or taken away unless this is both specifically related to the work employees are undertaking and employees have the authority to make such amendment, deletion or copy. In particular, employees should not delete or amend any documentation or programs which are stored on the Council's communal drives without the requisite level of authority to do so.
- 3.2 Non work-related data should not be copied onto or stored on Council computers.

## 4. Use of portable storage devices

Some employees may be provided with portable storage devices, such as memory sticks and portable hard drives, which can be plugged into the USB port of a computer. Whilst they are provided to allow for the copying and transferring of files and images between an employee's desktop or laptop computer, their small size and storage capacity makes them vulnerable to misuse. For this reason, any employee issued with these devices must not transfer any data to a third-party computer (including one at home) without first having obtained approval from their manager. From time to time, user guidelines will be produced on the usage of such devices and employees will be expected to follow them. Any employee who transfers files to a third party without permission is likely to be subject to disciplinary action (see also policy 8).

If this involves the deliberate transfer of sensitive commercial information to a competitor, it will be treated as gross misconduct.

## **5. Software**

Software that the employee needs to use to carry out their job duties will be provided and installed on the Council's computer for the employee. Installation of any non-approved software is prohibited. This includes screen savers and wallpapers. Only the IT department has the authority to load new software onto the network system. Even then, software may be loaded only after having been checked for viruses.

## **6. Viruses**

6.1. The Council's computer network makes it vulnerable to viruses & all computers have virus protection software installed. Re-configuring or disabling this software is prohibited.

6.2. If an employee's computer starts to behave strangely or the employee suspects it may have become infected with a virus, turn it off immediately and contact the IT department.

## **7. Remote access**

7.1. Some employees may spend at least part of their working week on Council business away from the premises. These employees and any others who may work remotely on an informal basis should be aware that all aspects of this policy apply equally to them. Remote working employees will also be expected to comply with any additional guidelines that may be introduced in order to reduce the likelihood of the Council's computer networks being compromised as a result of remote access.

7.2. Employees must not allow any family members or other third parties to either use the Council's computer equipment (including software) or to access or view its internal IT networks.

## **8. Managers' duties**

8.1. Managers will be required to notify the IT department in advance of any computer users that will be leaving the Council. This should be done at least two weeks before the employee leaves, so that the individual's account can be closed down on their departure.

8.2. Likewise, managers should notify the IT department in advance of any new computer users that will be starting work for the Council. This should be done at least two weeks before the employee starts, so that the individual's account can be set up ready for their start date.

8.3. From time to time, the Council will review its storage of confidential information and the media upon which it is stored. Managers will be expected to co-operate in terms of identifying such files, the employees or other staff with access to them and the file locations.

## **9. E-Mail & Internet**

9.1. Some employees have access to e-mail and the Internet for exclusive use in connection with the Council's business and as part of the normal execution of their job duties. The purpose of these rules is to protect the Council's legal interests. Unregulated access increases the risk of employees inadvertently forming contracts through e-mail and increases the opportunity for wrongful disclosure of confidential information.

9.2. As such, all e-mails sent internally and externally, e.g. to clients and customers, must follow the Council's designated style, which will be supplied to authorised users. Furthermore, employees must not, under any circumstances, include unacceptable, offensive, derogatory or profane language within the text of any internal or external e-mail. Failure to follow house style and the rules on use of language is a disciplinary matter and will be dealt with under the Council's disciplinary procedure. E-mail should not be used for unsolicited correspondence or marketing campaigns and employees may not commit the Council financially by e-mail unless they have been granted a specific level of

delegated authority to do so.

- 9.3. Employees who are authorised users are not permitted to surf the Internet or to spend excessive time “chatting” by e-mail for personal and private purposes during their normal working hours. Employees are also prohibited from using e-mail to circulate any non-business material. Not only does excessive time spent online lead to loss of productivity and constitute an unauthorised use of the Council’s time, sexist, racist or other offensive remarks, pictures or jokes sent by e-mail are capable of amounting to unlawful harassment. As “cyber bullying” is an emerging risk, employees are also prohibited from using the Council’s electronic communications as a means of intimidating or bullying employees or third parties.
- 9.4. Employees who are discovered contravening these rules may face serious disciplinary action under the Council’s disciplinary procedure. Depending on the seriousness of the offence, it may amount to gross misconduct and could result in the employee’s summary dismissal. Use of instant messaging systems must be expressly approved in advance by the employee’s manager.
- 9.5. Employees who are authorised users are permitted to surf the Internet for personal purposes outside their normal working hours. The Council considers acceptable personal use of the Internet to include activities such as personal online shopping, booking holidays and banking. It does not include visiting online gambling sites or participating in online gaming. Employees should note that any purchases or other transactions made online whilst at work are made entirely at their own risk.
- 9.6. Employees must never use their work e-mail address to make orders for personal goods and services or to sell their personal goods and services or to sign up for any services (except those expressly authorised by the Council). Likewise, if an employee wishes to make a complaint to the third-party supplier or manufacturer about personal goods or services received, a work e-mail address must never be used under any circumstances. These are entirely personal transactions and so the employee must not hold themselves out as acting for or on behalf of the Council or must not in any way indicate that the transaction is connected to the Council.
- 9.7. Logging on to sexually explicit websites or the downloading and/or circulation of pornography or other grossly offensive, illegal or obscene material or using the Internet for gambling or illegal activities constitutes gross misconduct and could render the employee liable to summary dismissal under the Council’s disciplinary procedure. “Rogue” websites exist that appear harmless but instead direct the user automatically to another website that may contain inappropriate material. If this occurs, please contact the IT department immediately.

## **10. E-Mail & Internet**

- 10.1. When logging on to and using social networking and video sharing websites and blogs (“social media”) at any time, including personal use on non-Council computers outside the workplace and outside normal working hours, employees must not:
  - a) use social media in a way that breaches any of the Council’s other policies - if an Internet post would breach any of these policies in another forum, it will also breach them in an online forum
  - b) other than in relation to the Council’s own social media activities or other than where expressly permitted by the Council on business networking websites such as LinkedIn, publicly identify themselves as working for the Council, make reference to the Council or provide information from which others can ascertain the name of the Council (and in any event they should not hold themselves out as associated with the Council on any social media website after termination of employment)
  - c) other than in relation to the Council’s own social media activities or other than where

expressly permitted by the Council on business networking websites such as LinkedIn, write about their work for the Council - and, in postings that could be linked to the Council, they must also ensure that any personal views and opinions expressed are clearly stated to be theirs alone and do not represent those of the Council

- d) create a social media account that could be mistaken for a Council social media account
  - e) create a social media account or profile that impersonates one or more of the Council's employees, clients, customers, contractors or suppliers
  - f) use the Council's logos, trademarks or other corporate artwork on a personal social media account or conduct themselves in a way that is potentially detrimental to the Council or directly or indirectly brings the Council or its clients, customers, contractors or suppliers into disrepute, for example by posting images or video clips that are inappropriate or links to inappropriate website content or sharing inappropriate content posted by others
  - g) allow their interaction on these websites or blogs to damage working relationships with or between employees and clients, customers, contractors or suppliers of the Council, for example by criticising or arguing with such persons or using abusive or threatening language towards them
  - h) include personal information or data about the Council's employees, clients, customers, contractors or suppliers without their express consent (an employee may still be liable even if employees, clients, customers, contractors or suppliers are not expressly named in the websites or blogs as long as the Council reasonably believes they are identifiable) - this could constitute a breach of the Data Protection Act 1998 which is a criminal offence
  - i) make any derogatory, offensive, discriminatory, disrespectful, untrue, negative, misleading, critical, disparaging or defamatory comments or statements about the Council, its employees, clients, customers, contractors or suppliers (an employee may still be liable even if the Council, its employees, clients, customers, contractors or suppliers are not expressly named in the websites or blogs as long as the Council reasonably believes they are identifiable)
  - j) air grievances about the Council or any of its activities
  - k) make any comments about the Council's employees that could constitute unlawful discrimination, harassment, victimisation or cyber-bullying contrary to the Equality Act 2010 or post any images or video clips that are discriminatory, or which may constitute unlawful harassment or cyber-bullying - employees can be personally liable for their actions under the legislation
  - l) disclose any confidential, proprietary or sensitive information belonging to the Council
  - m) breach copyright or any other proprietary interest belonging to the Council, for example, using someone else's images or written content without permission or failing to give acknowledgement where permission has been given to reproduce particular work - if employees wish to post images, photographs, personal details or videos of their work colleagues or clients, customers, contractors or suppliers on their online profile, they should first obtain the other party's express permission to do so.
- 10.2. Employees should remember that social networking websites are a public forum, even if they have set their account settings at a restricted access or "friends only" level, and therefore they should not assume that their entries on any website will remain private. Employees must also be security conscious when using social networking websites and should take appropriate steps to protect themselves from identity theft, for example by restricting the amount of personal information they give out, such as date and place of birth, schools attended, family names and favourite football team. This information may form the basis of security questions and/or passwords on other websites, such as online banking.
- 10.3. Employees who are discovered contravening these rules, whether inside or outside the workplace, may face serious disciplinary action under the Council's disciplinary

procedure. Depending on the seriousness of the offence, it may amount to gross misconduct and could result in the employee's summary dismissal.

## **11. Downloading information from the Internet and file sharing**

- 11.1. Due to our faster computer networks, employees may be tempted to make illegal downloads of material that is subject to copyright. This includes, but is not limited to, music, film and business software. As this and any subsequent file sharing of this material constitutes an infringement of copyright, it is prohibited on any Council computer. This also applies to any download or dissemination of material made outside of normal working hours. Any breach is likely to lead to disciplinary action being taken.
- 11.2. The employee may need to download documents and information from the Internet in order to undertake their job duties. The employee should only download documents and information that they are sure about and which is required to fulfil the job duties which are being undertaken. With the rapid spread of computer viruses via the Internet, care should be taken when accessing websites that the employee is not familiar with or when downloading documents or information.
- 11.3. The employee must not download any programs from the Internet without the prior approval of the IT department. Some websites require additional add-in software to display the page completely. These add-ins usually provide additional sound or visual effects. Under no circumstances should these be downloaded without the prior approval of the IT department.

## **12. E-mail and Internet monitoring**

- 12.1. The Council reserves the right to monitor employees' internal and external e-mails and use of the Internet, both during routine audits of the computer system and in specific cases where a problem relating to excessive or unauthorised use is suspected.
- 12.2. The purposes for such monitoring are to:
  - a) promote productivity and efficiency
  - b) ensure the security of the system and its effective operation
  - c) ensure there is no unauthorised use of the Council's time, e.g. that an employee has not been using e-mail to send or receive an excessive number of personal communications
  - d) ensure the smooth running of the business if the employee is absent for any reason and communications need to be checked
  - e) ensure that all employees are treated with respect and dignity at work, by discovering and eliminating any material that is capable of amounting to unlawful harassment
  - f) ensure that inappropriate websites are not being accessed by employees.
- 12.3. When monitoring e-mails, the Council will, except in exceptional circumstances, confine itself to looking at the address and heading of the e-mails. However, where circumstances warrant it, the Council may open e-mails and access the content. In this case, the Council will avoid, if possible, opening e-mails clearly marked as private or personal.
- 12.4. The Council reserves the right to restrict, deny or remove e-mail or Internet access to or from any employee.

### **13. E-mail guidelines**

In addition to following the Council's designated house style in all internal and external e-mail and the provisions on reading and storing e-mails, the Council recommends that employees follow these e-mail guidelines:

- a) use the subject line to specify exactly what the e-mail is about
- b) only mark an outgoing e-mail as "urgent" or "high priority" if that is really the case; not because a swift reply is expected or desired from the recipient
- c) be concise in the body of your text
- d) if an outgoing e-mail is not urgent, always give the recipient adequate time to reply
- e) if an issue or query in an e-mail is urgent, consider telephoning the intended recipient first and then following up with a confirmatory e-mail later
- f) answer all incoming e-mails within 24 hours (if only to acknowledge receipt)
- g) if the employee cannot give a response at that point, state when you will be able to reply in full and/or what you are doing to find out the answer or resolve the issue.

### **14. E-mail viruses and spam**

- 14.1. All incoming and outgoing external e-mails are checked for computer viruses and, if a virus is found, the message will be blocked. E-mails may also be checked for other criteria, for example, having an attached image file or containing offensive or inappropriate material or including a "banned" word or from a "banned" user under the criteria in the Council's spam software which indicates the message is spam. Again, the e-mail will be blocked. The Council reserves the right for the IT department to block and then read these messages to ascertain whether they are business-related.
- 14.2. If an employee receives an e-mail or data file that is in a format or comes from a source that they do not recognise, do not open the item but contact the IT department immediately. Any executable (.exe) files received by e-mail must be referred to the IT department for clearance before any other action is taken.
- 14.3. If an employee receives any unsolicited e-mails or spam that manages to bypass the Council's spam software, the employee must not respond in any way. Please forward the e-mail to the IT department and they will add the sender to the list of banned users. Some spam e-mails may offer the option to opt out of receiving them. Be aware that this is sometimes used as a way by unscrupulous spammers of validating a live e-mail address.

### **15. Social media**

Social media is an interactive online media that allows users to communicate instantly with each other or to share data in a public forum. It includes social and business networking websites such as Facebook, Reddit, Twitter and LinkedIn. Social media also covers video and image sharing and blogging websites such as YouTube, Instagram, Google+, Tumblr and Flickr, as well as personal blogs, any posts made on other people's blogs and all online forums and noticeboards. This is a constantly changing area with new websites being launched on a regular basis and therefore this list is not exhaustive. This policy applies in relation to any social media that employees may use.

## **16. Use of social media at work**

- 16.1. Employees are only permitted to log on to social media websites or to keep a blog using the Council's IT systems and equipment outside their normal working hours (for example, during lunch breaks or after the working day has finished) and this must not under any circumstances interfere with their job duties or have a detrimental effect on their productivity. This includes laptop and hand-held computers, or devices distributed by the Council for work purposes. The Council nevertheless reserves the right to restrict access to this type of websites at any time. Where employees have their own computers or devices, such as laptops and hand-held personal devices such as smartphones, again they must limit their use of social media on this equipment to outside their normal working hours.
- 16.2. However, employees may be asked to contribute to the Council's own social media activities during normal working hours, for example by writing Council blogs or newsfeeds, managing a Facebook account or running an official Twitter or LinkedIn account for the Council. Employees must be aware at all times that, while contributing to the Council's social media activities, they are representing the Council and they must not post any personal content on any Council social media account that they are authorised to use.

## **17. Council's social media activities**

- 17.1. Where employees are authorised to contribute to the Council's own social media activities as part of their work, for example for marketing, promotional and recruitment purposes, they must adhere to the following rules:
  - a) use the same safeguards as they would with any other type of communication about the Council that is in the public domain
  - b) ensure that any communication has a purpose and a benefit for the Council
  - c) obtain permission from their Line Manager before embarking on a public campaign using social media
  - d) request their Line Manager to check and approve content before it is published online
  - e) not under any circumstances post any personal content or express any personal opinions that do not represent those of the Council
  - f) follow any additional guidelines given by the Council from time to time.
- 17.2. In addition, such social media accounts which are operated for business purposes (and their contents) belong to the Council and therefore these accounts used by an employee during employment may not be used after termination of employment. The Council may also ask the employee to supply their usernames and passwords either on termination of employment or at any other time and in either case the employee must supply them on request.

## **18. Social media rules**

- 18.1. The Council recognises that many employees make use of social media in a personal capacity outside the workplace and outside normal working hours. While they are not acting on behalf of the Council in these circumstances, employees must be aware that they can still cause damage to the Council if they are recognised online as being one of its employees. Therefore, it is important that the Council has strict social media rules in place to protect its position.

18.2. When logging on to and using social media websites and blogs at any time, including personal use on non-Council computers outside the workplace and outside normal working hours, employees must not:

- a) use social media in a way that breaches any of the Council's other policies - if an Internet post would breach any of these policies in another forum, it will also breach them in an online forum
- b) other than in relation to the Council's own social media activities or other than where expressly permitted by the Council on business networking websites such as LinkedIn, publicly identify themselves as working for the Council, make reference to the Council or provide information from which others can ascertain the name of the Council (and in any event they should not hold themselves out as associated with the Council on any social media website after termination of employment)
- c) other than in relation to the Council's own social media activities or other than where expressly permitted by the Council on business networking websites such as LinkedIn, write about their work for the Council - and, in postings that could be linked to the Council, they must also ensure that any personal views and opinions expressed are clearly stated to be theirs alone and do not represent those of the Council
- d) create a social media account that could be mistaken for a Council social media account
- e) create a social media account or profile that impersonates one or more of the Council's employees, clients, customers, contractors or suppliers
- f) use the Council's logos, trademarks or other corporate artwork on a personal social media account
- g) conduct themselves in a way that is potentially detrimental to the Council or directly or indirectly brings the Council or its clients, customers, contractors or suppliers into disrepute, for example by posting images or video clips that are inappropriate or links to inappropriate website content or sharing inappropriate content posted by others
- h) other than in relation to the Council's own social media activities or other than where expressly permitted by the Council on business networking websites such as LinkedIn, use their work e-mail address when registering on such sites or provide any link to the Council's website
- i) allow their interaction on these websites or blogs to damage working relationships with or between employees and clients, customers, contractors or suppliers of the Council, for example by criticising or arguing with such persons or using abusive or threatening language towards them
- j) include personal information or data about the Council's employees, clients, customers, contractors or suppliers without their express consent (an employee may still be liable even if employees, clients, customers, contractors or suppliers are not expressly named in the websites or blogs as long as the Council reasonably believes they are identifiable) - this could constitute a breach of the Data Protection Act 2018 which is a criminal offence
- k) make any derogatory, offensive, discriminatory, disrespectful, untrue, negative, misleading, critical, disparaging or defamatory comments or statements about the Council, its employees, clients, customers, contractors or suppliers (an employee may still be liable even if the Council, its employees, clients, customers, contractors or suppliers are not expressly named in the websites or blogs as long as the Council reasonably believes they are identifiable)
- l) air grievances about the Council or any of its activities
- m) make any comments about the Council's employees that could constitute unlawful discrimination, harassment, victimisation or cyber-bullying contrary to the Equality Act 2010 or post any images or video clips that are discriminatory, or which may constitute unlawful harassment or cyber-bullying - employees can be personally liable for their actions under the legislation
- n) provide references for other individuals on social media websites, as such references could be attributed to the Council and create legal liability for both the author of the reference and the Council
- o) disclose any proprietary or sensitive information belonging to the Council, for example information about the Council's work, its products and services, technical developments, future business plans, staff morale and anything else that is not already in the public

domain

- 18.3. Employees must remove any offending social media content immediately if they are asked to do so by the Council.
- 18.4. On termination of employment or once notice to terminate employment has been given, employees must, on request, disclose to the Council a full list of all work and business contacts that they hold on all devices or on all social and business networking accounts. The Council may then require the departing employee to delete any or all such work and business connections from their devices (including from personal devices). The Council may also require written confirmation from the employee that these provisions have been complied with.
- 18.5. Employees must also surrender all login and password details for accounts run on the Council's behalf or where an account has been used to promote and/or market the Council's business activities on the termination of employment or whenever so requested by the Council.
- 18.6. Employees should remember that social media websites are public fora, even if they have set their account privacy settings at a restricted access or "friends only" level, and therefore they should not assume that their postings on any website will remain private.
- 18.7. Employees must also be security conscious when using social media websites and should take appropriate steps to protect themselves from identity theft, for example by placing their privacy settings at a high level and restricting the amount of personal information they give out, e.g. date and place of birth. This type of information may form the basis of security questions and/or passwords on other websites, such as online banking.
- 18.8. Should employees notice any inaccurate information about the Council online or which breaches this policy or otherwise brings the Council into disrepute, they should report this to their Line Manager in the first instance.

## **19. Social media monitoring**

- 19.1. The Council reserves the right to monitor employees' use of social media on the Internet, both during routine audits or random spot checks of the computer system and in specific cases where a problem relating to excessive or unauthorised use is suspected.
- 19.2. The Council will only monitor use of social media on the Internet where we have a lawful basis for doing so. The business purposes for such monitoring are to:
  - a) establish the existence of facts
  - b) ascertain compliance with regulatory or self-regulatory requirements, practices or procedures
  - c) assess standards of employee performance and conduct and promote productivity and efficiency
  - d) investigate or detect any unauthorised use of the systems
  - e) ensure the security of the systems and networks and their effective operation
  - f) ensure the smooth running of the business by checking whether there are any relevant business communications that need to be dealt with
  - g) ensure that the Council's rules, policies and procedures are being complied with
  - h) record transactions
  - i) promote customer satisfaction
  - j) ensure that the systems are not being used for any unlawful purpose or activities that may damage the Council's reputation

- k) make sure there is no unauthorised use of the Council's time
  - l) perform effective internal administration
  - m) ensure that inappropriate, restricted or blocked websites are not being accessed and that offensive or illegal material is not being viewed, sent, downloaded or circulated
  - n) ensure that all employees are treated with respect and dignity at work, by discovering and eliminating any material that is capable of amounting to unlawful harassment
  - o) protect the privacy of personal data, trade secrets and sensitive or confidential Council information and ensure there is no breach of confidentiality or data protection provisions.
- 19.3. Members of the IT department are authorised to monitor social media on the Internet during routine audits or random spot checks and they may also be instructed to do so by managers where a problem is suspected. Access to the results of monitoring is restricted to the IT department and to those managers who are authorised to access them in accordance with the purposes outlined above. Disclosure of the results of monitoring to other third parties will only be made in accordance with the purposes outlined above and will be limited to:
- a) the police and other law enforcement agencies, where the results could assist in the prevention or detection of a crime or the identification and prosecution of an offender
  - b) prosecution agencies, such as the Crown Prosecution Service
  - c) relevant legal representatives
  - d) managers involved with Council disciplinary and performance management processes
- 19.4. The Town Clerk or Council Leader (or another senior officer acting in their absence) is the only person who is permitted to authorise disclosure of information to external third parties such as law enforcement agencies.
- 19.5. Social media monitoring may involve obtaining an itemised log of all social media websites and individual web pages visited, as well as the date and time of access. Where the particular circumstances warrant it, it may also involve accessing the actual content posted or circulated on social media web pages.
- 19.6. The Council is committed to being transparent about how and why employees are monitored and will always consider whether the monitoring measures are proportionate.
- 19.7. The Council reserves the right to restrict, deny or remove Internet access, or access to particular social media websites, to or from any employee.

## **20. Contravention of this policy**

- 20.1. Failure to comply with any of the requirements of this policy, including failing to remove any social media content that in itself breaches this policy, is a disciplinary offence and may result in disciplinary action being taken under the Council's disciplinary procedure. Depending on the seriousness of the offence, it may amount to gross misconduct and could result in the employee's summary dismissal. Any employee suspected of committing a breach of this policy will be required to co-operate with the investigation, which may involve handing over relevant login and password details.
- 20.2. In addition, employees could face legal proceedings if comments they post about the Council or named individuals are found to have harmed their reputation.

**The proposal is therefore to adopt a Performance Management approach in the first instance, with a longer-term aim of moving to continuous management performance.**

**Current**

**Yearly Appraisal**

**Next Step**

**Performance Management**

**Moving Towards**

**Continuous Performance  
Management**

### **Continuous Performance Management Policy**

- 2.1 Performance Management reviews are intended for all employees, apart from probationary staff (separate policy) and will be carried out with each employee at least twice every year (annual review & mid-year review) and will be conducted by the employee's Line Manager.
- 2.2 Training on conducting performance management will be provided to Line Managers to ensure they are carried out fairly and consistently.
- 2.3 The first full performance management review will take place 12 months after starting the post and annually thereafter. It is the responsibility of the reviewee and reviewer jointly to ensure that all meetings are held and paperwork completed before the deadline.
- 2.4 The Line Manager should schedule the review date and time in consultation with the employee and will provide the employee with at least one week's notice. Forms PM 2-4 are kept confidentially in the employee's personnel file by line managers. Line managers are required to review progress of the set objectives and discuss new objectives with each reviewee. Where previous paperwork is not available, reviewers should discuss progress since last year in general terms. At the same time, the performance management form PM1 should be provided by the Line Manager to the employee.
- 2.5 The objectives of the meeting will be to:
  - a) discuss and review the previous year's performance, conduct and achievements
  - b) review the employee's job description to ensure it accurately reflects their role (N.B. if both parties agree that there has been a significant change to the role, then consideration should be given to whether the role requires a formal review)
  - c) identify any areas for development
  - d) if necessary, agree any changes required to performance objectives and actions required to improve the employee's performance and/or to enable them to achieve their full potential in the work they carry out for the Council and/or to facilitate their career progression
  - e) consider any future individual training and career development needs for the employee which are both relevant to the employee and to the Council
  - f) discuss opportunities for advancement or alternative work.
- 2.6 The employee should set out what actions they intend to take to develop themselves and they must assist in making the performance review process a worthwhile exercise. The meeting will be in the form of a focussed discussion, where views can be exchanged and agreed actions recorded (PM2-4). The outcome of the meeting will be a clear action plan for both the employee and their Line Manager.

- 2.7 Before attending the Performance Management review meeting, employees should complete PM 1 which is a reflection on their achievements to date. They should ensure that they reflect on their last objectives and consider what objectives they would like to set for the next year. It is important to consider their personal objectives in light of any training they may need, as all training and courses must explicitly relate to their performance management objectives.
- 2.8 If the employee substantially disagrees with any of the comments made, they will be able to record this in the review. Once the employee has signed the forms, they should return them to their Line Manager who will give a copy to the employee for their own safekeeping.
- 2.9 A copy of the review will be forwarded to the Chair of the Executive committee, so that they can conduct an overall review of the performance management process and ensure the fairness and effectiveness of each Line Manager's approach to the process.
- 2.10 The completed performance management review forms must be viewed as a working document and as such, should be continually referred to and reviewed throughout the year by both the employee and the Line Manager.
- 2.11 Any employee who feels that their performance management was entirely unsatisfactory or unfair to them, may ask that the Clerk review the performance management with them and their Line Manager. In the case of the Clerk, this review would be undertaken by the Chair of Executive.
- 2.12 The Performance management review process contains 4 forms; listed as PM1 – 4. The purpose of these forms is explained below:

**PM1 – Self Evaluation** is a self-review document for use by reviewees prior to their performance management meeting.

This is an optional form which is purely for the personal use of the reviewee. It is intended to aid the reviewee in deciding what they want from their PM meeting and assist in drafting objectives for the coming year. This document is usually filled in by reviewees prior to the meeting with their reviewer. It is for the personal use of the reviewee and should not be handed in or kept by anyone other than the reviewee themselves.

**PM2 – Review Statement** is used to review progress since the last targets were set.

This is the form that is completed jointly by the reviewer and reviewee at their meeting. The reviewer should fill in the targets which were set at the previous year's review. A judgement should then be agreed as to whether objectives have been met and this should be recorded. This form should be passed to your Line Manager for secure filing upon completion. A copy will be provided for the reviewee.

**PM3 – Planning Statement** is used to set targets for the coming year.

This is the form that is completed jointly by the reviewer and reviewee at their meeting. They should agree three objectives. The format of these should be:

- 1) An objective which relates to the key improvement points for Diss Town Council and how the reviewee will contribute towards one or more of them.
- 2) An objective which relates to the primary work area of the reviewee.
- 3) A personal development objective (i.e. a skill or aspect of their job the reviewee wishes to develop)

The reviewer should then indicate how these objectives will be assessed. For example, observation of a specific task or piece of work.

This form also contains an area where colleagues should highlight, specific training requirements they feel will be necessary to support them in gaining their objectives. This form should be passed to your Line Manager for secure filing upon completion. A copy will be provided for the reviewee.

**PM4 – Training Schedule** is used to agree future training requirements.

This form is used to record the training needs of all staff. This form should be passed to your Line Manager for secure filing upon completion. A copy will be provided for the reviewee.

Line managers must photocopy PM1-4 for reviewees  
PM2-4 must be submitted to the employees personnel file to be kept confidentially.

**PM1: PERFORMANCE MANAGEMENT  
SELF EVALUATION FORM (optional)  
Preparing for the one-to-one interview with your Reviewer**

- Prepare for the review meeting by summarising the review to date in terms of achievement and areas for improvement
- Think about what you want from the review in terms of outcomes and hence, agenda items
- Prepare some draft objectives
- Meeting with your Reviewer to pass on any evidence already collected and to agree a time, place and agenda for the review

<b>Achievements and Successes</b>	<b>Areas for Development</b>

**What do you want from your review meeting? List your Agenda Items.**

List your Draft Objectives

**PM2: PERFORMANCE MANAGEMENT  
REVIEW STATEMENT**

Reviewee:

Reviewer:

Date of Review Meeting:

Objectives	Met ✓	Further Development	Evidence

Overall assessment of performance for the PM cycle just ended and recommendation for pay progression (where reviewee is eligible)

Reviewee's comments (optional):

--

<b>The content of this record has been agreed by:</b>	
<b>Reviewee:</b>	<b>Signature:</b>
<b>Reviewer:</b>	<b>Signature:</b>
<b>Date of receipt of the completed review statement by the member of staff:    /    /</b>	

<b>PM3: PERFORMANCE MANAGEMENT PLANNING STATEMENT</b>
<b>Reviewee:</b>
<b>Reviewer:</b>
<b>Date of Meeting:</b>

<b>Objectives, including performance criteria (and timescales if appropriate)</b>
1.
2.
3.

<b>Extent, pattern and focus of 1:1 Check-ins:</b>
<b>Any other evidence:</b>

<b>Support (including timescales if appropriate):</b>

**Reviewee's comments (optional):**

**Reviewee:  
(Signature)**

**Reviewer:  
(Signature)**

**PM4: PERFORMANCE MANAGEMENT DEVELOPMENT AND TRAINING ANNEX**

**Reviewee:**

**Reviewer:**

**Date of Meeting:**

**Development and Training  
Support and resources required**

**Reviewee:  
(Signature)**

**Reviewer:  
(Signature)**

**Date**

# COMMUNICATIONS POLICY

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## **1 Introduction**

- 1.1 Diss Town Council is committed to active community engagement through a wide range of channels, including online and social media.
- 1.2 The Council is committed to the provision of accurate information in respect of its functions, decisions and actions. Accordingly, great care needs to be taken when addressing communications within the Town Council and with outside bodies.
- 1.3 The aim of this Policy is to set out a Code of Practice to provide guidance to staff and councillors about the use of media such as e-mails, blogs, social networking sites, podcasts, forums, messages boards or comments on web articles such as Twitter, Facebook, Instagram, LinkedIn and other relevant social media websites.

## **2 Aim**

- 2.1 The aim of this Policy is to ensure:
  - 2.1.1 Engagement with individuals and communities and successful promotion of Council based services through the use of all media formats;
  - 2.1.2 A consistent approach is adopted and maintained on behalf of Diss Town Council;
  - 2.1.3 That Council information remains secure and is not compromised through the use of social and online media;
  - 2.1.4 That users operate within existing policies, guidelines and relevant legislation;

2.1.5 That the Council's reputation is upheld and improved rather than adversely affected;

2.1.6 That communication is effective, timely, appropriate, useful, engages with a wider audience and utilises cross-promotion of other Council communication tools (e.g. website, newsletter, linking Facebook to Twitter account etc).

### **3 Scope**

3.1 This policy covers all individuals working at all levels within the Council, including all elected and co-opted councillors, the Clerk to the Council and all other employees and volunteers. For ease, the word 'personnel' may be used as a collective term in this document.

3.2 It is also intended for guidance for others communicating with the Town Council.

3.3 This policy supplements and should be read in conjunction with all other policies and procedures adopted by the Council such as the Privacy policy, Disciplinary Procedure, Members' Code of Conduct, the Computer, Email and Internet policy and Data Protection policy. The Council's policy handbook is available at <https://www.diss.gov.uk/about-us>.

3.4 This policy does not form part of any contract of employment and it may be amended at any time.

3.5 The policy covers all of the Council's online media channels, which are currently:

3.5.1 [www.diss.gov.uk](http://www.diss.gov.uk) – website.

3.5.2 E-mail addresses linked to the diss.gov.uk domain name.

3.5.3 Facebook - [@DissTC](https://www.facebook.com/DissTC)

3.5.4 Twitter - [@DissTownCouncil](https://twitter.com/DissTownCouncil)

3.5.5 Instagram – [@disstowncouncil](https://www.instagram.com/disstowncouncil)

3.6 Over time the Town Council may add to the channels of communication that it uses as it seeks to improve and expand the services it delivers. When these changes occur, this policy may be updated to reflect the new arrangements that it uses to communicate with people who live in, work in and visit Diss. The Council will always try to use the most effective channel for its communications.

3.7 The use of new media channels will not replace existing forms of communication. The website and other forms of social media will be used to enhance communication.

### **4 Legal Obligations**

4.1 The Freedom of Information Act 2000 and GDPR applies to public bodies. The FOI Act allows members of the public to request information from the Town Council which must be treated in accordance with GDPR.

4.2 Town Council information is held by Town Council administrators and some is held by Town Councillors, although the length of time that information is held by councillors will not be subject to the Town Council's retention and destruction policies.

4.3 Town Council information held by councillors is subject to the FOI Act and must be made available if requested in accordance with the FOI Act and GDPR.

- 4.4 As Data Controllers of personal data (as defined by GDPR), councils must ensure the confidentiality, integrity and availability of all personal data they hold, even if the data is being processed through personal email accounts or is stored on a privately-owned device.
- 4.5 Personnel must not send, receive or disseminate proprietary data or any confidential information belonging to Diss Town Council to or from a third party unless authorised.
- 4.6 Permission to publish photographs or videos on social media sites should be sought from the persons, parent / guardian or organisations in the video or photograph before being uploaded.

## **5 E-mails**

- 5.1 Personnel will be provided with a dedicated diss.gov.uk e-mail address upon their appointment to a position within the Council (including councillors). Access to e-mail accounts will be removed as soon as a relationship with the Council ceases.
- 5.2 These email addresses can be accessed by members of the public via the Town Council website.
- 5.3 Individuals are responsible for what they post or send. Personnel are personally responsible for any online activity conducted via e-mail addresses linked to the diss.gov.uk domain name.
- 5.4 Personnel are restricted to ensuring use of these accounts is for the proper performance of their Council related duties only. These accounts should be the only ones used by personnel in relation to their Council related duties.
- 5.5 Town Council email addresses should not be used by anyone other than the Town Councillor to whom the Town Council email address has been assigned.
- 5.6 Any official Town Council business held by councillors in their own private email accounts is still subject to the Freedom of Information Act and therefore the individual account can be searched for requested information. Deleting or concealing information with the intention of preventing its disclosure following receipt of an FOI request is a criminal offence under section 77 of the FOI Act and the person concealing the information is liable to prosecution.
- 5.7 The use of email to exchange correspondence requires the same professional standards as other forms of communication. You should not send or forward mail which is defamatory or offensive for whatever reason.
- 5.8 The Council will audit and monitor use of the systems to ensure proper and effective business use. Privacy should not be expected in the use of Council email facilities. All email is stored and the Council may inspect an email (including personal emails) at any time.
- 5.9 No account details may be changed without first informing the Town Clerk.
- 5.10 Councillors and staff are not permitted to debate matters of council business by e-mail. The correct procedure is for the debate to take place at a public meeting.

- 5.11 Junk mail is a hazard of internet life and efforts should be made to isolate it at source, if not it should be deleted immediately, and no attachments should be opened. It is important to keep virus protection up to date.
- 5.12 In order to protect from viruses, email attachments which might contain macros (word processor and spreadsheet files) or applications, should not be opened if they are from a sender whom you do not recognise, simply delete.
- 5.13 Be aware that agreements made by email have the same status as letters or formal contracts. The Clerk has the sole authority to purchase or acquire goods or services on behalf of the Council via email.
- 5.14 Email inboxes must be checked regularly to ascertain all correspondence within that system.
- 5.15 Arrangements must be made to ensure that inboxes are checked during times of absence due to holiday or sickness.
- 5.16 It is recommended that e-mails are retained for no more than twenty-four months before they are deleted. Those containing important material should be saved to a separate folder.

## **6 Email Etiquette**

- 6.1 Email is not always the best way to communicate information as email messages can often be misunderstood and the volume of email messages people receive can be prohibitive to receiving a meaningful reply as a result of email overload.
- 6.2 The Clerk and Councillors have the responsibility of deciding whether email is the most appropriate form of communication and should consider the following factors before sending an email:
  - 6.2.1 The Subject - some subjects are too sensitive to be sent via email, e.g. employee information. Careful consideration needs to be given as it is the responsibility of the sender to decide whether or not email is the most appropriate vehicle for communication in these circumstances.
  - 6.2.2 Speed of Transmission - where information is needed to be communicated urgently and the recipient is expecting it then this is fine, however, if an urgent message needs to be sent and the recipient(s) is/are not expecting anything, then it is probably better to use the phone.
  - 6.2.3 Speed of Response - there is no guarantee that an email will be read as soon as it is sent; if the email requires immediate action, then this is probably not the best way to communicate. A read receipt may be used to help people who need a quick response, to note that the mail has been read. Instant replies should not be expected; reasons for urgency should be stated.
  - 6.2.4 Number of Recipients - do not necessarily use reply all as not everyone in the previous communication necessarily needs to receive the email.
- 6.3 When writing an email, it is important to compose the message with the same care and clarity applied to drafting letters and memos, particularly as emails form part of the corporate record under the Data Protection and Freedom of Information Acts.
- 6.4 Information and documents sent to your @diss.gov.uk inbox if distributed further must

be sent from the same email address.

- 6.5 E-mails that are sent to external addresses should include the Council's standard disclaimer and signature format. Always ensure you include your name including the title Cllr and role if appropriate e.g. Town Mayor, Chairman of X Committee, the Town Council Website Address and the disclaimer as shown in the example below:

Cllr Eric Taylor (Town Mayor) Diss Town  
Council [www.diss.gov.uk](http://www.diss.gov.uk)

This email and any files transmitted with it are confidential and may be legally privileged and are intended solely for the use of the individual or entity to whom that they are addressed. If you are not the intended recipient, any use, disclosure, copying or forwarding of this email and/or its attachments is unauthorised. If you have received this email by mistake please notify the sender immediately before deleting it.

- 6.6 Always ensure that your Recipient List is appropriate to avoid causing a nuisance to other colleagues.
- 6.7 Email to multiple addresses outside Diss Town Council should be sent as blind copy, (bcc). Messages sent to groups of people must be relevant to all concerned.
- 6.8 Always complete the Subject Line with a clear description of what the email is about as recipients cannot always distinguish between what they need to look at immediately and what can wait. For example, Full Council minutes March 2022 for approval.
- 6.9 Ensure language is simple, unambiguous and to the point.
- 6.10 Avoid using abbreviations and emoticons. Be aware that other colleagues may not know the meaning of informal expressions, such as FWIW (for what it's worth).
- 6.11 Be polite. Terseness can be misinterpreted. Please and thank you go a long way.
- 6.12 Keep the tone of your comments respectful and informative, never condescending or "loud." Use sentence case format, not capital letters, or write in red to emphasis points.
- 6.13 Avoid personal attacks, online fights and hostile communications.
- 6.14 Be patient. Not everyone can respond immediately or necessarily have the confidence to communicate using email.
- 6.15 Never reply in anger. Take a break or sleep on it before responding.
- 6.16 Don't conduct an argument on email - it is unprofessional.
- 6.17 Never 'flame' anyone. A flame is an electronic verbal attack. If a flame is received, then please do not respond in anger as this may be regretted later. Users should not engage in exchanging flames and create a 'flame- war'.
- 6.18 Spell and grammar check everything. Correct any errors promptly.

- 6.19 Always, always read email before sending it and consider the resultant reaction. Ensuring clarity in the message is time well spent.
- 6.20 Be mindful of the information you post on sites and make sure personal opinions are not published as being that of the Council, bring the Council into disrepute or are contrary to the Council's Code of Conduct and other policies.
- 6.21 Respect the privacy of other councillors and residents. Do not disclose confidential matters or criticise Council policies or personnel.
- 6.22 Residents and councillors should note that not all communications require a response.
- 6.23 There will not always be immediate responses to communications as they may be discussed at a meeting so that a response can be agreed by the Town Council. When this is necessary the item will be placed on the next available agenda. Any response will then be included in the minutes of the meeting.
- 6.24 Personnel are expected to refrain from creating unnecessary email congestion by sending messages of a trivial nature.
- 6.25 Users are required to use Out of Office replies within the email system to inform senders of email of absence and expected return to work date and including an alternative contact is helpful.

## **7 Social Media**

- 7.1 The Town Clerk is the designated 'Council' owner of social media channels agreed by the Council and will be an administrator / moderator on all accounts.
- 7.2 Other personnel officially appointed by the Council may assist the Town Clerk to disseminate information. However, all must ensure they follow this policy.
- 7.3 No account details may be changed without first informing the Town Clerk.
- 7.4 Individual councillors are at liberty to set up their own social media accounts but they should ensure they comply with this policy and ensure that a 'personal view' disclaimer is used.
- 7.5 All social media sites used should be checked and updated on a regular basis to ensure that the security settings are in place.
- 7.6 The nominated moderator or moderators shall remove any negative posts which may contain personal and inflammatory remarks, libellous or defamatory information without further comment or notification. Such posts will also be reported to the Hosts (i.e. Facebook / Twitter).

## **8 Personal Safety & Privacy**

- 8.1 Personnel should be aware that the information they post on their personal social media profile can make them identifiable to service users, as well as people they know in a private capacity.
- 8.2 Online sites such as Facebook are in the public domain, and personal profile details can be seen by anyone, even if users have their privacy settings on the highest level.

Also if a user's profile is linked to other sites, any changes to their profile will updated there too.

- 8.3 Personnel who have set their privacy level to the maximum can have their privacy compromised by 'friends' who may not have set their security to the same standard.

## **9 Communication with the Media**

- 9.1 The Town Clerk or Officers authorised by the Town Clerk, Council Leader, Town Mayor and Chairmen of committees are authorised to respond to approaches from the media provided that the statements reflect the Council's opinion and that they are matters pertaining to their remit within the committee terms of reference and roles and responsibilities documents. If an enquiry is received regarding a matter outside of the role's remit, please direct the enquirer to the appropriate member or Officer. This will help to ensure that the principles in the Government's Code of Recommended Practice on Local Authority Publicity are adhered to.
- 9.2 Town Council staff who are directly approached by the media should not attempt to answer questions themselves and should refer the enquiry to the Town Clerk.
- 9.3 The Council should not pass comments on leaks, anonymous allegations or allegations about individual staff and members.
- 9.4 The phrase "no comment" should not be used as a response to a media enquiry. The Council is open and accountable and should always explain if there is a reason why it cannot answer a specific enquiry.

## **10 Council Press Releases**

- 10.1 The purpose of a press release is to make the media aware of a potential story, to provide important public information or to explain the Council's position on a particular issue. It is the responsibility of all Officers and members to look for opportunities where the issuing of a press release may be beneficial.
- 10.2 Any Officer or Member may draft a press release however they must be approved by the Town Clerk in order to ensure that the principles outlined in the Code are adhered to, that there is consistency of style across the Council and that the use of the press release can be monitored.
- 10.3 Official Council releases will follow a corporate style appropriate for the media being targeted and a central record will be maintained.
- 10.4 All releases will accurately reflect the corporate view of the Council, contain relevant facts and may include an approved quotation from an appropriate councillor.
- 10.5 Releases will not promote the views of specific political groups, publicise the activities of individual councillors, identify a member's political party or persuade the general public to hold a particular view.
- 10.6 All official Council releases will be placed on the Council's website.

## **11 Councillor Press Releases**

- 11.1 Councillor press releases are personal and are written and issued by the councillor responsible.

- 11.2 This type of release may or may not be political and should not include the name of any Officer, use the Council logo or the Council telephone number as a point of contact.
- 11.3 Members may not hold themselves out to be acting on behalf of the Town Council and must not communicate as councillor in any other matter than in their official capacity.
- 11.4 Councillors are not permitted to use the title “councillor” in their private capacity.
- 11.5 It would be beneficial for copies of intended releases to be provided to the Clerk. Councillors seeking advice can contact the Clerk.

*NOTE:* Members should be aware that case law states that the role of councillor overrides the right to act as an individual. This means that councillors should be careful when expressing individual views to the news media. Councillors also have an obligation to respect Council policy once made, while it may be legitimate for a councillor to make it clear that he or she disagreed with a policy and voted against it (if this took place in open session), they should not seek to undermine a decision through the news media.

## **12 Inappropriate Use**

- 12.1 Users must not use online platforms to abuse or inflame others or to harass or threaten anyone. Responding to abuse, harassment or threatening will not be accepted as an excuse for inappropriate language and/or behaviour.
- 12.2 Recipients of abusive or threatening content related to the business of the Council must immediately inform the Clerk, Council Leader or Mayor.
- 12.3 Users must not send or post content containing obscene, abusive or profane language.
- 12.4 Users must not forward emails or attachments without being assured that the information can be passed on.
- 12.5 Users must not publicise the content of email that contain confidential information.
- 12.6 Users must not send emails to Town Council staff, fellow councillors or members of the public that are condescending in nature.
- 12.7 Users must not send, access, display, download, copy or circulate information containing stories, jokes or anecdotes that contain:
  - 12.7.1 pornography or sexually orientated images;
  - 12.7.2 gambling;
  - 12.7.3 gaming (playing computer games);
  - 12.7.4 promotion of unlawful discrimination of any kind;
  - 12.7.5 promotion of racial or religious hatred;
  - 12.7.6 threats including the promotion of violence;
  - 12.7.7 fraudulent or illegal material promotion of illegal and/or unlawful acts;
  - 12.7.8 information considered to be offensive, inappropriate or disrespectful to others;
  - 12.7.9 unauthorised and copyrighted material including music.
- 12.8 Diss Town Council will report to the police all known incidents in which users intentionally send or receive content containing the following:
  - 12.8.1 images of child pornography or child abuse (i.e. images where children are or appear to be under the age of 16 and are involved in sexual activities or posed

to be sexually provocative);

12.8.2 adult material/pornography that breaches the Obscene Publications Acts (1959 & 1964);

12.8.3 criminally racist material.

12.9 The above examples are not a definitive list of the misuse of social media but are examples to illustrate what misuse may look like.

12.10 Councillors or residents who have any concerns regarding content in e-mails or placed on social media sites should report them to the Town Clerk.

12.11 If inappropriate material is accessed accidentally, users must report this immediately to the Clerk. It can then be taken into account as part of the Council's monitoring procedure.

12.12 Councillors must avoid posting views in advance of a decision to be debated by the Council or a committee meeting, that may constitute predetermination or bias. The Localism Act 2011 states that councillors must not have "had or appeared to have had a closed mind (to any extent) when making the decision"., (*See Localism Act section 25*).

### **13 Monitoring**

13.1 Misuse of such sites in a manner that is contrary to this and other policies could result in action being taken.

13.2 Serious breaches of this policy by a Council employee will amount to gross misconduct and may result in dismissal.

13.3 Breaches of this policy by councillors may result in a Code of Conduct complaint being submitted against them.

13.4 Serious breaches of this policy by councillors, members of the public or members of any other organisation or company may result in legal or police action.

## Council Offices Car Park Use Policy

1. The purpose of this policy is to reduce the amount of unauthorised parking & provide hospitality parking spaces for bona fide guests and visitors.
2. This policy replaces any previous policy, or grace and favour arrangements with other users.
3. The car park to the rear of the Council Offices comprises 16 marked spaces altogether, which includes 4 marked spaces for Gaze & Sons and 12 spaces for Council use. Any other use is at the discretion of the Town Clerk.
4. The Council spaces are for the use of staff, members and approved visitors calling at the Council Offices on official business. They are not for general use by members of the public except with the permission of the Clerk. Signage to be erected specifying 'cars parked at own risk; private car park.
5. For all other users a charge of £5 per day.
6. Two spaces are reserved for the Town Mayor and the Town Clerk.
7. Three spaces are reserved for the registrar/deputy registrar, their customers and/or a wedding car.
8. All other spaces will be identified with the words "The Council".
9. All other staff and members of Council will be issued with a parking permit which must be retained in their vehicle to display on the dashboard of their car while it is parked. *Parking to be on a 'first-come, first served' basis.*
10. On Saturdays when a marriage is being conducted the registrar may be permitted to reserve and identify 3 further spaces subject to availability, (excluding the Mayor's and Clerk's spaces, for the duration of the ceremony and for 1 hour thereafter.
11. On other days from Monday to Friday the registrar may reserve additional spaces to the three reserved spaces for marriages, by prior arrangement with the Clerk.
12. The car park will remain open for members parking on evenings when there is Council meetings in the Corn Hall.
13. Council has no facility to impose sanctions on motorists who infringe these regulations, but polite warnings will be issued to persistent offenders.
14. All staff, Councillors, Gaze & Son, the Registrar Service and the Diss Corn Hall Trust will be made aware of this policy.

## **Councillor Exit Interview Policy**

### **Purpose of the councillor exit interview**

1. The purpose of the Diss Town councillor's exit interview is to discover a departing member's reason(s) for leaving Diss Town Council and to gather feedback from that member on ideas or concerns about organisational improvements – including councillor recruitment and retention.
2. The intention of an exit interview is to allow the departing councillor the opportunity to share their experiences in a confidential, supportive, and constructive environment.

### **Procedure**

3. A proposed exit interview form is attached as an Annex.
4. The councillor resignation should be received by email or by letter to the Town Mayor which will be then shared with the Council Leader and Clerk.
5. It is the responsibility of the Town Mayor to seek to arrange and carry out an exit interview once a written resignation has been received.
6. The exit interview is offered to each councillor leaving the council, however, take up is voluntary as there may be occasions where a councillor does not wish to participate in the exit interview.
7. When the offer of an exit interview is accepted by the departing councillor, it will be conducted within 28 days of a councillor's resignation (unless there are extenuating circumstances).
8. The exit interview will be carried out by the Town Mayor, with the provision of a second councillor in attendance if the departing councillor agrees to this. This second councillor's role will be one only of support to the Town Mayor.
9. The Town Mayor will share the outcomes of the interview and the completed interview form with the Council Leader and Clerk. The Town Mayor and Council Leader may anonymise feedback and disseminate to all councillors.
10. An informal meeting of council may be held for further discussion of the exit interview document – this will be at the discretion of the Town Mayor, Council Leader and Clerk.

## Annex

### Councillor exit interview form

*[To be undertaken in line with Diss Town Councillor exit interview policy]*

Councillor Name: ..... Length of Service: .....

Resignation Date: .....

### Questions

1. What are your primary reasons for standing down from Diss Town Council? (retirement, pressure of work, travel issues, working hours, moving home, health issues, working relationships, working conditions, new position, care of dependents, not re-elected, other) Please specify.
2. What have been the positives of being a Diss Town councillor?
3. What do you consider to be your greatest achievement as a councillor?
4. Did you take advantage of the induction/ training offered to you as a councillor? If yes did the training the council offer contribute to making you feel effective as a councillor?
5. What changes could be made which could have improved your experience as a Diss Town councillor?
6. Would you consider standing as a councillor for Diss Town Council in the future?
7. Would you recommend being a councillor with Diss Town Council to others?

8. Is there anything else you would like to add?

I hereby declare that this is a true record of the discussion I have had during my exit interview with the Town Mayor.

Signed Councillor: .....

Date: .....

Signed Town Mayor: .....

Date: .....

## **Disciplinary Policy**

### **2. Purpose & Scope**

- 1.1 The purpose of this policy is to ensure that the Council deals fairly and consistently with employee disciplinary and performance issues as well as complaints made about an employee and that employees are aware of the process for handling such matters.
- 1.2 This procedure does not apply during probationary periods.

### **3. General principles**

- 2.1. In all cases the Council will initially deal with minor instances of misconduct and unsatisfactory levels of performance informally by way of counselling, guidance, instruction or informal cautioning. This will usually take the form of a confidential meeting with the employee's Line Manager and/or Clerk. In the case of the Clerk being the individual against whom there is a complaint or allegation, the matter will be dealt with by the Council Leader or Executive Chair. The outcome of the meeting will be confirmed in writing, and will detail the issue(s) discussed, what needs to be done and how and when it will be reviewed.
- 2.2. If a problem continues or the Council judge it to be sufficiently serious and before making any formal disciplinary decision, the following procedure will apply.
  - a) The complainant will be required to make a formal complaint which will be recorded in writing and signed by the complainant.
  - b) The Council will carry out a prompt investigation. Some investigations take longer than others depending on the case and how many people need to give information. In a simple case this might only take a day in a more complex case it can take several weeks. The Council will aim to complete an investigation within 2 weeks and if it is going to take longer will notify the employee. The investigation will be carried out by an officer or manager who's not involved in the case. The employee will be advised of the complaint in writing and the letter will set out the possible outcomes of the disciplinary hearing.
  - c) If a disciplinary hearing is to be held the Council will write to the employee setting out the time, date and location of the disciplinary hearing, which the employee is obliged to attend. To give the employee reasonable time to prepare their case for the hearing the letter will allow at least 5 working days from the date of the letter. The Council will also provide copies of all written evidence including witness statements where appropriate. - It will also confirm that employees have the right to be accompanied by a fellow employee or a trade union representative -at the disciplinary hearing. At the Councils discretion the name of a witness giving a statement may be redacted If an employee does not understand the letter, the employee should ask their Line Manager to read through and explain the letter to them.
  - d) The Council will confirm with the employee whether any meeting they are asked to attend is investigatory or disciplinary. In serious cases, Managers other than the

employee's Line Manager or Council Members should carry out the investigation and the disciplinary hearing.

- e) The Council will give employee(s), together with any permitted person that the employee may choose as a companion, five working days to prepare their response. A permitted person should be another member of staff, or a trade union representative.
  - f) At the hearing, the Council will explain the case and evidence and will give the employee the opportunity to put their case in respect of the allegations made against them.
- 2.3. The Council will keep records of any action taken under these disciplinary procedures. Wherever possible, these records will be treated as confidential, but in any case, will not be kept for any longer than allowed under the General Data Protection Regulations.
- 2.4. The employee(s) will receive a written copy of the Council's decision from any hearing.

The employee has the right to appeal against any formal action taken against them under the procedure. See Appeals below (clause 7)

Please note\*\*\* When attending a disciplinary or appeal hearing it is prohibited to openly or covertly record any discussions relating to disciplinary matters. Mobile phones or recording devices of any kind are not allowed in any disciplinary meeting without the Council's express permission

#### 4. Examples of Misconduct & Gross Misconduct

- 3.1 The following are examples of **misconduct**, which would normally give rise to formal disciplinary action:
- b) Unauthorised absence from work
  - c) Persistent short-term and/or frequent absences from work without a medical reason
  - d) Lateness for work or poor timekeeping
  - e) Minor breaches of Health & Safety, or any other Council rules or procedures
  - f) Failure to perform their job to the standard expected, or in line with their job description or in a timely manner
  - g) Disruptive behaviour
  - h) Misuse of the Council's equipment (e.g. telephone, computers, email or the internet)
  - i) Refusal to carry out reasonable requests
  - j) Failure to follow an agreed Council procedure or policy
  - k) Any action or behaviour which could be detrimental to the Council's reputation.
- 3.2 This list is *not* exhaustive, and any offence of a similar nature could result in disciplinary action being taken.
- 3.3 The following are examples of behaviour which fall within the definition of **gross misconduct**, which could lead to dismissal or summary dismissal (without notice):
- a) refusal to accept and act on reasonable requests from your Line Manager or other member of management
  - b) serious negligence that could or does result in unacceptable loss, damage or injury

- c) fighting, assault, harassment or threatening or bullying behaviour
  - d) theft, fraud, deliberate discriminating behaviour and language, accepting or offering a bribe, falsification of Council records or any dishonesty involving the Council, or its employees
  - e) deliberate and/or serious breach of any Council policy
  - f) deliberate or reckless damage to property belonging to the Council, its employees, customers or authorised visitors
  - g) being unfit to work due to misuse of alcohol or illegal drugs
  - h) unauthorised disclosure of confidential information
  - i) any action likely to seriously endanger the health and safety of the employee or any other person
  - j) any action or behaviour which could seriously damage the Council's reputation
- 3.4 The above list is *not* exhaustive. It illustrates the type of conduct that will normally merit dismissal for a first offence. Other types of offence may also be treated as gross misconduct, depending on the seriousness of the particular situation.
- 3.5 Following investigation and a disciplinary hearing, if the Council is satisfied that the employee has committed gross misconduct, the Council will be entitled to dismiss the employee without notice or payment in lieu of notice.

## **5. CONDUCT OF MEETINGS, INCLUDING APPEALS**

- 4.1. Disciplinary hearing for misconduct will be held during working hours with the Line Manager, Clerk and Deputy Clerk at the place of employment. If an employee is invited to attend a disciplinary meeting, the employee must take all reasonable steps to attend. If, without good cause, an employee is persistently unable or unwilling to attend, the Council will hear the matter in the employee's absence and make a decision based on the evidence available.
- 4.2. Disciplinary hearings for gross misconduct, will be held during working hours at the place of employment by two members of the Executive Committee, together with -- a Senior Officer of the Council (this will normally be The Town Clerk if available). If an employee is invited to attend a disciplinary meeting, the employee must take all reasonable steps to attend. If, without good cause, an employee is persistently unable or unwilling to attend, the Council will hear the matter in the employee's absence and make a decision based on the evidence available.
- 4.3. At the meeting, the Senior Officer will explain the role of all those in attendance. The Senior Officer will then explain the case against the employee and go through the evidence that has been gathered. The employee will be given the opportunity to respond in full. This will include time to ask questions and present evidence. The employee must give the Council advance written notice if the employee intends to call any witnesses.
- 4.4. The Council may, at its discretion, adjourn a disciplinary meeting to further investigate any matters, which come to light during a disciplinary meeting.
- 4.5. **Accompaniment in formal hearings**  
 In any formal disciplinary hearings, including appeals, employees have a statutory right to be accompanied by a fellow worker or trade union official of their choice. As this is an internal process, there is no provision to have any external person present, e.g. partner, family member, solicitor etc. The employee's companion may address the hearing to put

the employee's case, sum up or respond on the employee's behalf to any view expressed at the hearing. He or she may confer with the employee during the hearing but does not have the right to answer questions on the employee's behalf or address the hearing.

#### 4.6. **Note taking**

In order to respect employee confidentiality, the Senior Officer will act as the note taker. A hard copy of the notes will be agreed and signed by both parties. Should the complaint be against the Clerk then the Chair of Executive Committee would presume the role of the note taker.

### 6. **WARNINGS & DISMISSAL**

#### 5.1. **First written warning**

- a) The Council may issue a first written warning if an employee's conduct or performance does not meet the Council's standards.
- b) A first written warning will normally be issued by the employee's immediate manager or a nominated deputy. Where, at the conclusion of the disciplinary hearing, the Council decide to issue such a warning, the employee will be informed of the following:
  - ii. the nature of the misconduct or poor performance that has led to the warning
  - iii. the action or improvement (if any) which is required
  - iv. if appropriate, the timescale for taking any such action
  - v. the consequences if the employee does not take the required action or fails to improve or if there is further misconduct
  - vi. when the warning will cease to have effect, subject to satisfactory conduct or performance. This will normally be after 6 months, but a longer period may be stated in exceptional cases
  - vii. the right of appeal

#### 5.2. **Final written warning**

- a) The Council may issue a final written warning if:
  - i. the required improvement is not achieved within the timescale stated in the first written warning
  - ii. further misconduct or poor performance occurs while a first warning is still in effect, whether or not involving a repetition of the conduct or poor performance which was the subject of a previous warning
  - iii. the seriousness of the misconduct or poor performance merits it, regardless of whether the Council have issued any previous warnings.
- b) A final written warning will normally be issued by the Clerk of the Council or a nominated deputy. Where, at the conclusion of the disciplinary meeting, the Council decide to issue a final written warning, the employee will be informed of the following:
  - i. the nature of the misconduct or poor performance that has led to the final warning, including any prior warning(s) which have been taken into account
  - ii. the action or improvement (if any) which is required of the employee
  - iii. if appropriate, the timescale for implementing any such action
  - iv. the fact that this is a final warning and that the next stage of the procedure will be dismissal

- v. when the warning will cease to have effect, subject to satisfactory conduct [or performance]. This will normally be after 12 months, but a longer period may be stated in exceptional cases
- vi. the right of appeal.

### **5.3. Dismissal**

- a) The Council may dismiss an employee for gross misconduct without notice if:
  - i. The act of the gross misconduct is deemed to bring the integrity of the council into disrepute. (e.g. violence, theft, excessive harassment or any form of discrimination).
  - ii. the required improvement is not achieved within the timescale stated in the final written warning
  - iii. further misconduct or poor performance occurs while a final written warning is still in effect, whether or not involving a repetition of the conduct or poor performance which was the subject of a previous warning
- b) Unless the dismissal is for gross misconduct, the employee will be dismissed with notice.
- c) A decision to dismiss an employee will normally be taken by the Town Clerk or Chair of Executive Committee. This decision will only be taken, if following a formal disciplinary hearing, the allegations are upheld. If the decision to dismiss is upheld, then within 24 hours after the end of the disciplinary meeting, the Clerk or the Chair of the Executive Committee will confirm in writing:
  - i. the reason for the employee's dismissal
  - ii. where applicable, the length of notice the employee is being given
  - iii. the date on which the employee's employment will terminate
  - iv. inform the employee of their right to appeal

## **7. SUSPENSION**

- 6.1. Depending on the circumstances, it may be appropriate to suspend the employee from work on full pay in order that the investigation can take place. Suspension on full pay does not amount to a disciplinary sanction. Only the Town Clerk or Chair of the Executive Committee has the power to suspend an employee.
- 6.2. Whilst suspended pending disciplinary investigation, regular contact with a nominated person at the Council will be maintained, although access to premises, equipment or systems will be denied.

## **8. APPEALS**

- 7.1. If the employee is dissatisfied with a disciplinary decision that has been taken, the employee can appeal against that decision. Appeals should be in writing, setting out the reasons for the appeal, and should be delivered to the Chair of Executive within five working days of the disciplinary decision.
- 7.2. The Council will then invite the employee to an appeal meeting which will normally take place within five working days of receipt of the employee's appeal. The Appeal will

be heard by a separate panel of elected members (Staff Appeals Committee), who have not been involved in the original disciplinary hearing, and who will be expected to view the evidence with impartiality.

7.3. The appeal meeting may take place after the disciplinary decision has taken effect. If the employee is appealing against dismissal and the employee's appeal is upheld, the employee will normally be treated as having continued in employment pending the hearing of the appeal and will be reinstated with back pay. However, if the employee's appeal is not successful, the original date of the employee's dismissal will stand.

7.4. The employee has the right to be accompanied to an appeal by a fellow worker or a trade union representative.

7.5. The Appeal decision is final.

## **9. GRIEVANCES RAISED DURING A DISCIPLINARY PROCESS**

8.1. If, during a disciplinary process, a grievance is raised that is related to the case, the Council will suspend the disciplinary procedure for a short period while the grievance is dealt with and resolved. Depending on the nature of the grievance, the Council may need to consider bringing in another manager to deal with the disciplinary process.

## **10. CRIMINAL CHARGES OR CONVICTIONS**

9.1. If an employee is charged with or convicted of a criminal offence that does not directly impact on their employment, this will not automatically give rise to a disciplinary situation.

9.2. Consideration needs to be given to how a charge or conviction may affect an employee's ability to undertake his or her job duties, and their relationships with the Council, colleagues or customers. If deemed necessary, appropriate advice will be sought, and a review as to the appropriateness for the employee to remain in the council's employment will be made by the Executive Committee.

## **11. STATUS OF THIS POLICY**

This policy does not give contractual rights to individual employees. The Council reserves the right to alter any of its terms at any time although the Council will notify the employee in writing of any changes.

## **Diss Town Council Grant Policy**

### **1. Introduction**

- 1.1 Diss Town Council recognises the immense value of voluntary and community activity and its contribution to local residents' wellbeing, the council is committed to assisting voluntary and not-for-profit organisations working for the benefit of Diss residents and/or to deliver projects that will make a difference to the people living in Diss.
- 1.2 Diss Town Council will allocate during the budgeting process an amount for the Community Grant Scheme for the next financial year. This scheme is used to promote a vibrant and active community in Diss.
- 1.3 Diss Town Council has the authority to make grants under the statutory power of Section 137 of the Local Government Act 1972. Each year, Diss Town Council makes provision in its annual budget for grants to help voluntary bodies, local organisations in the town or on the outskirts if the project will enhance the lives of the residents of Diss. It is therefore imperative that all questions on the application form are answered as fully as possible and that the application includes any information and documents requested by the Town Council.
- 1.4 The aim of this policy is to enable the Council to make an informed and fair assessment of relative need and thereby seek to ensure the finite resources are distributed fairly.
- 1.5 Applications for grants will be considered by Full Council.

### **2. What is the Diss Town Council Community Grant Scheme?**

- 2.1 The Council's Community Grant Scheme aims to support voluntary and not-for-profit organisations as well as community groups to deliver projects that will make a difference to the inhabitants of the Town of Diss.

### **3. Funding Opportunities**

- 3.1 **DISTINCTION & HERITAGE** – The Council will fund projects that encourage people to take pride in the Diss community, add to or improve existing facilities or make better use of under-used town council facilities (such as the DYCC or sports ground). Projects that clearly set out the history and/or culture of this community which the Council celebrate are more likely to be successful. For example - community walks or notice boards celebrating the history or the cultural heritage of a community.
- 3.2 **PARTNERSHIP & SYNERGY** - Projects that support the Council's approach to early intervention, by providing services so that people can live full, independent and positive lives and be freely available to all sections of the community and/or provide a service or facility not currently provided elsewhere in Diss. For example – groups that work with older people to prevent social isolation and loneliness, are likely to be more successful under this heading.
- 3.3 **COMMUNITY & PEOPLE** - Projects that advance good community relationships between people and that benefit the residents of Diss as a whole. Projects engaging with a specific

category of residents of Diss, particularly people who are vulnerable, disadvantaged or with protected characteristics are more likely to be successful principally if the application can provide evidence of how people are coming together to improve relationships between people and communities. For example - a sports or arts club encouraging the participation of minority ethnic people, or a community group organising an event or activity that is specifically targeted at reducing the impact of discrimination and disadvantage.

#### **4. Categories of Grant**

- 4.1 PROJECT GRANTS: These grants are of a one-off nature, such as the purchase of equipment or services to provide or improve a facility or activity for the residents of Diss, or community-based projects that can usually be completed within one year.
- 4.2 DEVELOPMENT GRANTS: These grants also last one financial year and are to support the development of successful projects with a proven track record of impact, that are looking to expand their reach within the community and/or expand the remit of the original project.
- 4.3 With either type of grant, evidence will be required at the end of the project or at the end of the financial year that the grant was awarded (whichever comes first): of exactly how the grant was used. A detailed breakdown of what the money was spent on, the measured achievement of set targets and the resultant impact, alongside a short report to be presented at the Annual Town Meeting at the beginning of March.

#### **5. Guidance Notes:**

- (a) Only one application can be accepted per financial year.
- (b) Applications can be received any time up to 30<sup>th</sup> September
- (c) The organisation/group must be operating in Diss, or if just outside the boundary, its work should be of significant benefit to the Town and its inhabitants.
- (d) Grants cannot be made retrospectively.
- (e) Applications will only be accepted from charitable, non-profit making organisations and community groups.
- (f) Applications cannot be considered from “upward funders”, i.e. local groups whose fund-raising is sent to a central headquarters for redistribution.
- (g) Applications will not be considered from national or political organisations or local groups with access to funds from national their “umbrella” or “parent” organisations, unless funds are not available from their national bodies, or the funds available are inadequate for a specific project.
- (h) Organisations are required to provide progress reports.
- (i) Where deemed necessary, the Town Council may request site visits and meetings with the applicants to discuss the viability of the proposed project.
- (j) The Council requires the recipient to provide a written report of how the money has been used. The report must be provided to the council by the end of February following the grant being made available. It may take the form of an annual report or set of accounts, which clearly identify the manner of spending.
- (k) Organisations that receive a grant will be required to acknowledge the Town Council's contribution on all publicity/printed material.
- (l) Ongoing commitments to awarded grants will not be made. A fresh application will be required each year.

**6. What Diss Town Council Community Grant Scheme will not fund**

- (a) Any political or religious activities
- (b) Electronic devices
- (c) Payment to individuals including support for fundraising events
- (d) Any goods or services that you buy or order before we confirm our grant
- (e) Activities or projects from which Diss Town Council funding has been withdrawn or to replace a shortfall in a Council budget or to meet increase in charges for Council facilities
- (f) Routine maintenance or repairs
- (g) Routine running cost (salaries / electricity / rates / rent / insurance / etc)
- (h) Applications from schools
- (i) More than one application per group, in the financial year (April – March)
- (j) Private individuals or businesses

## **EQUAL OPPORTUNITIES AND DIGNITY AT WORK**

### **1. Policy statement**

The Council is an equal opportunity employer and is fully committed to a policy of treating all its employees and job applicants equally.

The Council will take all reasonable steps to employ, train and promote employees based on their experience, abilities, and qualifications without regard to gender, race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, pregnancy, or maternity, marital or civil partnership status or disability.

The Council will also take all reasonable steps to provide a work environment in which all employees are treated with respect and dignity and that is free of harassment based upon an employee's race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, pregnancy, or maternity, marital or civil partnership status or disability. The Council will not condone any form of harassment, whether engaged in by employees or by outside third parties who do business with the Council, such as customers, contractors, and suppliers.

### **2. Employee's Duties**

Employees have a duty to co-operate with the Council to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination, harassment, or bullying.

### **3. Implementation**

- 3.1 Action will be taken under the Council's disciplinary procedure against any employee who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this equal opportunities and dignity at work statement will be treated as potential gross misconduct and could render the employee liable to summary dismissal. Employees should also bear in mind that they can be held personally liable for any act of unlawful discrimination. Employees who commit serious acts of harassment may also be guilty of a criminal offence.
- 3.2 You should draw to the attention of your line manager any suspected discriminatory acts or practices or suspected cases of harassment. You must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or harassment or who has provided information about such discrimination or harassment. Such behaviour will be treated as potential gross misconduct in accordance with the Council's disciplinary procedure.
- 3.3 The Council will also take appropriate action against any third parties who are found to have committed an act of improper or unlawful harassment against its employees.
- 3.4 Employees and members are also expected to treat any third parties including suppliers, contractors, traders, and the public with whom they come into contact to the same standards of this policy statement.

4. Recruitment, advertising, and selection
- 4.1 The recruitment process will be conducted to ensure the selection of the most suitable person for the job in terms of relevant experience, abilities, and qualifications. The Council is committed to applying its equal opportunities policy statement at all stages of recruitment and selection.
- 4.2 Advertisements will encourage applications from all suitably qualified and experienced people. When advertising job vacancies, to attract applications from all sections of the community, the Council will, as far as reasonably practicable: -
- a) Ensure advertisements are not confined to those publications, which would exclude or disproportionately reduce the numbers of applicants of a particular gender, sexual orientation, age, religion, or racial group.
  - b) Avoid prescribing any unnecessary requirements which would exclude a higher proportion of a particular gender, sexual orientation, age, religion, or racial group or which would exclude disabled job applicants.
  - c) Avoid prescribing any requirements as to marital or civil partnership status.
  - d) Where vacancies may be filled by promotion or transfer, they will be published to all eligible employees in such a way that they do not restrict applications from employees of any gender, sexual orientation, age, religion, or racial group or from employees with a disability.
- 4.3 The selection process will be carried out consistently for all jobs at all levels. The staff/members responsible for short-listing, interviewing, and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application. Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Wherever possible, all applicants will be interviewed by at least two interviewers and all questions asked of the applicants will relate to the requirements of the job. The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question.
- 4.4 With disabled job applicants, the Company will have regard to its duty to make reasonable adjustments to work provisions, criteria, and practices or to work premises to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.
- 4.5 If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about gender, race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, pregnancy or maternity, marital or civil partnership status, disability, children and/or domestic obligations.

## 5. Training and promotion

5.1 The Council will train all line managers in the Council's policy on equal opportunities and in helping them identify discriminatory acts or practices or acts of harassment or bullying. Line managers will be responsible for ensuring they actively promote equal opportunity within the departments for which they are responsible.

5.2 The Council will also provide training to all employees to help them understand their rights and responsibilities in relation to dignity at work and what they can do to create a work environment that is free of bullying and harassment.

## 6. Terms of employment, benefits, facilities, and services

All terms of employment, benefits, facilities, and service will be reviewed from time to time, to ensure that there is no unlawful discrimination on the grounds of gender, race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, pregnancy or maternity, marital or civil partnership status or disability.

## 7. Equal pay

The Council is committed to equal pay in employment. It believes its male and female employees should receive equal pay for like work, work rated as equivalent or work of equal value. To achieve this, the Council will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

## 8. Bullying and harassment

8.1 Bullying is offensive or intimidating behaviour or an abuse or misuse of power, which undermines or humiliates an employee.

8.2 Harassment occurs where, on the ground of an employee's gender, race, colour, ethnic origin, nationality, national origin, religion or belief, sexual orientation, gender reassignment, age, pregnancy, or maternity, marital or civil partnership status or disability, a person engages in unwanted conduct that:

- a) has the purpose of violating the employee's dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee; or
- b) is reasonably considered by the employee to have the effect of violating his or her dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee, even if this effect was not intended by the person responsible for the conduct.

- 8.3 Harassment also occurs where, related to either the employee's sex or that of another individual, a person engages in unwanted conduct that: -
- a) has the purpose of violating the employee's dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee; or
  - b) is reasonably considered by the employee to have the effect of violating their dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee, even if this effect was not intended by the person responsible for the conduct.
- 8.4 In this scenario, the employee does not need to be the subject of the unwanted conduct for harassment to have occurred - for example, the conduct could be directed at nobody or at someone other than the employee, including someone of the opposite sex.
- 8.5 Sexual harassment (as opposed to harassment related to gender) occurs where a person engages in any form of unwanted conduct of a sexual nature that: -
- a) has the purpose of violating the employee's dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee; or
  - b) is reasonably considered by the employee to have the effect of violating his or her dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee, even if this effect was not intended by the person responsible for the conduct.
- 8.6 Conduct may be harassment whether the person intended to offend. Something intended as a "joke" or as "office banter" may offend another person. This is because different employees find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable to them.
- 8.7 Behaviour which a reasonable person would realise would be likely to offend an employee will always constitute harassment without the need for the employee having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way. With other forms of behaviour, it may not always be clear in advance that it will offend a particular employee, for example, office banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after the employee has made it clear, by words or conduct, that such behaviour is unacceptable to him or her. A single incident can amount to harassment if it is sufficiently serious.
- 8.8 Harassment also occurs where, on the ground of the employee's rejection of or submission to unwanted conduct of the kind specified above, a person treats the employee less favourably than he or she would treat him or her had he or she not rejected, or submitted to, the unwanted conduct.

## 9. Examples

9.1 Bullying and harassment may be verbal, non-verbal, written, or physical. Examples of unacceptable behaviour include, but are not limited to, the following:

- a) unwelcome sexual advances, requests for sexual favours, other conduct of a sexual nature
- b) subjection to obscene or other sexually suggestive or racist comments or gestures
- c) the offer of rewards for going along with sexual advances or threats for rejecting sexual advances
- d) jokes or pictures of a sexual or racist nature
- e) demeaning comments about an employee's appearance
- f) questions about a person's sex life
- g) the use of nick names related to an employee's sex, sexual orientation, gender reassignment, race, religion, age, or disability
- h) picking on or ridiculing an employee
- i) isolating an employee or excluding them from social activities or relevant work-related matters.

## 10. Reporting complaints

10.1 All allegations of discrimination or harassment will be dealt with seriously, confidentially, and speedily. The Council will not ignore or treat lightly grievances or complaints of discrimination or harassment from members of a particular gender, race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, pregnancy or maternity, marital or civil partnership status, disability, children and/or domestic obligations.

10.2 With cases of harassment, while the Council encourages employees who believe they are being harassed to notify the offender (by words or by conduct) that his or her behaviour is unwelcome, the council also recognises that actual or perceived power and status disparities may make such confrontation impractical.

10.3 If you wish to make a complaint of discrimination or harassment, whether against the Council, a fellow employee or a third party, you should follow the following steps:

- a) Report the incident of discrimination or harassment to your line manager. If you do not wish to speak to your line manager, you can instead speak to an alternative manager.
- b) Such reports should be made promptly so that investigation may proceed, and any action taken expeditiously.
- c) All allegations of discrimination or harassment will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the details of your complaint. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, to effectively investigate an allegation, the Council must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, the identity of the complainant and the nature of the allegations must be revealed to the alleged harasser or discriminator so that he or she is able to fairly respond to the allegations. The Council reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter.
- d) Once the investigation has been completed, you will be informed in writing of the outcome and the Council's conclusions and decision as soon as possible. The Council is committed to taking appropriate action with respect to all complaints of discrimination or harassment, which are upheld.
- e) You will not be penalised for raising a complaint, even if it is not upheld, unless your complaint was both untrue and made in bad faith.
- f) If your complaint is upheld and the harasser or discriminator remains in the Council's employment, the Council will take all reasonable steps to ensure that you do not have to continue working alongside him or her if you do not wish to do so. The Council will discuss the options with you.
- g) If your complaint is not upheld, arrangements will be made for you and the alleged harasser or discriminator to continue or resume working and to repair working relationships.

10.4 Alternatively, you may, if you wish, use the Council's grievance procedure to make a complaint.

10.5 Any employee who is found to have discriminated against or harassed another employee in violation of this policy will be subject to disciplinary action under the council's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal. In addition, line managers who had knowledge that such discrimination or harassment had occurred in their departments but who had taken no action to eliminate it will also be subject to disciplinary action under the council's disciplinary procedure.

## **11. Monitoring equal opportunity and dignity at work**

The council will regularly monitor the effects of selection decisions and personnel and pay practices and procedures to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices. If changes are required, the council will implement them. The council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

## **12. Display materials**

To ensure the dignity at work of all employees' and visitors, the council does not allow any materials to be displayed in the workshop and offices or in any other workplace (including council vehicles) which may cause offence. This includes but is not limited to, posters or calendars of an explicit, sexual, religious, or offensive nature. The council reserves the right to remove any such materials and to take disciplinary action under the council's Disciplinary procedure.

# EYE TEST AND GLASSES POLICY

## 1. Introduction

1.1 This policy has been written in accordance with Health and Safety Display Screen Equipment (DSE) Regulations 1992. The policy and regulations are reflective of the minimum health and safety requirements for work with display screen equipment as implemented in the regulations.

1.2 In accordance with the health and safety display screen equipment regulations 1992, (DSEW) display screen equipment users whose general eyesight defects require a corrective prescription are responsible for this cost. It is only where the general corrective prescription is not suitable for use with display screen equipment that the Council is responsible for the cost of a specific corrective prescription for that purpose.

## 2. Policy Statement

The Council recognises and accepts its responsibility as an employer to ensure that employees who habitually use display screen equipment on behalf of the Council should have their sight tested regularly. The DSE regulations requires employers to provide, an appropriate eyesight test for all staff who use display screen equipment for a significant part of their job.

## 3. Eye Test and corrective appliances

The council will arrange for the provision of free eye tests when requested, and at regular intervals thereafter or where visual problems are experienced at no cost to the employee. Employees should make an appointment with an optician. The cost of the eye test will be covered up to a maximum which is stated at 5.1, this will be reimbursed through the expenses procedure.

## 4. Glasses Prescribed for VDU Use

Where employees require corrective appliances specifically for use with Display Screen Equipment (DSE), the council will contribute to the supply of the corrective appliances up to the current cost limits, claim for the cost as stated at 5.1.

## 5. Financial Limits

5.1 The Council will reimburse expenses for eye tests and glasses as follows:

- Eye Sight examination – Up to £25.00.
- Glasses for DSE use only – total cost to a maximum of £60.00.
- Glasses for normal use and VSE use – 50% of the total cost of glasses to a maximum of £30.00.

5.2 Any cost in excess of this must be borne by the employee.

## **Expenses Policy**

### **1. Introduction**

- 1.1. The Council will reimburse Council members and staff travel and subsistence costs for approved duties as defined below where an individual has been appointed by the Council to attend in a representative role on behalf of the Council or is attending an approved training course.
- 1.2. The value of expenses claimed must have been incurred for the purpose stated in the claim.
- 1.3. A receipt for all expenses incurred must be provided. Lack of a receipt will be grounds for the expense not being reimbursed unless exceptional approval is given by the Council. In such a case, a brief written explanation of why a receipt was not obtained should be submitted to the Town Clerk.
- 1.4. There will be occasions when Council members are required to meet small incidental expenses whose eligibility for reimbursement is not covered by this document. Each person shall exercise common sense when in this position. If there is any doubt whatsoever about the eligibility of the individual item of expenditure for reimbursement, individuals should check with the Town Clerk before incurring and claiming reimbursement for the expense.
- 1.5. Current expense reimbursement rates and forms for completion are attached to this policy.
- 1.6. Individuals should keep full records of expenses claimed and the reasons for the expenses so that they can provide appropriate evidence, if requested, to HMRC or the auditor.
- 1.7. Consideration should be given to the appropriateness of the mode of transport given the journey duration, number of people travelling, distance and cost.

### **2. Approved Duties**

- 2.1. Attendance at meetings with other authorities or with other bodies where the member has been appointed by the Council. The Town Clerk or other members of staff should not normally require prior approval of the Council, so long as the attendance is justified.
- 2.2. Attendance at receptions, visits, conferences, seminars or other functions where the member has been appointed by the Council to attend in a representative role on behalf of the Council. The Town Clerk or other members of staff should not normally require prior approval of the Council, so long as the attendance is justified.
- 2.3. Attendance as the Council's appointed representative on any public body, charity, voluntary body or other organisation formed for a public purpose.
- 2.4. Attendance at a training course approved either by Council, the Town Clerk or Line Manager.
- 2.5. Non-approved duties under this policy are any duties not previously authorised by the Town Council, one of its committees or working groups or the Town Clerk.

### **3. Travel**

- 3.1 All rail travel shall be by the cheapest standard class available. [In this regard individuals are required to book rail fares in advance whenever possible; to make full use of rail "offers" cheap day returns, supersavers; apex fares and rail cards].
- 3.2 It should always be borne in mind that not all tickets cost the same for the same class of service to a given destination. Therefore, the lowest cost solution must always be identified and chosen by the individual responsible for booking travel arrangements.
- 3.3 The only exceptions to this are:
- a) When travelling long distance by sleeper train
  - b) When the cost of travel at a higher rate is being reimbursed by another party (claim is to be annotated accordingly)
  - c) When given specific authority to travel in a higher class by the Town Clerk or the Council, for some rare or exceptional circumstance.
- 3.4 Taxis shall only be used when essential [e.g. urgency, awkward hours, transport of baggage too dangerous to use public transport etc.,]
- 3.5 All air travel is to be by economy class unless authorised by the Council. Advantage should be taken of charter and other off-peak airfares whenever possible.
- 3.6 Travel by car – subject to clause 3.7 below, a mileage allowance may be claimed for travel by car on Council business as per rates and form attached.
- 3.7 The maximum sum payable for any given journey shall not exceed the full standard class rail fare for the distance plus the cost of travel to and from the railway station by public transport [NB the rail journey will be deemed to have commenced from the nearest train station to the point of commencement of the journey]. Travel by car, other than for incidental trips to the station etc, must be approved by the Town Clerk.

### **4. Hotels**

- 4.1 Hotel accommodation is expensive and therefore individuals should only seek to stay overnight when it can be clearly demonstrated that the stay will:
- a) Save the Council costs overall [e.g. the combined cost of a later but cheaper train [fare] and hotel accommodation is equivalent to or less than a more expensive but earlier train [fare].
  - b) It is impossible or impracticable to attend the approved duty without staying overnight. [It will be considered "impossible" or "impracticable" in circumstances where a member's journey would by necessity have to start from home before 6am in order to reach the approved meeting/duty on time or where productivity would be lost due to tiredness].
- 4.2 Whenever it is necessary for Council members or staff to be away overnight on Council business, individuals may claim reimbursement for reasonable hotel accommodation,

breakfast and a table d'hôte dinner [including tea, coffee or soft drinks, but excluding wine or any other alcoholic drinks].

4.3 Claims will not normally be acceptable for expenditure on laundry or dry cleaning. Such costs may only be charged if the individual is away from home for more than 3 consecutive days or the individual is required to stay away from home for longer than originally expected. Exceptions to this policy may be made in an emergency such as loss of luggage.

4.4 Hotel telephones should not be used.

4.5 Room service is an allowable expense but for breakfast and dinner only. Use of mini bars is always at the individuals own expense.

## **5. Meals**

5.1 The cost of breakfast away from home may be claimed. This may be as part of a hotel bill or it may also be claimed if an unusually early start has to be made to reach a destination in time.

5.2 The cost of lunch will not be reimbursed when the individual is attending a meeting/conference where the provider supplies lunch. If individuals wish to make their own provision for lunch it shall be at the individuals own expense.

5.3 The cost of an evening meal [including tea, coffee and soft drinks but excluding wine or any other alcoholic drinks] may be claimed by individuals working after 7pm on Council business (but excluding attendance at meetings of the Council, its committees or working parties) either at base or away.

5.4 The Council applies a maximum limit to the acceptable rate per person per meal as attached.

## **6. Postage and Telephone**

6.1 The cost of postage and telephone calls [including mobile telephones] necessarily incurred for business reasons may be claimed. In most of the UK, itemised statements are available from most providers. Unless the individual lives in an area where this service is unavailable, detailed monthly statements of reimbursement claims for telephone calls made and costs incurred are required [i.e. claims for a percentage of the quarterly telephone bill are not acceptable].

6.2 Individuals making long distance telephone calls must exercise all reasonable economy. Receipts are normally required when claiming for payment of telephone calls in excess of £2.

## **7. Carer's Allowance**

7.1 A carer's allowance of up to £12 per hour, i.e. actual expenditure incurred up to a maximum of £12 per hour will be paid for care of dependants whether children, elderly people or people with disabilities, while a staff member or Councillor is undertaking Council approved duties outside of normal working hours. The carer or child minder would be required to be

a registered child minder or carer to claim the allowance. The allowance will not be payable to a member of the claimant's own family or household. A staff member will be eligible to seek a carer's allowance where their attendance outside of normal working hours requires them to employ a carer or child minder to cover their attendance (e.g. evening meetings). This is a taxable allowance & councillors would be required to take responsibility for declaring any expenses paid on their annual tax returns.

## **8. Persons with Disabilities**

- 8.1 The Council appreciates that an individual with a disability may not be able to comply with all of the requirements of this policy, and to insist upon compliance would be unfair and unreasonable. Any application for a dispensation from this policy for reasons of disability [e.g. an individual who is unable to use public transport due to disability] should be made to the Town Clerk who will decide based on the circumstances of the member concerned. In exceptional circumstances or in matters of dispute the Town Clerk will refer the request for a dispensation to the Council for a decision.

## **9. Miscellaneous**

- 9.1 There may well be other incidental expenses incurred by individuals that are not covered by these rules. The principle to be applied in considering such items is clear: if the expenditure was wholly, exclusively, necessarily and reasonably incurred for business reasons, then it will normally be reimbursed.
- 9.2 All cases of doubt should be referred promptly to the Town Clerk, *prior* to incurring the expense.

## **10. Non-Reimbursable Expenses**

- 10.1 The following categories of expense will not be reimbursed:
- a) Those claims not supported by fully documented receipts [NB credit card slips do not count as documented receipts], unless exceptional approval has been given by the Town Clerk or the Council.
  - b) Personal entertainment of any sort.
  - c) Car wash/car valeting [except when the vehicle is hired specifically for Council business and requires cleaning before return to the hire garage].
  - d) Mini bar/bar bills other than bottled water in areas and countries where tap water is not potable.
  - e) Habitual claims for unidentified small items of expenditure.
  - f) Any claims in excess of the maximum limits set for mileage, subsistence etc., set out in the attached.
  - g) Travel to and from a member of staff's usual place of work.

## 1. Submission and Payment of Expense Claims

- 11.1 All claims must reach the Responsible Financial Officer (RFO) seven days prior to the payment run being processed which will be on the 18<sup>th</sup> of every month. This payment will be made by BACS through your nominated bank account.
- 11.2 If an individual fails to submit a claim for an item within two months of the purchase, the Council may at the discretion of the Town Clerk refuse reimbursement.
- 11.3 The RFO will scrutinise all claims submitted and these will be agreed with the Town Clerk. If satisfied that the claims are allowable, the RFO will prepare them for payment in the same manner as for all sundry creditor's payments which have to be approved by Council. Any claims not approved by the RFO or the Town Clerk will be notified to the individual concerned.

## 12. Claim Forms

All claims must be submitted on the standard Council claim form attached at Annex

### MOTOR MILEAGE RATES

VEHICLE	RATE PER MILE
Car	45 pence
Passenger	5 pence
Motorcycle	24 pence
Bicycle	20 pence

### SUBSISTENCE

The maximum subsistence expenses that will be reimbursed are the lower of actual cost of the following:

**Breakfast allowance** [more than 4 hours away from normal place of residence when the journey commences before 7.30am].

**£6.88**

**Lunch allowance** [more than 4 hours away from normal place of residence including lunchtime between 12 & 2pm].

**£9.50**

**Evening meal allowance** [more than 4 hours away from normal place of residence ending after 7pm].

**£11.77**

## MILEAGE CLAIM FORM

Annex

DATE	DETAILS OF JOURNEY	MILES TRAVELLED
		TOTAL MILES CLAIMED FOR PERIOD:

<b>Mileage claimed for period ended-</b>	
<b>Name-</b>	
<b>Car Make-</b>	
<b>Car Reg no.-</b>	
<b>Number of passengers-</b>	
<b>Processed by-</b>	<b>Date:</b>

<b>OFFICE USE ONLY</b>		
Miles at	Pence Per Mile	Total claimed
Authorised by	Date	

## EXPENSES CLAIM FORM

NAME \_\_\_\_\_

DATE \_\_\_\_\_

Please use this form for recording all expenses incurred whilst carrying out duties on behalf of the Town Council. Expenses will not normally be paid unless full receipts for the expenditure claimed, are attached. A separate form is to be used for the recording of private vehicle mileage incurred.

### DETAILS OF EXPENSES INCURRED

Date	Details of Expenditure	Amount £	Authorised by (For office use)

I, the undersigned, agree that the above expenditure has been incurred by me whilst carrying out authorised duties on behalf of The Council or one of its Committees or working parties.

\_\_\_\_\_ - Signed

## **Extreme Weather Policy**

### **1. Introduction**

1.1 Under the Health & Safety at Work Act 2005, The Council has a responsibility to ensure safe access for workers and visitors to premises owned by the Town Council. In the event of extreme weather conditions, risk assessments must be in place to determine the areas of priority for the Council's maintenance team in providing this safe access.

1.2 Extreme weather is defined as weather conditions which:

- a) have unusual consequences which affect working conditions
- b) prevent staff getting to work
- c) cause significant problems for staff getting to and from work

This can include heat, snow, ice, fog, floods or high winds which render travel extremely hazardous. Extremely hazardous is defined as conditions in which the Police and/or appropriate motoring organisations advise the public not to make unnecessary journeys or not to travel at all unless necessary.

1.3 This Policy is to ensure the proper management of staff and resources in the event of extreme weather conditions.

### **2. Implementation**

2.1 To ensure that the council is able to respond to changes in adverse weather, The Town Clerk must ensure that they regularly check their emails for updates from the Emergency Planning Officer to ensure the flow of communication to their staff.

2.2 There are three types of warning

- a) **YELLOW** – These are issued when it is likely that the weather will cause some low level impacts, including disruption to travel in a few places.
- b) **AMBER** – Meaning there is an increased likelihood of impact from severe weather, with possibility of travel details and or road and rail closures, power cuts and potential risk to life and property.
- c) **RED** – Dangerous weather is expected. It is very likely that there will be a risk to life, with substantial disruption to travel, possibly widespread damage to property and infrastructure.

2.3 In order to implement aspects of this policy, it is intended to work in partnership with other authorities including Norfolk County Council and South Norfolk Council to ensure priority areas within the town are maintained.

### **3. Extreme Winter Weather**

In instances of extreme winter weather, the maintenance manager must ensure:

- a) sufficient stocks of sand are available and easily accessible at Council owned Site, if sites owned by South Norfolk ensure that they are aware if their sand needs replenishing.
- b) policies for other authorities are known where the Council team may provide some clearance on their behalf for example town centre pavements (Norfolk County Council), bus station and selected car parks, specifically by the Health Centre (South Norfolk Council).

**4. Severe Storms**

4.1 Carry out a regular assessment of the trees throughout the weather event on Council owned land including the Park, The Lowes, Rectory Meadow, the Cemetery, DYCC and any other trees which the Maintenance Manager considers to be of significance. The maintenance Manager should contact the Council’s nominated tree surgeon if any trees are damaged or blown down.

4.2 Should a severe storm occur while the Christmas Lights are insitu, after the storm has passed the lights must be inspected for any damage or health and safety issues, and any issues reported to the Council’s lighting contractor.

**5. Prolonged & Extreme Heatwave**

The significant risks identified from prolonged & extreme heatwave are heat stroke (see clause 3.1 below); burns from contact with extremely hot items such as play equipment; and maintaining floral bedding schemes. Monitoring, assessment and appropriate measures based on the assessment should be carried out throughout the conditions.

**6. Flooding**

In the event of significant flooding affecting the town, then the Emergency Plan will be implemented. In this instance, the Town Clerk will co-ordinate with the District Council Emergency Officer a suitable response to the incident.

**7. Action Plan**

7.1 All members of Council staff working in an outdoor environment should make themselves aware of the weather forecast for the days which they are scheduled to work in order to ensure they are properly attired and prepared for the conditions of the day. Extreme weather forecasts may entail a change in attendance times to deal with emergency situations.

7.2 The Chain of Command within the team of Council staff is set out below. Should guidance be required on implementing the policy, whoever is on duty should contact the first person within the chain and if unavailable, to work their way down the list. All members of the maintenance team should carry copies of this policy in their vehicles for reference should it need to be implemented.

Chain of Command

1.	Town Clerk	Miss Sarah Richards	07375 559571
2.	Deputy Town Clerk	Miss Sonya French	
3.	Maintenance Manager	Mr R Ludkin	07436 798234

7In the event of extreme weather conditions, the following procedure should be adhered to:

- a) Assess the conditions – depending on the day of the week and the number of staff available, it may be more appropriate to do nothing. Use Chain of Command above for guidance if necessary.
- b) Decide on staffing requirements based on the conditions/day of the week etc and if necessary, use the Chain of Command above to arrange for additional staff or to seek guidance.
- c) Prioritise areas for clearance (of snow or other debris – following a storm for example) based on the table attached to this policy.
- d) Reassess conditions throughout the day and carry out further work as required (such as additional salting if conditions change).
- e) Only clear those areas for which there is sufficient salt supply to distribute over them, which should be done immediately after clearing and repeated throughout the day if conditions require it.

## **8. Travelling to work in extreme weather conditions**

8.1 In the event of extreme weather conditions, e.g. heavy snow or flooding, employees are expected to make every reasonable attempt to arrive at work at the employee's scheduled start time, unless this would present any risk to the employee.

8.2 If the employee decides that weather conditions are sufficiently severe to prevent them from travelling to and arriving safely at work, the employee may choose to either take the day as annual leave or as authorised unpaid leave.

8.3 In either case, the employee must telephone their Line Manager before their scheduled start time and inform them of the option the employee wishes to take. If the employee decides to travel to work and then subsequently find that the weather conditions prevent the employee from completing their journey, the employee must telephone their line manager as soon as possible and inform them of the exact circumstances. In this case, the Clerk, at their discretion having considered the circumstances, will decide whether the employee will receive full pay.

8.4 In any event, if the employee's absence from work, or lateness in arriving at work, is considered reasonable due to extreme weather conditions, the employee's absence or lateness will not be subject to the Council's disciplinary procedure, provided the employee has notified the manager as set out above.

## **9. Actions**

9.1 The Town Clerk or Maintenance Manager will identify and undertake the following actions, including out of office hours:

9.2 Will assess the risk regarding severe weather and the impact this will have by obtaining information from the Emergency Officer at South Norfolk Council. During periods of extreme weather the Emergency Planning officer will e-mail the Town Clerk providing up to date information and advice.

9.3 High winds – winds above a scale 9 are defined as high winds.

9.4 Flooding – flood warnings will be monitored. The Emergency Planning officer may be contacted to advise the Town Council.

9.5 Snow and ice – weather warnings will be monitored.

9.6 The Town Clerk Will inform Councillors and staff of the current situation regarding the severe weather and will ensure the council offices remains open if possible.

9.7 If staff cannot travel to work, then Councillors will make themselves available to assist with continuity of services.

9.8 The Council will endeavour to keep the website continually updated.

9.9 The Maintenance Team will be alerted to undertake the following activities depending on the weather conditions and the associated risks:

a. High Winds – The periods of high wind, the following sites will be visually inspected for damage

- Council Offices Car Park
- Sports Ground
- Diss Park
- The Entry
- Rectory Meadow
- The Walkway trees next to the Mere
- Diss Cemetery
- Corn Hall (Completed by Corn Hall Trust)
- St Marys Churchyard
- Madgetts Walk
- 

b. Flooding – during and following periods of flooding, the areas around the Mere will be checked and cleared as necessary. At times of high water at the Mere a pump should be installed to remove excess water.

c. Heavy snow and ice – gritting will take place by South Norfolk Council. Council Maintenance Team to check council owned areas and lay grit if required. The stock of grit held by the Council should be checked regularly during the winter months.

d. Heat Waves – work patterns and tasks may be altered to avoid outside work during heat waves. This is for staff safety, as well as to avoid damage to plants through watering in daytime. The Council will comply with any water restrictions. Ensure staff drink plenty of water, wear hat, appropriate clothing, sunblock and where possible work during cooler hours of the day.

Monitor. Notices advising of potential for burns; in extreme cases, rope off equipment

e. In extreme weather conditions where transport is difficult or dangerous it may not be possible to treat/inspect Council owned land as staff may have difficulty in reaching locations.

f. Staff will endeavour to pass on reports about severe weather problems outside of the scope of this policy to the appropriate body, e.g. Town Clerk or Maintenance Manager.

*Priority Areas for flooding conditions*

<b>Area</b>	<b>Action</b>	<b>Priority</b>	<b>Saturday</b>	<b>Sunday/BH</b>

## Fire Safety Policy

1. It is the Council's policy to prevent the outbreak of fire on our premises, so far as reasonably practicable and to put in place measures to protect our staff, customers, the public and visitors in the unlikely event of a fire.
2. The Town Clerk has overall responsibility for putting this policy into effect, although all of our managers and employees have responsibilities for assisting the Council in its aims.
3. All employees have a duty to take reasonable steps to ensure that they do not place themselves or others at risk of harm. They are also expected to co-operate fully with us in complying with any fire procedures that we may introduce to protect the safety and well-being of our staff and visitors.
4. The Council will achieve its policy by:
  - a) arranging for a competent fire safety risk assessor to conduct a risk assessment of the premises and review. Fire Risk assessments will be reviewed every two years and will be redone every four years.
  - b) implementing the recommended fire safety measures arising from the assessment
  - c) ensuring that all exits and emergency routes are kept clear at all times. These routes will be properly signed, adequately lit and fitted with the relevant standard of fire doors
  - d) ensuring that the premises have appropriate fire-fighting equipment, detectors, alarms and emergency lighting
  - e) instigating a mechanism for the reporting of defects concerning fire equipment or electrical equipment and ensuring that, where necessary, equipment is taken out of use and alternative arrangements are made as appropriate
  - f) arranging for the testing and maintenance of fire safety, electrical and gas installations and equipment
  - g) ensuring that building alterations and other contract works are properly managed to minimise the fire risk and avoid damage to structural fire protection
  - h) training staff on fire safety procedures
  - i) keeping staff informed of any changes that are made to our fire safety procedures
  - j) ensuring that all visitors to our premises have signed in
  - k) undertaking ongoing monitoring of the fire safety arrangements including carrying out periodic inspections of the premises to look for fire hazards and to check that fire safety precautions are effectively implemented.
5. All employees have a responsibility to make sure they are familiar with the layout of the building, noting where fire exits are and where they lead. They must also ensure the correct use of fire doors, that all fire exits, and evacuation routes are always clear and that no combustible or flammable materials are stored in corridors or on stairs.
6. Failure to comply with this policy will be treated as a disciplinary matter and dealt with under the Council's disciplinary procedure.

## 7. Fire safety arrangements

This section of the policy sets out the way in which we will comply with our duties under the **Regulatory Reform (Fire Safety) Order 2005**.

	<b>FIRESAFETY ISSUE</b>	<b>TASK</b>	<b>PERSON/S RESPONSIBLE</b>
A)	Fire procedure	An up-to-date evacuation procedure is documented in the office and available for staff	Maintenance Manager
		Ensuring that there is a means of checking visitors have left the building (e.g. register, visitor badges)	Maintenance Manager
		Co-ordinating with other organisations which share the premises	Maintenance Manager
		Ensuring that a special evacuation risk assessment is completed for any member of staff needing assistance or special arrangements to aid evacuation	Maintenance Manager
		Annual review of this fire safety policy	Deputy Town Clerk
B)	Emergency contacts list	Keeping an up-to-date emergency contacts list and ensuring it is readily available	Town Clerk
C)	Out of hours response to alarm	Ensuring that the out of hours emergency procedure is kept up to date with appropriate persons allocated to respond to out of hours call outs, e.g. in event of an alarm	Town Clerk
D)	Smoking	Ensuring compliance with smoke-free legislation, i.e. signage and no smoking rules	Maintenance Manager
E)	Fire officer visit	Completing details of any visit by the fire authority using the fire safety officer inspection document	Maintenance Manager
F)	Fire Alarm	-Arranging servicing of alarm by competent contractor  -Weekly test by operating a different call point each time, pre-warning staff of the test, checking alarm audibility and	Maintenance Manager

		completing the fire alarm system check sheet.	
G)	Electrical systems and equipment	Arranging inspection and test of the electrical installation every five years (offices) or three years (industrial)) and completing the electrical equipment check sheet	Maintenance Manager
H)	Lightning protection	Arranging annual inspection of lightning protection	Maintenance Manager
I)	Gas/Boiler equipment	Arranging annual service of gas-fired equipment	Maintenance Manager
J)	Fire Extinguishers	Arranging for annual servicing of extinguishers	Maintenance Manager
K)	Monitoring	Undertaking checks of escape routes and completing the escape route check sheet	Maintenance Manager
L)	Staff training and drills	-Conducting six monthly fire drill and recording details on the fire drill observation sheet  -Ensuring that all new starters receive fire safety instruction, all staff receive annual refresher training and completing the fire training and instruction record sheet.	Maintenance Manager
M)	Contractors	Ensuring that contractors working on gas and electrical systems are suitably qualified	Maintenance Manager
		Completing construction/refurbishment fire safety checklist when such works are taking place	Maintenance Manager

## **Financial Reserves Policy**

### 1. Background

Diss Town Council is required under statute, to maintain adequate financial reserves to meet the needs of the organisation. Section 50 of the Local Government Finance Act 1992 requires local precepting authorities to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement. However, there is no specified minimum or maximum level of reserves that an authority should hold.

- 1.1 Diss Town Council have agreed to set a minimum 6 month target for general reserves.

### 2. Legislative/ Regulatory Framework

- 2.1 There is also a requirement reinforced by section 114 of the Local Government Finance Act 1988 which requires the Responsible Finance Officer to report to all the authority's councillors if there is or is likely to be unlawful expenditure or an unbalanced budget. This would include situations where reserves have become seriously depleted and it is forecast that the authority will not have the resources to meet its expenditure in a particular financial year.
- 2.2 Furthermore, sections 26 and 27 of the Local Government Act 2003 set out the requirements regarding the determination of minimum levels of controlled reserves (unallocated balances) and actions required should they fall below such minimum levels.
- 2.3 A key element contained within the Use of Resources assessment criteria is Financial Standing. The authority must be able to demonstrate that "The Council monitors and maintains its level of reserves and balances within the range determined by its agreed policy".

### 3. Role of the Responsible Finance Officer

- 3.1 Within the existing statutory and regulatory framework, it is the responsibility of the Responsible Finance Officer to advise local authorities about the level of reserves that they should hold and to ensure that there are clear protocols for their establishment and use.
- 3.2 For clarity, within the legislation the minimum level of any reserve is not quantified, and it is not considered appropriate or practical for the Chartered Institute of Public Finance and Accountancy (CIPFA), or other external agencies, to give prescriptive guidance on the minimum, or maximum, level of reserves required either as an absolute amount or a percentage of the budget. However, guidance can be obtained from National Association of Local Councils and the Society of Local Council Clerks on what is generally acceptable.

### 4. Purpose of Reserves

- 4.1 Reserves at Diss Town Council can be held for the following main purposes:

1. A Current Fund Account – this is the account where the precept for the financial year is listed, to go out as expenditure in the current year as determined by the budget.
2. A General Reserve Account – consisting of a working balance and a contingency balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing.
3. An Earmarked Reserves Account – specific funds to meet known or predicted liabilities. A means of building up funds or of reallocating specific funds from one year to the next.

4.2 For each Earmarked Reserve held, there should be a clear protocol setting out:

- The reason for/purpose of the reserve
- How and when the reserve can be used
- Procedures for the reserve’s management and control
- A process and timescale for review of the reserve to ensure continuing relevance and adequacy.

## 5. Principles to Assess Adequacy

5.1 Setting the level of reserves and balances is just one of several related decisions in the formulation of a financial strategy and the budget for a particular year. Account should be taken of the key financial assumptions underpinning the budget alongside a consideration of the authority’s financial management arrangements. In addition to the cash flow requirements of the authority the following factors should be considered.

### Budget Assumptions

- The treatment of inflation and interest rates
- Estimates of the level and timing of capital receipts
- The treatment of demand led pressures
- The treatment of planned efficiency savings/gains
- The financial risks inherent in any significant new funding partnerships, major outsourcing arrangements, or major capital developments
- The availability of other funds to deal with major contingencies and the adequacy of provisions.

### Financial Standing and Management

- The overall financial standing of the authority (level of borrowing, debt outstanding, council tax collection rates, etc.)
- The authority’s track record in budget and financial management
- The authority’s capacity to manage in-year budget pressures
- The strength of the financial information and reporting arrangements

- The authority's virement and end of year procedures in relation to budget under/overspends
  - The adequacy of the authority's insurance arrangements to cover major unforeseen risks.
- 5.2 The minimum level of General Reserves which is considered appropriate for the Council is reviewed annually as part of the budget process.
- 5.3 A review of the level of Earmarked Reserves is undertaken generally as part of the annual budget preparation and as part of the closure of accounts process.
- 5.4 External auditors normally recommend the use of a risk-based approach when setting the level of reserves. As far as reasonably practical this approach is used, although for many reserves the balance is being held to meet a specific budgeted need, or alternatively future spending needs can be restricted to tie in with monies available. For others, whilst the risk of financial liabilities arising is acknowledged, it may be impossible to assess accurately (or quantify) the financial risks involved, and the balances of such reserves are determined initially based on informed judgement. Their future levels will be further reviewed as more information becomes available.

## 6. Reporting Framework

- 6.1 The level and utilisation of reserves will be determined formally by the Council, informed by the advice and judgement of the Responsible Finance Officer / Clerk.
- 6.2 The Council's annual budget report includes a statement showing the estimated opening general fund balances for the year ahead, the addition to/withdrawal from balances, and the estimated end of year balance. A statement is also included commenting on the adequacy of general balances and provisions in respect of the forthcoming financial year.
- 6.3 Similarly, a statement is also included, as part of the budget report, identifying Earmarked Reserves, the opening balances for the year, planned additions/withdrawals and the estimated closing balance.

## 7. Reserve Criteria

- 7.1 The Current Fund Reserve should consist of the current year's precept.
- 7.2 The General Reserve should have between 3-12-month amount of precept available for cash flow and contingency spending.
- 7.3 The Earmarked Reserves should be specified for projects agreed by Council.
- 7.4 In addition, as a principle of good business, the Council's total assets (including buildings and land) should never be less than the Council's total liabilities (including long term loans).

7.5 The Council will carry out a risk assessment annually to determine the level of the contingency reserve.

## 8. Community Infrastructure Levy

8.1 The Community Infrastructure Levy (CIL) is a way of securing contributions from developers towards infrastructure provision through the planning system. A proportion of revenue received by the local authority will be passed directly to those Parish and Town Councils where development has taken place. This will be 15% (If covered by a Neighbourhood Plan this will rise to 25%).

8.2 Town and Parish Councils have greater discretion on what they can spend CIL on than principal councils. Principle authorities can only spend their share on infrastructure type projects. A Town or Parish Council's share can be spent on a much wider range of things. The guidance states "anything else that is concerned with addressing the demands that development places on an area".

8.3 'Infrastructure' is broadly defined in the Town and Country Planning Act 2008.

There are typically three broad categories of infrastructure:

- Physical infrastructure – highways, transport links, cycleways, energy supply, water, flood alleviation, waste management
- Social infrastructure – education, health, social care, emergency services, art and culture, sports halls, community halls
- Green infrastructure – parks, woodlands, play areas, public open space.

8.4 CIL monies may be used to provide match funding with other income streams. CIL can be used collaboratively with community interest companies or other providers to make the most efficient use of funding to benefit the community.

8.5 CIL funds must be separately accounted for and spent within five years of receipt. Exceptions may be made if it can be shown that the CIL income has been allocated to a particular project for which they are accumulating funds before spending.

## **Flexible Working Policy**

### **1. Introduction**

- 1.1 Employees who meet the eligibility criteria set out in this document have a statutory right to request a more flexible pattern of working hours or working.
- 1.2 Diss Town Council welcomes requests from all employees and will consider all requests reasonably. Employees do not have an automatic right to change their working arrangements.
- 1.3 The Council recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements.
- 1.4 The Council will consider all requests for changes in working arrangements in conjunction with the council's needs.
- 1.5 This policy statement aims to set out the ways in which flexible working can promote work-life balance while maintaining effective working relationships between the council and its employees.

### **2. Scope of Policy**

- 2.1 The policy applies to all employees of Diss Town Council, across all functions and is designed to provide information and guidance to employees, whilst ensuring consistency in decisions made when considering flexible working arrangements as well complying with legal requirements.

### **3. Occasional Homeworking**

- 3.1 This practice may be appropriate for certain roles in the following circumstances:
  - a) To allow the opportunity to work on a particular piece of work more effectively, avoiding office environment interruptions.
  - b) To provide a solution to a temporary problem which renders an employee unable to travel to work.
  - c) To maximise employee productivity where office resources are temporarily limited.
- 3.2 In these circumstances, it should be noted that the office is the normal place of work, and as such, there is no automatic right for employees to work at home, and any such arrangement will therefore be exclusively agreed with the Town Clerk. Where it is felt that it will be necessary or beneficial to work from home on an ad hoc basis, agreement should be sought in advance from the Town Clerk, and this should include required performance outcomes.

3.3 The Clerk may refuse the request for operational or practical reasons. If the Town Clerk wishes to work from home, the Leader of the Council and Executive Chair should be advised.

#### **4. Eligibility**

4.1 All employees can apply for flexible working if they have 26 weeks continuous service at the time of the application.

Each request for flexible working will be judged by the line manager on a case-by-case basis, and previous approval of flexible working is no guarantee that any subsequent request will be approved.

#### **5. Roles and Responsibilities**

##### **5.1 Managers or those who have a responsibility for other employees should**

- a) Familiarise themselves with this policy and ensure that they understand and follow the procedures when considering flexible working requests
- b) Ensure that flexible working requests are actioned in accordance with the time scales identified below.

##### **5.2 All employees should**

Familiarise themselves with this policy and ensure that they understand and follow the procedures when making a request for flexible working.

##### **5.3 Town Clerk**

- a) Provide advice and guidance to Managers on the Flexible Working policy, its application and relevant employment legislation/best practice in accordance with ACAS guidance: <https://www.acas.org.uk/flexible-working>
- b) Provide training on the content of this policy
- c) Support Managers and Employees with the Flexible Working process, attending formal meetings when held.

#### **6. What is a flexible working request?**

6.1 Flexible working is a process to enable you to adjust your working hours or pattern of hours on a permanent or temporary basis. This can take a number of forms and some examples are listed below (this is not an exhaustive list)

- a) Flexitime – An arrangement whereby an individual can determine (within an agreed timeframe) when they work their contractual hours. The arrangement works for both full-time and part-time workers. Salaries are unaffected.
- b) Part time working – An arrangement whereby the individual works fewer hours than the standard contractual hours, either by working fewer days in the week or fewer hours in the day or a combination of the two. Salaries are reduced pro-rata.
- c) Full time – a system where employees can request to increase their contracted hours.
- d) Term-Time Only Working – An arrangement whereby an individual reduces their hours in order to take time off during school holidays.

- e) Compressed hours – an arrangement whereby an individual works their contractual hours over fewer days to a working pattern that is pre-determined and agreed. Salaries are unaffected.
  - f) Unpaid Leave – An arrangement whereby individuals can have additional time off but without pay or contractual benefits. This can be for a period of up to 3 months.
  - g) Working from home on a permanent basis – An arrangement whereby an individual works their contractual hours from home or a mixture of from home and in the office. Salaries are unaffected.
- 6.2 Any flexible working agreement must be undertaken in accordance with any related council policy.

## **7. Applying for flexible working**

- 7.1 All applications for flexible working arrangements should be made using the flexible working request template (Appendix) which can be accessed from your line manager or via the office admin folder.

## **8. Process for dealing with flexible working requests**

- 8.1 Legislation requires that the process for considering and deciding on a flexible working request must be completed within a 3-month timeframe; this includes the appeal process and decision.
- 8.2 Within 28 days after receiving a flexible working application, the line manager must either:
- Notify the employee of his/her agreement to the request (notification must be in writing and include the effective date) OR;
  - Meet with the employee to discuss the request.
- 8.3 The meeting should allow the opportunity to discuss how the request could be accommodated and look at alternatives to ensure that it both meets the requirements of the individual and can be accommodated by the Town Council.
- 8.4 Following this meeting, the line manager must provide a decision in writing to the employee within 14 days.
- 8.5 Should a delay in the process occur at any stage the reasons for the delay should be clearly outlined in writing, dated and agreed by the employee, line manager and Town Clerk.
- 8.5 The Council will consider a request for flexible working in accordance with the individual circumstances of each application.

## **9. Agreeing Requests**

- 9.1 Where a request has been agreed, the line manager must send a completed signed flexible working request form to the Town Clerk.
- 9.2 The agreement should include the below details.
- The change agreed to

- The date of effect
- The change to any existing terms and conditions of employment
- Notifying the RFO of any salary change
- New contract if required.

## **10. Refusing Flexible Working Requests**

10.1 It is recognised that there will be occasions where requests cannot be supported. In making this assessment, line managers must consider current council practice, each case on its own merits and any impact at the time of application.

9.2 Where an application cannot be supported it can only be refused on the following grounds:

- Detrimental effect on ability to meet customer demands
- Inability to re-organise work around existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Planned structural changes
- Cost. You must be able to demonstrate how the figures have been used and determined.

9.3 The line manager must also provide a sufficient written explanation as to why the grounds for refusal apply in relation to the specific request and include details of the appeals procedure.

## **10. Appeal Process**

10.1 An employee whose request has been refused has the right to appeal in writing to the Town Clerk and Chair of Executive within 14 days after the date on which they were notified of that decision. The letter should contain clear grounds of the appeal and be dated.

10.2 In circumstances where the content of the appeal letter persuades the Town Clerk and Chair of Executive that the change could be accommodated an appeal meeting need not be held.

10.3 The appeal meeting must be held within 14 days after the date in which the employee gave notice of the appeal and will be heard by the Town Clerk, Chair of Executive and Council Leader.

10.4 The employee has the right to be accompanied by a colleague.

10.5 A decision in writing should be given to the employee within 14 days of the appeal meeting.

## **11. Trial Period**

11.1 If a decision cannot be made about the permanent change, a trial period can be implemented to determine if the arrangement will have an adverse affect on the Town Council.

11.2 To facilitate this, the employee, line manager, and Town Clerk must agree to extend the 14-day time limit for a decision under this policy.

11.3 This agreement must:

- Be recorded in writing and dated
- Specify the time limit the extension relates to (maximum 6 months)
- Specify the date on which the extension will end (and trial start and end)
- Specify that a decision will be granted following the trial
- Specify that the change (if required) to the employee's terms and conditions of employment during the trial is temporary
- State the temporary change and its effect on terms and conditions of employment.

11.4 At the end of the trial period a meeting should be held with the employee to confirm whether the flexible working arrangement can be made on a permanent basis. This meeting should be recorded in writing and signed and dated by both the employee and manager.

11.5 In circumstances where the application cannot be supported the right of appeal should be extended to the employee as detailed in section 11.

## Appendix - Flexible working request template

### Details of request:

NB. It can take up to 14 weeks from consideration of a request to its implementation. Therefore requests should be submitted well in advance of the preferred start date.	
<b>Name:</b>	<b>Manager:</b>
<b>Job Title:</b>	<b>Employment Start Date:</b>
<b>Current working arrangements:</b> (Hours, days, pattern, place of work etc)	
<b>New working arrangements requested:</b> (Hours, days, pattern)	
<b>Date that you would ideally like the change to take effect:</b>	
<b>Reason for the request:</b>	

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<b>Date of last previous request:</b>
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<b>Please explain the impact of this change to your work pattern:</b>  (Consider the impact upon managing your own workload, and also the affect upon your colleagues, managers and visitors)
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<b>Please explain how you think the issues raised above could be dealt with:</b>
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<b>Signed:</b>
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<b>Date:</b>
--------------

**Meeting to discuss flexible working application:**

**Detail key points from the discussion**

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**Authorisation:**

<b>Application approved</b> (delete as appropriate)	Yes	No
<b>Detail any changes to request /reasons why request has not been approved</b> (Please include whether a trial period has been agreed and the start and end date agreed).		

--

**Right of Appeal**

An employee whose request has been refused has the right to appeal in writing to his / her line manager within 14 days after the date on which they were notified of that decision.

The letter should contain clear grounds of the appeal and be dated.

Signed Manager:	Date:
Signed Employee:	Date:
Actioned Town Clerk:	Date:

<b>For Manager's attention:</b>
<ul style="list-style-type: none"> <li>• Confirmation of receipt of this form must be sent to the employee (copy to Town Clerk)</li> <li>• A meeting to discuss the content must take place within <b>28 days</b></li> <li>• Ensure that your employee is aware of his / her right to be accompanied.</li> </ul>

## Freedom of Information Publication Scheme

### Model Publication Scheme

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

- 1.1 This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.
- 1.2 The scheme commits an authority:
  - 1.2.1 To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
  - 1.2.2 To specify the information which is held by the council and falls within the classifications below.
  - 1.2.3 To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
  - 1.2.4 To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
  - 1.2.5 To review and update on a regular basis the information the authority makes available under this scheme.
  - 1.2.6 To produce a schedule of any fees charged for access to information which is made proactively available.
  - 1.2.7 To make this publication scheme available to the public.
  - 1.2.8 To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the council is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the council is the owner, to make the information available for re-use under the terms of the Re-use of Public Section Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19.

### Classes of Information

- 1.3 Who we are and what we do.  
Organisational information, locations and contacts, constitutional and legal governance.
- 1.4 What we spend and how we spend it.  
Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.
- 1.5 What our priorities are and how we are doing.  
Strategy and performance information, plans, assessments, inspections and reviews.

- 1.6 How we make decisions.  
Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.
- 1.7 Our policies and procedures.  
Current written protocols for delivering our functions and responsibilities.
- 1.8 Lists and Registers.  
Information held in registers required by law and other lists and registers relating to the functions of the authority.
- 1.9 The Services we Offer.  
Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.
- 1.9 The classes of information will not generally include:
  - 1.9.1 Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
  - 1.9.2 Information in draft form.
  - 1.9.3 Information that is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.

**2. The method by which information published under this scheme will be made available.**

- 2.1 The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained. Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.
- 2.2 In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.
- 2.3 Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.
- 2.4 Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

**4.0 Charges which may be made for Information published under this scheme.**

- 4.1 The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum. Material which is published and accessed on a website will be provided free

of charge. Charges may be made for information subject to a charging regime specified by Parliament. Charges may be made for actual disbursements incurred such as:

- a) photocopying
- b) postage and packaging
- c) the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to public.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

## 5.0 **Written Requests**

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act 2000.

## Information available from Diss Town Council under the model Freedom of Information publication scheme

Information to be published	How the information can be obtained	Cost*
<b>Class1 - Who we are and what we do</b> (Organisational information, structures, locations and contacts - current information only)		
Who's who on the Council and its Committees	website hard copy – contact office	Free
Contact details for Town Clerk and Council members	website hard copy – contact office	Free
Location of main Council office and accessibility details	website hard copy – contact office	Free
Staffing structure	website hard copy – contact office	Free
<b>Class 2 – What we spend and how we spend it</b> (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit - current and previous financial year)		
Annual return form and report by auditor	website hard copy – contact office	Free 7p /page (B/W)
Finalised budget	See precept	
Precept	website hard copy – contact office	Free 7p /page (B/W)
Borrowing Approval letter	hard copy – contact office (where applicable)	7p /page (B/W)

Financial Standing Orders and Regulations	Website hard copy – contact office	Free 7p /page (B/W)
Grants given and received	hard copy – contact office	7p /page (B/W)
List of current contracts awarded and value of contract	hard copy – contact office	7p /page (B/W)

	(where applicable)	
Members' allowances and expenses	hard copy – contact office	7p /page (B/W)
<b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)		
Parish Plan (current and previous year as a minimum)	Underway	
Annual Report to Parish Meeting	Website hard copy – contact office	Free 7p /page (B/W)
Quality status/Local Council Award Scheme	Certificate – displayed in the office	Free
Corporate Strategy	Website Hard copy – contact office	Free 7p /page (B/W)
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions - current and previous two council years)		
Timetable of meetings	Website hard copy – contact office	Free 7p /page (B/W)
Agendas of meetings	Website hard copy – contact office	Free 7p /page (B/W)
Minutes of meetings (this excludes information that is properly regarded as private to the meeting.)	Website hard copy – contact office	Free 7p /page (B/W)
Reports presented to council meetings – (this excludes information that is properly regarded as private to the meeting.)	Website hard copy – contact office	Free 7p /page

		(B/W)
Responses to consultation papers	hard copy – contact office	7p /page (B/W)
Responses to planning applications	SNC Website hard copy – contact office	Free 7p /page (B/W)
Bye-laws	hard copy – contact office (where applicable)	7p /page (B/W)
<b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities - Current information only)		
Policies and procedures for the conduct of council business:		
Procedural standing orders	Website hard copy – contact office	Free 7p /page (B/W)
Committee and sub-committee terms of reference	Website - see Corporate Strategy hard copy – contact office	Free 7p /page (B/W)
Delegated authority in respect of officers	Website - see Corporate Strategy hard copy – contact office	Free 7p /page (B/W)
Code of Conduct	Website hard copy – contact office	Free 7p /page (B/W)
Policy statements	Website hard copy – contact office	Free 7p /page (B/W)

Policies and procedures for the provision of services and about the employment of staff:		
Internal policies relating to the delivery of services	hard copy – contact office (where applicable)	7p /page (B/W)
Equality and diversity policy	Website hard copy – contact office	Free 7p /page (B/W)
Health and safety policy	Website hard copy – contact office	Free 7p /page (B/W)
Recruitment policies (including current vacancies)	hard copy – contact office (where applicable)	7p /page (B/W)
Policies and procedures for handling requests for information	Website hard copy – contact office	Free 7p /page (B/W)
Complaints procedures (including those covering requests for information and operating the publication scheme)	Website hard copy – contact office	Free 7p /page (B/W)
Information security policy	N/A	
Records management policies (records retention, destruction and archive)	N/A	
Data protection policies	Website hard copy – contact office	Free 7p /page (B/W)
Schedule of charges (for the publication of information)	Website hard copy – contact office	Free 7p /page (B/W)
<b>Class 6 – Lists and Registers</b> Currently maintained lists and registers only		

Any publicly available register or list	N/A	
Assets Register	Website hard copy – contact office	Free 7p /page (B/W)
Disclosure log (indicating the information that has been provided in response to requests; recommended as good practice, but may not be held by parish councils)	hard copy – contact office	7p /page (B/W)
Register of members' interests	Website hard copy – contact office	Free 7p /page (B/W)
Register of gifts and hospitality	hard copy – contact office	7p /page (B/W)
<b>Class 7 – The services we offer</b> (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses - current information only)		
Allotments	Contact referred to allotment society	
Diss Cemetery and St Mary's Churchyard	Cemetery regulations, Schedule of fees, Transfer of Exclusive Rights leaflet, Burial Registers - hard copy or website; some information may only be available by inspection	Free 7p /page (B/W)
Diss Corn Hall	website (Diss Corn Hall Trust) hard copy – contact office	Free 7p /page (B/W)
Diss Park & Mere, Fair Green, Rectory Meadow, Diss Sports Ground, Diss Youth & Community Centre	website hard copy – contact office	Free 7p /page (B/W)
Seating, litter bins, parish clock, memorials and lighting	hard copy – contact office	Free 7p /page (B/W)

Bus shelters (2)	hard copy – contact office	Free 7p /page (B/W)
Markets	website (including regulations and trader application forms) hard copy – contact office	Free  7p /page (B/W)
Public conveniences (Diss Park)	hard copy – contact office	7p /page (B/W)
Agency agreements	hard copy – contact office	7p /page (B/W)
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	website hard copy – contact office	Free 7p /page (B/W)

**Contact details:**

Town Clerk  
Diss Town Council  
Council Offices 11-12  
Market Hill  
Diss, Norfolk, IP22 4JZ  
01379 643848  
[towncouncil@diss.gov.uk](mailto:towncouncil@diss.gov.uk)  
[www.diss.gov.uk](http://www.diss.gov.uk)

**SCHEDULE OF CHARGES**

This describes how the charges have been arrived at and should be published as part of the guide.

<b>TYPE OF CHARGE</b>	<b>DESCRIPTION</b>	<b>BASIS OF CHARGE</b>
<b>Disbursement cost</b>	Photocopying @ 7p per sheet (black & white)	Cost of paper, copy charge & minimal administrative charge

	Photocopying @ 14p per side (colour)	Cost of paper, copy charge & minimal administrative charge
	Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class
<b>Statutory Fee</b>	N/A	
<b>Other</b>	N/A	

## **General Data Protection Regulation (GDPR) Policy**

### **Introduction**

1. This policy explains to Councillors, staff and the public about GDPR.
2. Personal data must be:
  - a) processed lawfully, fairly and transparently;
  - b) collected for specified, explicit and legitimate purposes;
  - c) be adequate, relevant and limited to what is necessary for processing;
  - d) be accurate and kept up to date;
  - e) be kept only for as long as is necessary for processing and
  - f) be processed in a manner that ensures its security.
3. This policy updates any previous data protection policy and procedures to include the additional requirements of GDPR which apply in the UK from 25<sup>th</sup> May 2018.
4. The Government has confirmed that despite the UK leaving the EU, GDPR will still be a legal requirement.
5. This policy explains the duties and responsibilities of the Council and it identifies how the Council will meet its obligations.

### **Identifying the roles and minimising risk**

6. GDPR requires that everyone within the Council must understand the implications of GDPR and that roles and duties must be assigned.
7. The Council is the data controller and the Clerk is the Data Protection Officer (DPO). The administrative team are data processors working under the DPO.
8. It is the DPO's duty to undertake an information audit and to manage the information collected by the Council, the issuing of privacy statements, dealing with requests and complaints raised and also the safe disposal of information. This will be included in the Job Description of the Clerk.
9. Appointing the Clerk as the DPO must avoid a conflict of interests, in that the DPO should not determine the purposes or manner of processing personal data.
10. GDPR requires continued care by everyone within the Council, Councillors and staff, in the sharing of information about individuals, whether as a hard copy or electronically.
11. A breach of the regulations could result in the Council facing a fine from the Information Commissioner's Office (ICO) for the breach itself and also to compensate the individual(s) who could be adversely affected.
12. Therefore, the handling of information is seen as high / medium risk to the Council (both financially and reputationally) and one which must be included in the Council's Risk Register.

13. Such risk can be minimised by undertaking an information audit, issuing privacy statements, maintaining privacy impact assessments (an audit of potential data protection risks with new projects), minimising who holds data protected information and the Council undertaking training in data protection awareness.

## **Data breaches**

14. One of the duties assigned to the DPO is the investigation of any breaches.
15. Personal data breaches should be reported to the DPO for investigation. The DPO will conduct this with the support of the Executive Committee.
16. Investigations must be undertaken within one month of the report of a breach.
17. Procedures are in place to detect, report and investigate a personal data breach.
18. The ICO will be advised of a breach (within 3 days) where it is likely to result in a risk to the rights and freedoms of individuals – if, for example, it could result in discrimination, damage to reputation, financial loss, loss of confidentiality, or any other significant economic or social disadvantage.
19. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the DPO will also have to notify those concerned directly.
20. It is unacceptable for non-authorised users to access IT using employees' log-in passwords or to use equipment while logged on.
21. It is unacceptable for employees, volunteers and members to use IT in any way that may cause problems for the Council, for example the discussion of internal Council matters on social media sites could result in reputational damage for the Council and to individuals.

## **Privacy Notices**

22. Being transparent and providing accessible information to individuals about how the Council uses personal data is a key element of the Data Protection Act 1998 (DPA) and the EU General Data Protection Regulation (GDPR).
23. The most common way to provide this information is in a privacy notice. This is a notice to inform individuals about what a Council does with their personal information.
24. A privacy notice will contain the name and contact details of the data controller and Data Protection Officer, the purpose for which the information is to be used and the length of time for its use. It should be written clearly and should advise the individual that they can, at any time, withdraw their agreement for the use of this information.
25. Issuing of a privacy notice must be detailed on the Information Audit kept by the Council. The Council will adopt a privacy notice to use, although some changes could be needed depending on the situation, for example where children are involved.

## **Information Audit**

26. The DPO must undertake an information audit which details the personal data held, where it came from, the purpose for holding that information and with whom the Council will share that information.
27. This will include information held electronically or as a hard copy. Information held could change from year to year with different activities, and so the information audit will be reviewed at least annually or when the Council undertakes a new activity.
28. The information audit review should be conducted ahead of the review of this policy and the reviews should be minuted.

### **Individuals' Rights**

29. GDPR gives individuals rights with some enhancements to those rights already in place:
  - a. the right to be informed
  - b. the right of access
  - c. the right to rectification
  - d. the right to erasure**
  - e. the right to restrict processing
  - f. right to data portability**
  - g. the right to object
  - h. the right not to be subject to automated decision-making including profiling.
30. The two enhancements of GDPR are that individuals now have a right to have their personal data erased (sometimes known as the 'right to be forgotten') where their personal data is no longer necessary in relation to the purpose for which it was originally collected, and data portability must be done free of charge. Data portability refers to the ability to move, copy or transfer data easily between different computers.
31. If a request is received to delete information, then the DPO must respond to this request within a month. The DPO has the delegated authority from the Council to delete information.
32. If a request is considered to be manifestly unfounded then the request could be refused, or a charge may apply. The charge will be as detailed in the Council's Freedom of Information Publication Scheme. The Executive Committee will be informed of such requests.

### **Children**

33. There is special protection for the personal data of a child.
34. The age when a child can give their own consent is 13. Consent forms for children age 13 plus, must be written in language that they will understand.
35. If the Council requires consent from young people under 13, the Council must obtain a parent or guardian's consent in order to process the personal data lawfully.

### **Summary**

The main actions arising from this policy are:

36. The Council must be registered with the ICO.

37. A copy of this policy will be available on the Council's website. The policy will be considered as a core policy for the Council.
38. The Clerk's Contract and Job Description (if appointed as DPO) will be amended to include additional responsibilities relating to data protection.
39. An information audit will be conducted and reviewed at least annually or when projects and services change.
40. Privacy notices must be issued.
41. Data Protection will be included on the Council's Risk Register.
42. The Executive Committee, with Terms of Reference, will manage the process.
43. This policy document is written with current information and advice. It will be reviewed at least annually or when further advice is issued by the ICO.
44. All employees, volunteers and Councillors are always expected to comply with this policy to protect privacy, confidentiality and the interests of the Council.
45. This Policy is supported by the Terms of Reference for the Executive Committee responsible for GDPR (attached).

## **EXECUTIVE COMMITTEE**

### **ADDITIONAL TERMS OF REFERENCE FOR DATA PROTECTION**

#### **Name**

The Executive Committee will be responsible for managing the Data Protection requirements.

#### **Meetings**

The Committee will consider Data Protection at a minimum of one meeting annually. Minutes are presented to the next Full Council meeting by the Chairman of the Committee for adoption by the Council.

#### **Membership**

The Committee will be made up of a minimum of 6 councillors [including the Town Mayor and Council Leader]. The Committee and its Chairman will be appointed at the Annual Town Council meeting.

The Committee may set up a sub-group or working party to support its aims.

#### **Aims and Objectives**

The Committee aims:

- To determine the purpose and manner of processing personal data according to the law
- To ensure that the Clerk as Data Protection Officer (DPO) has no conflict of interest with this process
- To ensure that councillors and staff receive ongoing and appropriate training for Data Protection
- To conduct a survey of the Information Audit, Privacy Notices and any Risk Management to ensure compliance with Data Protection
- To receive any reports from the DPO of any manifestly unfounded requests and confirm action to be taken
- To receive reports from the DPO of any investigation of breaches which might need to be undertaken
- To make an annual review of the GDPR Policy and recommend any changes to Council which might be required
- To recommend to Council any changes which may be required in Standing Orders in respect of DP
- To recommend to Council any changes which may be required to the Job Description and Contract of Employment for the Clerk / DPO.

**Budget**

The Committee will recommend any budgetary needs to the Council in respect of the administrative and staffing costs to implement and maintain Data Protection requirements.

Committee Brief agreed by Full Council on .....

Review date.....

# Grievance Policy

## 1. Introduction

- 1.1 The Council encourages employees with grievances relating to their employment to use the following procedure to seek satisfactory solutions.
- 1.2 The primary purpose of this grievance procedure is to enable staff to air any concerns that they may have about practices, policies or treatment from other individuals at work or from the Council, and to produce a speedy resolution where genuine problems exist.
- 1.3 If the employee's complaint relates to his / her dissatisfaction with a disciplinary, performance review or dismissal decision, the employee should not invoke the grievance procedure but should instead appeal against that decision in accordance with the disciplinary appeals procedure.
- 1.4 Although it may not be possible to solve all problems to everyone's complete satisfaction, this policy forms an undertaking by the Council that it will deal objectively and constructively with all employee grievances, and that anyone who decides to use the procedure may do so with the confidence that their problem will be dealt with fairly.
- 1.5 This grievance procedure is not a substitute for good day-to-day communication. This procedure is designed to deal with those issues that need to be approached on a more formal basis so that every route to a satisfactory solution can be explored and so that any decisions reached are binding and long lasting.
- 1.6 Employees who have raised grievances will always be treated fairly before, during and after the conclusion of the grievance hearing(s).

## 2. The Grievance Procedure

- 2.1 Where an employee has a grievance on a subject relevant to their employment, the employee should, in the first instance, discuss the matter informally with the Town Clerk/Deputy Town Clerk, who should reply orally as soon as possible and in any case within 7 days.
- 2.2 If the employee cannot settle their grievance informally, the employer should raise it formally. This procedure has been drawn up to establish the appropriate steps to be followed when pursuing and dealing with a formal grievance. A written description of the discussion held will be kept on file.

### Stage 1

- 2.3 In the event of an employee having a formal grievance relating to their employment the employee should put their grievance in writing and address it to the Town Mayor. In the event the grievance is against the Town Mayor, the employee should address his / her grievance to the Council Leader.

- 2.4 The Council Leader shall form a Grievance Panel of the Council, members of which will have no prior knowledge of the case.
- 2.5 The Council Leader will then invite the employee to attend a formal grievance meeting with the Panel to discuss the employee's grievance and the employee has the right to be accompanied at this meeting by a trade union official or a fellow employee of their choice. Every effort will be made to convene the grievance meeting at a time which is convenient for the employee and the employee's companion to attend. If this means that the meeting cannot be held within a reasonable period (usually within five working days of the original proposed date), Council will request the employee to make arrangements with another companion who is available to attend. Any employee who is chosen to accompany another in a grievance hearing is entitled to take paid time off for this purpose. The employee must make every effort to attend the grievance meeting.
- 2.6 At the meeting, the employee will be permitted to explain their grievance and how the employee think it should be resolved.
- 2.7 Following the meeting, The Council Leader will endeavour to respond to the employee's grievance as soon as possible and, in any case, within five working days of the grievance meeting. If it is not possible to respond within this time period, the employee will be given an explanation for the delay and be told when a response can be expected. The employee will be notified of their right to appeal against that decision if the employee is not satisfied with it.

## **Stage 2**

- 2.8 In the event that the employee feels their grievance has not been satisfactorily resolved, the employee may then appeal in writing to The Council Leader, within five working days of the grievance decision setting out the grounds for the employee's appeal.
- 2.9 On receipt of the appeal letter, the Town Mayor/Council Leader, will appoint a new Grievance Panel of the Council (none of the committee members will have had any previous involvement in the case) and shall make arrangements to hear the employee's grievance at an appeal meeting. At this meeting the employee may again, if the employee wishes, be accompanied by a trade union official or a fellow employee of the employee's choice. The employee must make every effort to attend the grievance appeal meeting.
- 2.10 Following the meeting, the Mayor/Council Leader will endeavour to respond to the employee's grievance as soon as possible, usually within five working days of the appeal hearing. If it is not possible to respond within this time period, the employee will be given an explanation for the delay and be told when a response can be expected. The employee will be informed in writing of the Grievance Appeal Panel's decision on the grievance appeal.
- 2.11 This is the final stage of the grievance procedure. The Mayor/Council Leader and The Grievance Appeal Panel's joint decision shall be final.

### **3. Disciplinary issues**

If the employee complaint relates to his/her dissatisfaction with a disciplinary, performance review or dismissal decision, the employee should not invoke the grievance procedure but should instead appeal against that decision in accordance with the disciplinary appeals procedure.

### **4. Investigations**

The Council is committed to ensuring that all grievances are fully investigated. This may entail carrying out interviews with the employee concerned and third parties such as witnesses, colleagues and managers, as well as analysing written records and information. The investigation report will be made available to all the parties concerned. Where necessary, the identity of witnesses will be kept confidential.

### **5. Notes**

- 5.1 If the employee's complaint concerns an alleged wrongdoing or criminal offence by persons within the Council, the employee should raise it immediately with the Town Mayor/Council Leader, i.e. at Stage 1 of the procedure. Please refer to the Whistleblowers' Policy which is Policy 17 for details of the additional protection available for protected disclosures.
- 5.2 Every effort will be made to ensure that employees are encouraged to raise grievances and will not suffer any detriment from so doing. However, the employer should note that if the employee's grievance is found to be malicious or to have been made in bad faith, then the employee will be subject to the Council's disciplinary procedure
- 5.3 The timescales listed above will be adhered to wherever possible. However, where there are good reasons, e.g. the need for further investigation or the lack of availability of witnesses or companions, each party can request that the other agrees to an extension of the permitted timescale.
- 5.4 The Council reserves the right to seek assistance from external facilitators at any stage in the grievance procedure, in the interest of seeking a satisfactory outcome for all concerned.
- 5.5 This procedure is for guidance only and does not form part of employees' contractual rights.

## Hand Arm Vibration at Work Policy

1. The Council will put in place measures to protect employees from the risks of Hand Arm Vibration Syndrome (HAVS), which can be caused by exposure to vibration. These measures will include:
  - a) Avoiding use of equipment which may result in exposure to vibration. Alternative options for task completion should be considered first, where reasonably possible.
  - b) Assessing the risks from vibration exposure
  - c) Taking steps to reduce vibration exposure
  - d) Taking into account vibration risks when purchasing or hiring equipment
  - e) Providing training and information for employees on the risks from vibration and the measures in place to reduce these
  - f) Providing health surveillance where the risk assessment shows that this is appropriate.
2. This will enable the Council to satisfy its obligations under the Control of Vibration at Work Regulations (2005) and the Management of Health and Safety at Work regulations (1999).
3. Exposure Action Value (EAV) and Exposure Limit Value (ELV)
  - a) Wherever exposure at or above a level of 2.5 m/s<sup>2</sup> or 100 points (averaged over a day), certain actions (including health surveillance) are required to control the risk.
  - b) The maximum ELV permitted for any individual on a single day is 5 m/s<sup>2</sup> or 400 points (exposure averaged over a day)
  - c) The Council recommends a limit of 250 points per day (yellow on colour chart – above action value but below limit value).

### 4. Risk Assessment

- 4.1 Vibration risk assessment is required if employees work with, for example, hand held tools (e.g. drills, breakers, sanders, chain saws, hedge trimmers); hand guided tools (such as pedestrian lawn mowers, buffers) or materials held against a vibrating object (e.g. use of a grinder, timber being guided through a band saw).
- 4.2 Risk Assessment requires:
  - a) Assessment of the vibration magnitude from each piece of equipment used. This information can come from three sources:
    - i. Accurate data is available from organisations which have measured vibration levels of equipment in real use
    - ii. Direct measurement of vibration levels – this is a specialist area and is not usually necessary or appropriate.
    - iii. Data may be provided by the manufacturer: however, manufacturers' data will often come from testing under specific controlled conditions which are very different from normal working practices and therefore may significantly underestimate exposures in practice. If this is the only information available, the numbers should be doubled to allow for 'real world' factors.
  - b) Measurement of vibration levels where published data is not available, and there is reason to believe that individual exposure is potentially close to the ELV.
  - c) identification of who might be affected

- d) identification of exposure time for those individuals, ensuring this is the 'trigger time' or 'contact time' i.e. the time for which the operators' hands are exposed to vibration, not the overall time spent on the job.
- e) calculation of daily vibration exposure for individuals, taking into account equipment used and length of time in use ('trigger time'). The Health and Safety Executive have produced a 'calculator' which will enable conversion of working times and vibration magnitudes into an overall exposure factor. It will also enable the summation of exposures if more than one piece of equipment is used.  
<http://www.hse.gov.uk/vibration/hav/vibrationcalc.htm>
- e) identification of other risk factors, for example work in cold or wet environments increases the health risks from vibration exposure
- f) consideration of individual factors. For example, the presence of some health conditions may increase risk from vibration exposure and smoking can affect circulation; the way some employees use equipment (posture, technique) may increase their vibration exposure from a particular activity by up to 50% compared to colleagues.

4.3 The risk assessment should include an action plan which documents the measures already in place to reduce the risk from vibration exposure and any further measures planned.

4.4 The risk assessment should be reviewed if there is any change in vibration exposure.

## 5. Reducing Risk from Vibration Exposure

Measures to reduce risks from vibration exposure may include:

- a) replacing tools and equipment with alternatives which produce lower magnitudes of vibration
- b) Ensuring work activities are designed to consider ergonomic principles, and to encourage good posture
- c) ensuring all equipment is properly maintained
- d) reducing time exposed to vibration e.g. regular breaks, job rotation etc
- e) providing suitable clothing to protect employees from cold and damp
- f) providing suitable training and information for all those exposed to vibration

## 6. Health Risks

6.1 Exposure to vibration carries a risk of health effects. This is most likely with exposure above the EAV of 2.5 m/s but may occur at lower exposures.

6.2 Hand Arm Vibration Syndrome (HAVS) covers a number of different conditions, one or more of which may be present in an affected individual.

- a) Vascular disorders (affecting circulation) – commonly 'blanching' of the fingers (especially on exposure to cold or to vibration) often followed by blueness redness as rewarming occurs
- b) Neurological disorders – including numbness, tingling of the fingers, reduced strength, reduced sensitivity and loss of dexterity
- c) Musculo-skeletal symptoms such as joint pain and stiffness, reduced strength

and dexterity and carpal tunnel syndrome

- 6.3 Symptom severity worsens with continued exposure and may be disabling and irreversible.
- 6.4 In certain circumstances, HAVS is reportable under RIDDOR. Carpal tunnel syndrome is reportable under RIDDOR where it is associated with vibration exposure.
- 6.5 Health surveillance must be carried out for employees who are regularly exposed to vibration above the exposure action value (2.5. m/s).
- 6.6 Health surveillance will also be offered to those exposed below the EAV if they are at increased risk e.g. if they report a pre-existing diagnosis of HAVS or any condition which affects circulation or nerve conduction such as diabetes, primary Reynaud's carpal tunnel syndrome etc.
- 6.7 Health surveillance will involve:
  - a) Initial assessment prior to or very soon after first exposure by telephone, with face to face follow-up where required (see appendix 1 for questionnaire)
  - b) Annual assessment by questionnaire
  - c) Face to face review to be arranged if a questionnaire reveals symptoms; if an individual report symptoms between health surveillance questionnaires; or every 3 years otherwise.
- 6.8 Health surveillance will be carried out by the Line Manager. All individual records will be held in confidence. Where appropriate, summary results for groups of employees will be reported back to the Executive committee to indicate the effectiveness of vibration control.
- 6.9 Where health surveillance identifies the potential for HAVS in an employee, then the tier system advised by the Health and Safety Executive will be implemented and where necessary Occupational Health and or Medical assessment will be sought.

## **7. Training and information**

- 7.1 All employees who are exposed to vibration should be given training and information to include:
  - a) the health effects and sources of hand-arm vibration;
  - b) whether they are at risk, and if so whether the risk is high (above the ELV), Medium (above the EAV) or low;
  - c) The risk factors (e.g. the levels of vibration, daily exposure duration, regularity of exposure over weeks, months and years);
  - d) How to recognise and report symptoms;
  - e) The need for health surveillance, how it can help them remain fit for work, the Council plan to provide it, how the Council plan to use the results and the confidentiality of the results;
  - f) Ways to minimise risk including:
    - i. Changes to working practices to reduce vibration exposure;
    - ii. Correct selection, use and maintenance of equipment;
    - iii. Correct techniques for equipment use, how to reduce grip force etc;
    - iv. Maintenance of good blood circulation at work by keeping warm and massaging fingers and, if possible, cutting down on smoking.

- 7.2 Where new staff are employed, they should be made aware of the risks of vibration prior to first exposure, or at least within the first week of employment. This can be done at the same time as asking them to complete the initial health assessment form.
- 7.3 In addition, all employees should be given appropriate training in the use of equipment. This should include periodic supervised practice to identify work practices which may increase risk such as poor postures, gripping equipment too tightly etc.

## **8. Responsibilities**

Responsibilities for the Council are:

- a) Town Council
- i. Nominate a person(s) to implement the vibration regulations and ensure they have the necessary skills and competence
  - ii. Support the nominated person(s) in implementing measures to comply with the vibration regulations
  - iii. Ensure all managers and employees within the Council discharge their responsibilities in accordance with this policy
  - iv. Refer any suspected incidences of HAVS to a suitably qualified professional
- b) Maintenance Manager
- i. Understand the scope and content of the Vibration regulations where this is relevant to work in their area
  - ii. Ensure vibration factors are taken into account when hiring or purchasing new equipment
  - iii. Ensure that necessary vibration risk assessments have been undertaken for any equipment used by those in their charge
  - iv. Implement and enforce vibration control measures
  - v. Ensure employees are suitably trained in all aspects of operating equipment, including vibration control
- c) Employee
- i. Use all equipment in accordance with instruction
  - ii. Ensure all equipment is well maintained
  - iii. Report any defects or difficulties with vibrating equipment
  - iv. Co-operate with any programme of health surveillance which is identified as necessary following risk assessment
  - v. Agree to abide by the principles of this policy.

## **1. References and further reading**

- a) Hand-Arm Vibration - The Control of Vibration at Work Regulations, 2005. L140 HSE Books
- b) Hand-arm vibration - Advice for employees (indg296 - rev1)  
<http://www.hse.gov.uk/vibration/hav/indg296.htm>
- c) Hand Arm vibration at work – HSE pages <http://www.hse.gov.uk/vibration/hav/index.htm>
- d) Management of Health and Safety at Work Regulation

## **Health & Safety Policy**

### **Policy Statement**

2. It is the policy of the Council to provide and maintain as far as reasonably practical, a safe and healthy working environment (to include plant, equipment, the safe storage and handling of articles and substances, the provision of welfare facilities and systems of work) for all employees. The Council will strive to continually improve its health and safety performance and systems.
3. Through this policy, the Council intends to reduce the risk to employees and others who could be affected by work activities to as low a level as is reasonably practicable. This will be achieved through the Council's risk assessment process, as required by The Management of Health and Safety at Work Regulations 1999 s3.
4. The Council recognises the need to provide suitable and sufficient information, instruction, supervision and training to ensure that workers are competent for the health and safety of themselves, other workers and any other person who could be affected by work activities. It will understand the risks and endeavour to control them through good management.
5. The Council will encourage co-operation and involvement in Health and safety at all levels in the Council. This will be conducted through staff induction & relevant Health & Safety updates and training.
6. The Council will provide adequate resources to manage the risks.
7. This Council will take steps to minimise accidents and occurrences of work-related ill-health.
8. The Council acknowledges the duties placed on employers towards other workers and non-employees by sections 2(3) and 2(4) of the Health and Safety at Work Regulations 1999.
9. The Council will take steps to protect the environment in the implementation of this policy.

### **1. Statement of General Policy on Occupational Health & Safety**

- 1.1 Regulation 5 of the Management of Health and Safety at Work regulations 2015 requires that appropriate arrangements be made for the effective planning, organisation, control, monitoring and review of preventative and protective measures for health and safety.
- 1.2 The Council recognises its obligations to meet this requirement by producing a general policy Statement which is to be made available to every employee. Employees will be expected to familiarise themselves with the Statement, which should be read in conjunction with the Council's Risk Management policy (Appendix A).

### **2. Safety Management**

The Town Clerk is to ensure that a systematic approach is adopted to the management of health and safety including:

- a) The organisation of health and safety in the Council – duties and responsibilities of persons responsible (see attached)

- b) Control – management procedures, disciplinary procedures, checks and monitoring of procedures.
- c) Co-operation – consultation and involvement with staff, development of performance standards.
- d) Communication – about the policy, information about safety and how it is managed.
- e) Competence – training.

### **3. Objectives**

Periodically the Maintenance Manager will, based on the outcome of risk assessments, set specific objectives to be met for continuous improvement in health and safety performance.

### **4. Risk Assessment**

Safety management will be built on a careful assessment of risks of all the activities carried out by all sections of the Council workforce. The Maintenance Manager is responsible for carrying out assessments, identifying what training and specialist equipment is required, and to identify ways to minimise risk through risk assessments.

### **5. Measuring Performance**

The Maintenance Manager is to measure safety performance against the objectives. Monitoring should involve checking safety management against the Council's policy ensuring it is adequate and is being fully implemented. Reactive monitoring e.g. accident statistics, ill-health records, insurance claims, defect reports should also be measured.

### **6. Audit and Reviews**

All components of safety management should be subject to review from time to time to ensure they remain valid and effective. Changed factors should be considered e.g. new legislation, new working practices, availability of equipment, new personnel, audit results, etc.

### **7. Assessment, Control and Monitoring**

The Town Clerk is responsible for ensuring the Council's obligations are met in respect of assessment, control and monitoring of:

- a) HEALTH AND SAFETY ADMINISTRATION – including the appointment and support of competent persons, basic documentation and records.
- b) EMERGENCY PROCEDURES – accidents, first aid, fire risk assessment and evacuation procedures.
- c) GENERAL RISKS AND CONTROLS – manual handling, display screen equipment, personal protective equipment, portable electrical appliances, managing visitors, work equipment, slips trips and falls, substances hazardous to health.
- d) PREMISES MANAGEMENT – electricity, gas and water supply, the work environment, lifts and mechanical lifting equipment, ladders, waste disposal, vehicle inspection and maintenance.

### **8. Risk Assessment (see also separate Risk Management Policy)**

The Town Clerk has a responsibility to ensure that all areas of risk within their area of responsibility are covered. A schedule of activities and potential areas of accident in the workplace will be produced by the Maintenance Manager to include:

- a) The potential risks (hazards which might be identified and associated with causes of accidents).
- b) The persons at risk.
- c) The risk rating.
- d) Action already taken to control risk.
- e) Action/procedures to be taken to minimise risk.

## **9. Workplace/Equipment Inspections**

An Inspection Log for each building/open space should be compiled by the Maintenance Manager, which is to be made available to the Health and Safety Executive and other officers on request. The log gives details of:

- a) Workplace areas that require inspection.
- b) Equipment and, in particular, safety equipment.
- c) The frequency of inspections of workplace/equipment.
- d) The dates of inspection with the signature of the person undertaking the inspection.
- e) Maintenance contracts with dates of inspection.

## **10. Accident Reporting**

- 10.1 Every accident, no matter how minor, is to be reported. For safety monitoring purposes and with a view to accident prevention, "near miss" accidents should also be reported.
- 10.2 The Town Clerk/Maintenance Manager is to ensure that an accident reporting system is in place and is understood by all employees. Reports are to be completed immediately after emergency treatment of the injured person and must be signed by the injured person, if possible, and/or by the person making the report.
- 10.3 These reports should be examined when completed and recommendations made to prevent a recurrence. The recommendation(s) are to be noted on the accident report file & reported to the Executive committee.
- 10.4 Fatal accidents, major injury accidents, dangerous occurrences and accidents causing more than three days incapacity for work are "reportable" to the Health and Safety Executive under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR), these will be reported by the Town Clerk to RIDDOR.

## **11. Procedures**

- 11.1 After an assessment of the potential hazards in the workplace, the Town Clerk will draw up a procedures manual/code of safe practice as part of the information, instruction, training and supervision to be given to employees to enable them to avoid hazards and contribute positively to their own health and safety at work.
- 11.2 The manual/code of practice shall cover:
  - a) Fire precautions
  - b) Emergency evacuation
  - c) First aid
  - d) Manual handling
  - e) Waste disposal
  - f) Electrical appliances
  - g) Mechanical equipment
  - h) Chemicals, solvents, detergents, etc
  - i) Workshop and open spaces
  - j) Use of vehicles and maintenance
  - k) Lone and isolated working
  - l) Working at height
  - m) Exposure to asbestos fibres
  - n) Noise
  - o) Personal protective equipment provision
  - p) Use of display screen equipment
  - q) Managing visitors

- r) Legionnaires.

### 11.3 Fire Precautions

- a) The Town Clerk is responsible for compliance with fire legislation, specifically the Regulatory Reform (Fire Safety) Order 2005 (FSO) Precautions.
- b) Fire safety inspections and analysis of potential fire hazards are completed by competent, suitably qualified contractors on a regular basis and appropriate action taken as a result of those inspections. Fire Risk assessments will be reviewed every two years and will be redone every four years.
- c) Fire extinguishers are provided and correctly sited to meet statutory and insurance requirements. All fire equipment is regularly tested and serviced by specialised contractors.
- d) All fire exits and emergency paths of egress are marked using the standard symbols.
- e) Awareness training is arranged periodically, and all employees are expected to attend sessions.
- f) See also Fire Safety Policy.

### 11.4 First Aid

- a) In order to comply with The Health and Safety (First Aid) Regulations 1981, the Maintenance Manager should assess all premises and areas of work and ensure there are adequate first aid supplies in convenient and accessible places to meet the emergencies that may arise.
- b) On commencement of employment all staff are to be informed of the first aid provision and any changes, as they arise, are to be brought to the attention of all employees.
- c) The names of suitably trained personnel are to be posted at the Council Offices, the Maintenance Team Workshop. The minimum requirement for trained first aiders for the Council is two within the maintenance team and two within the Council Offices.

### 11.5 Manual Handling

In order to comply with The Manual Handling Operations Regulations 1992, the Town Clerk takes all reasonable practical steps to ensure sufficient information, instruction, training and supervision is available to staff to avoid back injury. To this end the requirements of staff are assessed as far as moving/lifting is concerned. Employees should note:

- a) Staff must ask for help and/or training if there is any risk of injury to themselves or the object to be handled.
- b) Where handling aids are provided, they must be used.

### 11.6 Electrical Appliances

Arrangements will be made for all electrical appliances to be inspected and tested on a regular basis by a competent person in accordance with the Electricity at Work Regulations 1989.

Before using any appliance, the user should check:

- a) All safety guards which are a normal part of the appliance are fitted and in working order.
- b) Power supply cables/leads are intact and free of cuts and abrasions.
- c) The electrical appliance carries a valid Electrical Safety Tested label.
- d) Defective equipment must never be used and must be reported immediately.

### 11.7 Equipment

Regular monitoring ensures that work equipment is maintained in efficient working order and in good repair. Where machinery/equipment has a maintenance log, it is kept up to date.

- a) Employees may not perform modifications to work equipment.
- b) Employees using equipment are given adequate training for health and safety purposes before use.
- c) Employees using equipment will wear appropriate Personal Protective Equipment provided by the Council.

#### 11.8 Chemicals, Solvents, Detergents

- a) In accordance with The Control of Substances Hazardous to Health Regulations 2002 (COSHH), the Maintenance Manager has assessed the health risks due to hazardous substances. Safety data sheets are supplied with all such materials and employees using these materials will be informed accordingly.
- b) Employees should familiarise themselves with the hazards associated with the materials and precautions to be taken in the event of spillages, splashes, etc. Employees will use the appropriate Personal Protective Equipment provided by the Council when using hazardous substances. All Data Sheets and COSHH for substances are kept in a folder by the Maintenance Manager and accessible to all staff to remind themselves.

#### 11.9 Display Screen Equipment

- a) To ensure compliance with the Health and Safety (Display Screen Equipment) Regulations 1992, consultations are regularly made with employees who use a visual display unit (VDU) daily and for continuous periods of one hour in regard to:
  - i. The design of workstations.
  - ii. Visual problems due to work.
  - iii. Work routine to reduce eye and body fatigue.
- b) Corrective measures are taken as a result of these consultations. The Council shall ensure that these employees are provided with an appropriate eyesight test to be carried out by a competent person (see also Eye Test & Glasses Policy).

#### 11.10 Lone and Isolated Working (see also Lone Working Policy)

- a) Under Section 7 of the Health and Safety at Work Act all employees have their own duty to take reasonable care for their own safety and that of anyone else who might be affected by what they do or do not do (acts or omissions).
- b) Regulation 3 of The Management of Health and Safety at Work Regulations 1999 (as amended) places a duty on the Council to make an assessment of the risks involved with all work activities, these are available and kept by the Maintenance Manager.

### 12. Welfare

Employees are reminded that:

- a) Any person who is under medical supervision or on prescribed medication and who has been certified fit for work, should notify their supervisor of any known side effects or temporary physical disabilities which could hinder their work performance, and which may be a danger to either themselves or others. The supervisor will arrange or assign appropriate tasks for that person to carry out in the interim.
- b) Drug and alcohol abuse – employees are not allowed to attend the premises or carry out duties whilst under the influence of drugs or alcohol. Any person found breaking this rule may be liable to disciplinary action.

- c) Employees are provided with alcohol wipes and hand cleaners in all vehicles used for the purposes of carrying out Council duties and are expected to use them and report when replacements are required.

### **13. Training**

- 13.1 All new employees will be shown the location of first aid equipment, fire exits and fire equipment and are to be well instructed on safety issues. They may not undertake any professional duties until instruction has been completed. The Town Clerk will ensure that a health and safety awareness programme is incorporated into the induction programme.
- 13.2 Safe working practices as laid out in the procedures/code of practice manual must be explained and demonstrated where necessary prior to the new employee carrying out full duties.
- 13.3 All staff must be made aware of their responsibilities for health and safety as defined in this document and the codes of practice drawn up for each area. They must be instructed that failure on their part to act in accordance with health and safety policies and procedures is subject to disciplinary action
- 13.4 Employees' health and safety awareness must also include the fact that under their duty of care they are bound to report any equipment or premises defects they discover, and/or any malpractice they identify in the course of their work.
- 13.5 Safety training, such as fire awareness and prevention, moving and handling, first aid, are to be considered as essential training for all employees and must be built into the overall training and staff development programme. Training in the identification of hazards in the workplace should also be given to staff at all levels, while formal risk assessment training is to be organised for all persons in supervisory or management posts.
- 13.6 Attendance at all health and safety training/instruction is to be well documented and recorded on employees' personnel files.

### **14. Information and Communication**

- 14.1 It is mandatory that the statutory poster "Health and Safety Law – What You Need to Know" is displayed in the office and in the workshop and is shown to new personnel. In order to promote a safe and healthy workplace, a supply of the numerous health and safety leaflets published by the Health and Safety Executive should be made available to staff if they require them.
- 14.2 The Town Clerk must ensure that all employees, including temporary and casual workers, are provided with comprehensive and relevant information on any health and safety risks identified by assessments and the necessary preventative and protective measures.
- 14.3 The Town Clerk must ensure that they keep up-to-date with changes in health and safety legislation, e.g. by obtaining regular up-dates from the Health and Safety Executive.

### **15. Disciplinary Action**

- 15.1 The Town Clerk must make it clear to all employees that contravention of the Health and Safety Policy and related documentation will constitute a disciplinary offence which may lead to termination of employment for serious or repeated breaches.
- 15.2 Any employee leaving their workplace because of serious, imminent or unavoidable danger, will not be dismissed or placed at any disadvantage.

### **16. General Safety**

- 16.1 The Council aims to provide a healthy and safe working environment. This can be achieved with the support of all employees by:

- a) Observing the general rules of safety.
  - b) Using all plant, machinery and equipment in a safe and proper manner.
  - c) Employing the proper procedures when carrying out tasks and ensuring that no practices are used which may act as a source of danger to themselves or to others.
  - d) Keeping work areas clean and tidy always.
  - e) Making sure all corridors and passageways, particularly those leading to escape routes, are kept free from obstruction at all times.
  - f) Taking care that fire points are not blocked or covered up in any way and that they are ready for use if the need arises.
- 16.2 The Council reminds all employees of their own duties under Section 7 of the Health and Safety at Work etc Act 1974 to take care of their own safety and that of other persons who may be affected by their acts or omissions, and to co-operate with the Council so as to enable it to carry out its own duties and/or statutory requirements successfully.
- 16.3 Employees also have additional duties under the Management of Health and Safety at Work Regulations 1999 to use any equipment, material or substance provided to them in accordance with any training and instruction, and to report any risk situation or shortcoming in protection arrangements to management.

## **17. Legal Implications**

- 17.1 The Health and Safety at Work etc Act 1974 places a general duty and responsibility on all employees, volunteers and elected and co-opted Members of the Council.
- 17.2 Any employee, volunteer, elected or co-opted Member who behaves in a way which endangers the health and safety of others may be prosecuted. Fines of up to £5000 may be imposed on a summary conviction for offences under the Act. In addition, imprisonment for a period of up to two years or unlimited fine, or both, may be imposed in certain cases.
- 17.3 “Improvement Notices” or “Prohibition Notices” can be served in respect of a “person”. This term includes an individual person as well as the Council.
- 17.4 An Improvement Notice will specify the change required to secure adherence to any relevant statutory provisions and the time allowed to meet this obligation.
- 17.5 A Prohibition Notice would be issued if, in the opinion of the inspector appointed under the Act, activities or would involve a risk of personal injury, or may give rise to such a risk in the future.
- 17.6 Any employee, volunteer or elected or co-opted Member receiving an Improvement Notice, or a Prohibition Notice issued under Sections 21, 22 or 23 of the Health and Safety at Work etc Act 1974 must immediately inform the Town Clerk.

### **1. Roles & Responsibilities**

Health and safety legislation generally recognise persons as employers and employees; it does specify individual job titles. The following paragraphs define the Health and Safety responsibilities of employees within the Council.

### **2. The Elected Council**

The Council will ensure that it has an effective policy for health and safety policy within areas under its control and that all liabilities are covered by adequate insurance. Further the Council

acknowledges its intent to ensure sufficient resources to implement the policy are budgeted for annually.

### **3. Town Clerk**

The Town Clerk is ultimately responsible for ensuring that this policy is up to date and implemented. The Town Clerk is also responsible for ensuring that

- a) all employees have the necessary information, instruction & training to enable them to carry out their work without risk to their health and safety, or to the health and safety of any other person who could be affected.
- b) sufficient funds and resources are allocated within budgets under the Town Clerk's control to meet any of the requirements of the policy.

### **4. Safety Officer**

The Maintenance Manager, under the overall direction of the Town Clerk, is the Safety Officer who will be responsible for ensuring that the health and safety policy of the Council is implemented. The responsibilities cover:

- a) Assessing, controlling and regular monitoring of all safety aspects of the Council's service to ensure they meet current health & safety legislation.
- b) Ensuring that appropriate safety education and training are co-ordinated and carried out.
- c) Ensuring that adequate fire protection and prevention measures are provided.
- d) Maintaining safety records.
- e) Ensuring that all accident reports are completed promptly, and an investigation of accidents and dangerous occurrences is carried out, with a view to prevention of future occurrences and to ensure that appropriate statutory notifications are properly completed.
- f) Providing staff with relevant information on risks to health and safety.
- g) Completing risk assessments for all Council facilities and activities.
- h) Regular monitoring of all Council facilities for defects or health and safety issues and recording, reporting and acting on them.
- i) Any health or safety problems which cannot be resolved immediately are raised quickly with the Town Clerk.
- j) Providing regular reports to the Town Clerk particularly any health and safety problems which cannot be resolved immediately.

### **5. Employees, Volunteers and Elected or Co-opted Members**

All employees, whether permanent or casual, volunteers and elected and co-opted members have a duty as laid down in Section 7 of the Health and Safety at Work, etc Act 1974 to:

- a) Make themselves familiar with the Health and Safety Policy of the Council and health and safety literature which is posted on Notice Boards in the workplace or which is drawn to their attention by their immediate supervisor. If, for any reason there is a problem with

understanding these documents, the supervisor will ensure that employees understand what they contain.

- b) Take reasonable practicable care for the health, safety and welfare of themselves and other persons who may be affected by their acts or omissions whilst at work.
- c) Co-operate with the Council to enable it to carry out its responsibilities fully and comply with relevant statutory legislation.
- d) Make full use of the appropriate safety equipment, protective clothing and safety devices provided by the Council and not intentionally or recklessly interfere with or misuse any such items.
- e) Carry out all duties in accordance with training and instructions to ensure compliance with legal requirements.
- f) Report to their Line Manager all accidents. Volunteers to report any injuries or damage to the Town Clerk.
- g) Report to the Maintenance Manager any faults or defects in premises, site or work equipment.

For the purposes of the above:

- a) A Line Manager is any person who exercises any level of supervision or control over other members of staff or responsibility for any sites.
- b) An employee includes all persons employed by The Council on a full time, part time or occasional basis.

## **6. Visitors and Contractors**

- 14.1 All visitors and contractors must be informed of any hazards or dangers on Council premises, and the precautions they should take to minimise risks to their health and safety
- 14.2 All contractors, hirers and users of Town Council facilities will be required to complete a site-specific risk assessment to the Maintenance Manager's satisfaction. Where appropriate, meet with the Contractor before work begins in order to discuss how any risks to employees or visitors can be avoided/minimised, and/or oversee works to ensure Health and Safety compliance.
- 14.3 A copy of the completed risk assessment with signatures from both parties will be kept in the Council Offices with a signed copy to be supplied to the other party.
- 14.4 All contractors undertaking building works to Council facilities will be provided with access to the Asbestos Register and shown the location of the accident book.

## **Illegal encampment policy**

### **1. Rationale for policy**

To ensure that Diss Town Council deals with unauthorised encampments on land it owns in a fair, proportionate manner following a set legal process.

### **2. Policy Statement:**

2.1 This policy applies to the management of all unauthorised encampments, including the establishment of a tent, vehicle, caravan or other structure, by a person(s), in an area where they have no permission to reside or occupy.

2.2 This policy covers the management of all unauthorised encampments regardless of who the occupiers may be. The policy incorporates the council's duties in relation to Traveller communities, outlining how the council will meet its Public Sector Equalities Duty and Human Rights obligations towards these communities.

2.3 This policy gives guidance in the event of an unauthorised encampment on Town Council land including the policy on eviction and the procedures to follow.

2.4 The policy applies to all staff and councillors involved in the management of unauthorised encampments, and agencies acting on behalf of the Town Council.

2.5 The Council will not act if an encampment is not on their land, other than where possible, to inform the landowner.

### **3. Procedure**

3.1 Responsibility for following this policy is with the Clerk or Officer on duty at the time an unauthorised encampment is reported with support from the Leader of the Council or the Chair of the Facilities committee.

3.2 On discovery of an illegal unauthorised encampment: -

- a) The encampment details are to be communicated to those persons detailed on the Unauthorised encampment contact / Process List at the end of this document.
- b) The Clerk or Officer on duty as detailed in 3.1 along with another colleague or member will visit the encampment within 12 hours of it being notified to the Town Council.
- c) Where considered safe to do so, details will be noted of all trailers (caravans), and vehicles on the area, and the exact location will be logged. The Clerk or Officer on duty will try to establish dialogue and ascertain proposed length of stay.
- d) The Clerk / Leader of the Council will inform the local Police Inspector of the encampment.

- e) If the illegal encampment is by gypsy / traveller community, the Clerk or Officer on duty will inform the Gypsy / Traveller Engagement Officer at South Norfolk Council.

3.3 Due to the nature and speed at which actions unfold, liaison with full council is not always possible, however they will be updated as soon as practicable by the clerk.

#### 4. **Unauthorised encampment - Procedure**

##### Stage 1

- a) Assess site of unauthorised encampment, where safe to do so.
- b) Take vehicle make and registration numbers.
- c) If on the Park, consider whether the toilets should remain open
- d) Notify and seek advice from the Community Enforcement Officer at South Norfolk Council, email [mark.siddall@broadland.gov.uk](mailto:mark.siddall@broadland.gov.uk) or phone 01508 533701.
- e) Advise the Clerks, Councillors and Maintenance Manager.
- f) Email district councillors.
- g) Clerk will liaise with Police requesting action to be taken under section 61 of the Criminal Justice Act and Public Order Act 1994. Email [SNTdiss@norfolk.pnn.police.uk](mailto:SNTdiss@norfolk.pnn.police.uk), and [Laura.symonds@norfolk.pnn.police.uk](mailto:Laura.symonds@norfolk.pnn.police.uk).

**The encampment will be given 12 hours to disband. If not disbanded within 12 hours, Stage 2 will be implemented.**

##### Stage 2

- a) Each caravan / vehicle / tent to be visited by Clerk or Officer on duty and another member of staff. Notice will be served to all vehicles and a copy of the notice will be given to all adults explaining the notice. Notice letter to be put onto each vehicle.
- b) The Clerk or Officer on duty will issue written notice requesting the unauthorised persons to leave by a specified date and time. The legislation to remove the encampment will be Part 55 of the Civil Procedures Rules.

- c) The Clerk will request the police to be present when the notice is served. A sample of the notice letter is on page 4. If serving a letter proves to be unsuccessful, legal proceedings will follow.

**5. Financial implications**

- 5.1 Solicitors charge in the region of £400 per day and bailiffs charge approximately £675 for the first hour and £225 per hour thereafter.
- 5.2 The Clerk will use his/her authority to spend in accordance with Financial Regulations clauses 4.1 and 4.5 in the event of requiring services to remove the encampment.

REF: CIVIL PROCEDURE RULES - PART 55

To whom it May Concern

Address:

You or your vehicles do not have permission to be on this land and are trespassing.

Diss Town Council hereby gives you notice that if you or your vehicles are still on any part of this land after the following date and time.

Date:

Time:

Diss Town Council will commence legal action to remove you, your vehicles, and your property from this land. In the event of further action being necessary, the council will seek to recover from you, the cost of the action including the cost of removing any property, rubbish or other material left on this land.

Miss Sarah Richards

Town Clerk

## Local Government Pension Scheme Employers Discretions Policy

### POLICY STATEMENT

1. As required by Reg 60(1) of the LGPS Regulations 2013 and Reg 66 (1) of the LGPS (Administration) Regulations 2007 set out below is the policy statement on Pensions for The Council.
2. A copy of this policy is available from the Clerk and has also been lodged with the Norfolk Pension Fund.
3. In all references to agreement by the Council any decisions must be placed before the Committee and be subject to an agreed resolution.

### COMPULSORY ITEMS:

<b>Funding of Additional Pension: Regulations 16(2e) 16 (4d)</b>
The Council may fund wholly, or in part, a member's additional pension contract. The payment can be paid by regular contributions or a lump sum.
<b>Awarding Additional Pension: Regulation 31</b>
The Council may increase a member's benefits by awarding additional pension up to a maximum of £6,500 pa from April 2014 on agreement of the Council. The Council will consider exercising this discretion only in cases where it can see a clear financial or administrative advantage to the Council.
<b>Flexible Retirement: Regulation 30(6)</b>
The Council may give consent for a member aged 55 or more who reduces their grade or hours of work (or both) to receive all or part of their LGPS benefits immediately, even though they have not left Council's employment on agreement of the Council. The Council will consider exercising this discretion only in cases where it can see a clear financial or administrative advantage to the Council.
<b>Waiving of Actuarial Reduction: Regulation 30(8)</b>
If the benefits payable on retirement before normal pension age would normally be reduced for early payment, The Council may agree to waive all or part of the reduction on agreement of the Council. The Council will consider exercising this discretion only in cases where it can see a clear financial or administrative advantage to the Council.
<b>Early Payment of Pension: Regulation 30 of the LGPS (Benefits, Membership and Contributions) Regulations 2007</b>
The Council may give consent for a member aged 55 or more who has left its employment prior to April 2014 without an entitlement to immediate LGPS benefits to receive them straight away regardless, on agreement of the Council. If the benefits payable would normally be reduced for early payment, the Council may agree to waive all or part of the reduction on compassionate grounds. Any request for such action must be backed by reports from the employee's Line Manager and also the Town Mayor. In the case of the Clerk, reports will be required from the Town Mayor & Council Leader.

## **NON-COMPULSORY ITEMS:**

### **Membership Aggregation: Regulation 22(7b) (8b)**

A member who transfers from another LGPS employer, either directly or after a break, wishing not to aggregate the most recent of their periods of previous scheme membership with their current membership, must make an election within 12 months of the employee becoming an active member.

### **Shared Cost AVCs: Regulation 17(1)**

The Council will not contribute towards a Shared Cost AVC (Additional Voluntary Contributions) Scheme.

### **Forfeiture of Pension Rights: Regulation 19(2), 91, 92, 93**

If a member leaves as a result of a conviction for an offence in connection with their LGPS employment or as a result of their own criminal, negligent or fraudulent act in connection with that employment, the Council has discretion (within the terms of these five regulations) to direct that all or part of their LGPS pension rights should be forfeited and/or paid over to the employer or specified dependents of the member. The Committee will make a recommendation to Full Council.

### **Appointment of Adjudicator for Member Disagreements: Regulation 74(1)**

The Council appoints the Deputy Town Clerk or Town Clerk as the person to deal with the first stage of any disagreement between an LGPS member and the Council.

### **Transfers of Pension Rights: Regulation 100(6)**

A member who has previous pension rights in a different pension scheme may not transfer them into the LGPS outside of the scheme time limit of 12 months.

### **Members' Contribution Rates: Regulation 9(3)**

The Council will allocate members into the appropriate contribution band every financial year. If a member's pay moves into a different band during a financial year, the Council will implement the new band immediately.

### **Admission Policy ('designating bodies' only) : Regulation 3(5)**

All employees of The Council are eligible to join the LGPS (providing they meet the scheme regulations) on completion of six months service or when the employee is offered a permanent contract.

## **Lone Worker Policy**

### **1. Remote/Lone Working Policy**

1.1 In line with the Management of Health and Safety at Work Regulations 1999, this policy has been adopted to provide employees with guidance on remote/lone working and the potential problems it can cause. It sets out specific procedures which must be followed when working alone and staff are reminded that under health and safety law:

- a) A statutory duty is placed on all employees to take reasonable care of themselves and others who may be affected by their acts or omissions whilst at work.
- b) Employees are required to co-operate with their employer on matters of health and safety.

1.2 Employees can be at risk when working alone in the following circumstances:

- a) They find themselves in a remote, unoccupied location or they have an accident or mishap out of office hours. They are then unable to summon assistance as no one is aware of their whereabouts or their expected return time. The alarm would not be raised as the mechanism would not be in place to trigger this.
- b) They attempt to deal with a difficult situation with a member of the public or service user in an isolated area; the member of the public could then abuse them.
- c) They attempt to deal with a difficult situation with a member of the public or service user in an isolated area and then have allegations made regarding their conduct.

1.3 Each area of the Council's activities presents different risks. A detailed risk assessment will be undertaken and associated remote/lone worker procedure followed covering relevant areas. It should not be possible for staff to place themselves in high-risk situations without a procedure in place which guarantees that the member of staff can work safely at all times.

1.4 Remote/Lone Worker Risk Assessment

- a) Ensure members of staff have left a list of contact numbers of relatives, in case the office need to telephone someone about the whereabouts of a member of remote/lone working staff (most likely during out of hours)?
- b) Does the workplace or job duty present a specific risk to the remote/lone worker?
- c) Is there a risk of violence?
- d) Has training for vulnerable staff been considered?
- e) Are there hazards related to travelling alone?
- f) Are there health and safety implications in lifting or using equipment alone?
- g) Are there any particular types of people more at risk?
- h) Has the employee got a medical condition that may make them unsuitable to work alone?
- i) Have members of staff considered the possibility of inclement weather and the suitability of footwear and clothing?
- j) Is the use of mobile telephones/pagers/personal attack alarms necessary?
- k) Have staff been advised to be alert at all times and be aware of changes in their surroundings and the need to take extra care with people that they do not know?
- l) Is the vehicle used suitable/road worthy?
- m) Has the member of staff ensured that they park in a suitable location (this should be well lit during the hours of darkness)?

### **2. Risk Assessment for Remote/Lone Working**

- 2.1 Before any remote/lone working takes place it is essential that a formal detailed risk assessment is undertaken. This should cover any foreseeable hazards that may be encountered. Clearly, there will be a range of risk levels that staff will encounter and these can be categorised as low, medium or high and will therefore require different levels of precautionary action.
- a) Low risk is when work consists of normal travel and involves contact with other colleagues within normal working time. This will not involve work in remote areas, or places with which contact may be difficult or where the need to maintain contact with the office will be minimal. Consideration must be taken of the potential for the situation to change and the possibility of a task becoming a medium or high-risk activity.
  - b) Medium risk is work that could entail working alone, in locations where contact may be limited or perhaps staff would be involved in an activity which would not normally be classed as low risk.
  - c) High risk activities will involve one or more of the following:
    - i. Remote areas/difficult terrain.
    - ii. Work outside of 'standard' working hours.
    - iii. Areas of poor communication for mobile phones or lack of public telephones in rural areas.
    - iv. Areas where problems have previously been encountered, such as violence or vandalism.
    - v. Initial meeting with a new client or member of public.
    - vi. Potentially hostile/sensitive situations.
- 2.2 If members of staff are unsure as to the level of risk, they should discuss it with colleagues and/or the Town Clerk or treat it as high risk.
- 2.3 High risk activities should not be undertaken when working alone

### **3. Making Arrangements for Remote/Lone Working**

- 3.1 The staff member on front desk duty is the nominated contact at the Council offices for the remote/lone worker during office hours.
- 3.2 The remote/lone worker should provide the following details to the Council offices:
- a) Vehicle details and registration number (if not a Council vehicle)
  - b) Home telephone number
  - c) Alternative contact telephone number if there is no contact at the home address (next of kin)
  - d) Mobile telephone number
  - e) Place of work, or and name, address and contact details, if staff member is working in a non-Council controlled premises
  - f) Call office with a time of arrival at site
  - g) Estimated length of time for job
- 3.3 Arrangements should be in place to ensure that these contact details are always kept up to date.
- 3.4 The employee should contact the Council Office when leaving appointment/site

- 3.5 During working hours, employees are expected to carry mobile phones at all times and if something out of the ordinary is required, they should contact the Maintenance Manager/Council offices immediately.
- 3.6 The procedure for the remote/lone worker during out of office hours should include the following:
- a) Ensure the employee's Council mobile phone is switched on with volume up, charged up and has sufficient credit. If the employee has been issued with a personal alarm, ensure it is with the employee.
  - b) Ensure there is sufficient signal on the site the employee will be visiting or there is an alternative telephone option and provide details. If the mobile phone is out of signal, it may be necessary to abandon the activity or visit.
  - c) General checks when working away from the office
    - i. Is this a doubling up situation?
    - ii. Does the employee feel safe doing this task?
    - iii. Does someone know the details of this visit?
    - iv. Have emergency contacts and arrangements been set up?
    - v. Is the journey planned: roads to take, whereabouts of destination and carparks?
  - d) Travelling by car
    - i. Is the mobile phone handy and switched on?
    - ii. Lock doors when inside if possible
  - e) Parking
    - i. Park in well-lit areas if possible
    - ii. Park with the car facing the direction to leave
    - iii. Carry keys before getting near the car
  - f) Travelling on public transport
    - i. Plan in advance, get full timetables
    - ii. Keep alternative in hand, e.g. taxi numbers
    - iii. Do not get into a space where you are the only person

#### **4. Recording Incidents**

- 4.1 An untoward incident is one where an employee feels threatened or finds themselves in a vulnerable position.
- 4.2 If an incident occurs:
- a) Use your common sense
  - b) Ensure your safety and that of others
  - c) Defuse the situation if you are able
  - d) Get immediate help if possible
  - e) Use your safety equipment; do not be afraid to call the police
- 4.3 When locking/unlocking Council premises out of business hours, if faced with a threat, DO NOT put yourself at risk. Either leave the premises and dial 999 immediately or lock yourself in to the premises and dial 999 immediately, whichever is the safest.

- 4.4 On next reporting to duty, any incidents must be reported immediately to the Maintenance Manager or the Town Clerk.
- 4.5 If an incident does not warrant a 999 call, then the lone worker should contact the Police on 101 or another member of the team. Under no circumstances should the lone worker put themselves at risk either regarding personal safety or liability (e.g. physical contact with minors).

## **5. Communication**

All employees who regularly work alone, such as the maintenance team, will use their own personal mobile phones to liaise with the Office and to call for emergency assistance. Expenses are reimbursed for any Council-related phone calls during work time.

## **6. Mobile Phones**

Mobile phones should always be kept fully charged, turned on with volume up and have sufficient credit.

- a) The employee should ensure that they know how to use the mobile phone properly through familiarising themselves with the instruction manual.
- b) A mobile phone should never be relied upon as the only means of communication. Remote/lone workers should always check the signal strength before entering into a situation where they are alone. If the lone worker finds there is no mobile phone signal and is not comfortable proceeding with their task, they should inform the Line Manager as soon as possible.
- c) Emergency contacts should be kept on speed dial as this will speed up the process of making a call to raise an alarm.
- d) A phone should never be left unattended but should be kept close at hand in case an emergency arises.
- e) The use of a mobile phone could potentially escalate an aggressive situation and the remote/lone worker should use it in a sensitive and sensible manner.
- f) The mobile phone could also be a target for thieves and great care should be taken to be as discreet as possible, whilst remaining aware of risks and keeping it within reach at all times

## **7. Reporting**

- 7.1 Members of staff have a duty to report any injuries or dangerous occurrences as soon as practicable.
- 7.2 The Council has a responsibility to take action to prevent similar incidents occurring again, if possible. This may mean making employees aware of potential incidents and providing information and training. Part of this training should include agreeing limits to what can and cannot be done in a "lone" worker situation.
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## **Maternity, Adoption, Paternity & Parental Leave Policy**

### **Pregnancy**

1. Pregnancy related sickness will be recorded separately from other sickness absence details (inclusive of attendance at antenatal appointments) and will not be included in terms of Diss Town Council's trigger system.
2. The Line Manager will ensure a Health and Safety risk assessment is completed with the pregnant employee upon notification of pregnancy, at the four months and six months stages (Appendix).

### **Pregnant employees' rights**

3. Pregnant employees have 4 main legal rights:
  - a) paid time off for antenatal care
  - b) maternity leave
  - c) maternity pay or maternity allowance
  - d) protection against unfair treatment, discrimination or dismissal
4. Paid time off will be given to pregnant employees for antenatal care including medical appointments and antenatal or parenting classes if they've been recommended by a doctor or midwife.

### **Statutory Maternity Leave**

5. As an employee of Diss Town Council you have the right to 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave. The combined total of 52 weeks is known as Statutory Maternity Leave. Providing you have given the Council the correct notice you can take your Statutory Maternity Leave regardless of the length of time you have worked for the Council, the number of hours you work or how much you are paid.

### **Telling Diss Town Council**

6. You must advise your Line Manager, in writing, that you want to take Statutory Maternity Leave and the date on which you want it to start at least 15 weeks before the beginning of the week your baby is due.
7. If this is not possible (for example because they did not know they were pregnant) the employer must be told as soon as possible.
8. You will be asked to provide a form MAT B1, the maternity certificate, which says when the baby is due. Your doctor or midwife will give you this form on request when you have been pregnant for 21 weeks.
9. The Council will write to you within 28 days, confirming your Statutory Maternity Leave and advise you of the date when it will end.
10. You cannot take time off for antenatal appointments until you've told Diss Town Council about the pregnancy.

## **Starting your statutory maternity leave**

11. You can start your leave any time from 11 weeks before the week in which your baby is due.
12. Maternity leave and Statutory Maternity Pay will start automatically if you are off work for a pregnancy-related illness in the 4 weeks before your baby is due.

## **Compulsory maternity leave**

13. You do not have to take all your Statutory Maternity Leave. However, you must take 2 weeks of “compulsory” maternity leave after your baby is born.

## **Parental Bereavement Leave**

14. You can still take Statutory Maternity Leave if your child is stillborn after 24 weeks of pregnancy or born alive at any point of the pregnancy.
15. The Parental Bereavement (Leave and Pay) Act 2018 provides for at least two weeks' leave for employees following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy. From April 2020, employees with 26 weeks' continuous service will be entitled to paid leave at the statutory rate and other employees will be entitled to unpaid leave.
16. From 6<sup>th</sup> April 2020, Jack's Law also entitles primary carers who suffer the loss of a child to at least two weeks paid parental bereavement leave. This includes adopters, foster parents and guardians, as well as more informal groups such close relatives or family friends who have taken responsibility for the child's care in the absence of parents.
17. Leave can either be taken in one block or in two separate blocks of one week. It can be taken within a 56-week window from the child's death, to allow time for moments such as anniversaries, and notice requirements will be flexible so leave can be taken without prior notice.
18. Parents will not need to provide the employer with a death certificate as evidence.

## **Keeping in touch days**

19. You can work up to 10 days during your maternity or adoption leave. These days are called 'keeping in touch days' and are optional. Both the employee and employer need to agree them.
20. The type of work and pay you receive should be agreed before you come into work. Your right to maternity or adoption leave and pay is not affected by keeping in touch days.

## **Employment rights when on leave**

21. Your employment rights are protected while on Statutory Maternity or Adoption Leave. This includes your right to:
  - a) pay rises
  - b) build up (accrue) holiday

c) return to work

22. Employee rights aren't usually affected when they take maternity, paternity, adoption or parental leave and some employees can work up to 10 paid days during their leave.

23. You and your partner may be able to get Shared Parental Leave and Statutory Shared Parental Pay (ShPP) if you're having a baby or adopting a child. You will need to give Diss Town Council at least 8 weeks' written notice of your leave dates to be eligible.

### **Terms and conditions protection**

24. You are entitled to any pay rises and improvements in terms and conditions given during the leave.

25. Pension contributions usually stop if a period of leave is unpaid, unless your contract says otherwise. For example, during unpaid periods of maternity leave or parental leave.

26. You continue to build up holiday entitlement and can take any holiday you've accrued (built up) before or after the leave.

### **Returning to work**

27. When returning to work after Ordinary Maternity Leave (the first 26 weeks) you have a right to the same job and the same terms and conditions you left.

28. When returning after Additional Maternity Leave the Council may show that it is not reasonably practical for you to return to your old job e.g. the job no longer exists, however, you must be found alternative work with the same or better terms and conditions you left. You will be consulted with about these changes.

29. If you take the full entitlement of 52 weeks you do not have to give notice of your return, but it is a good idea to do so.

30. If you wish to return earlier, you must give us 8 weeks' notice that you intend to return early and the date of your return.

31. If you decide not to return to work at all you must give the Council notice in the usual way.

32. If you are ill at the end of your Statutory Maternity Leave and unable to return to work on the due date, you must advise your Line Manager in the usual way under the Council's Sickness Absence procedure.

### **Statutory maternity pays and benefits**

33. Please refer to the Responsible Finance Officer who will be able to provide you with up to date figures.

### **Health and safety for pregnant employees**

34. When you tell Diss Town Council you're pregnant, Diss Town Council will assess the risks to you and your baby (Appendix).

35. Risks could be caused by:

- a) heavy lifting or carrying
- b) standing or sitting for long periods without adequate breaks
- c) exposure to toxic substances
- d) long working hours

36. Where there are risks, Diss Town Council will take reasonable steps to remove them. For example, offering you different work or changing your hours.

37. Diss Town Council will suspend you on full pay if we cannot remove any risks. For example, offering suitable alternative work.

### **Pregnancy and maternity discrimination**

38. It is against the law to discriminate against anyone because of being pregnant.

### **Adoption leave and pay**

1. If you reach the qualification requirements, and have been matched with a child, you may take up to 52 weeks adoption leave, and may be entitled to 39 weeks of statutory adoption pay. If you and your partner jointly adopt a child, one may take adoption leave and the other parent may be able to take paternity leave or shared parental leave.

### **Adoptive Parent's rights**

2. If you are the main adopter, you will be able to take paid time off for up to five adoption appointments. Your partner will be entitled to take unpaid time off for up to two appointments.
  - a) Adoption leave is a "day one" right; there is no qualifying period.
  - b) Statutory Adoption Pay - the first six weeks will be paid at 90% of your normal earnings.
  - c) Some surrogate parents will become eligible for adoption leave.

### **Statutory Adoption Leave**

3. Adoption leave may be taken:
  - a) When your child starts living with you or up to 14 days before the placement date (UK adoptions).
  - b) When you have been matched with a child by a UK adoption agency.
  - c) When the child arrives in the UK or within 28 days (overseas adoption).
4. Your partner, or the secondary adopter if a couple are adopting jointly may be entitled to paternity leave and pay or shared parental leave.

## **Telling Diss Town Council**

5. You must give Diss Town Council documentary proof to show that you have the right to paid Statutory Adoption Leave. This is usually a matching certificate from the adoption agency. The adoption agency must be recognised in the UK.

## **Starting your Adoption Leave**

6. Statutory adoption leave can start either:
  - a) from the date the child starts living with the employee
  - b) up to 14 days before the date the child is expected to start living with the employee.
7. You should tell Diss Town Council within seven days of being told that you have been matched with a child, if this is not possible you must tell Diss Town Council as soon as possible.

## **Statutory Adoption Pay**

8. Statutory adoption pay (SAP) will be payable if you have:
  - a) been working continuously for Diss Town Council for at least 26 weeks by the week you were matched with a child
  - b) an average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.
9. SAP is payable for 39 weeks. For the first six weeks it is paid at 90 percent of the average weekly earnings. The following 33 weeks will be paid at the SMP rate or 90 per cent of the average weekly earnings whichever is the lower.
10. Please refer to the Responsible Finance Officer who will be able to provide you with up to date figures.

## **Keep in touch days**

11. Both parties should agree when and how the employer will keep in contact, this may be via email, telephone contact etc. Employees should also agree with Diss Town Council if they will work the "keeping in touch" days; these can be used for training days, team events etc.
12. Up to ten keeping in touch days can be worked, and there is no provision for these days to be paid, this should be agreed between the employee and Diss Town Council. Statutory Adoption Pay may be paid or this may be off set against any contractual pay agreed.

## **Returning to work**

13. When returning to work after Ordinary Adoption Leave (the first 26 weeks) you have a right to the same job and the same terms and conditions you left.
14. When returning after Additional Adoption Leave the Council may show that it

is not reasonably practical for you to return to your old job e.g. the job no longer exists, however, you must be found alternative work with the same or better terms and conditions you left. You will be consulted with about these changes.

15. If you take the full entitlement of 52 weeks you do not have to give notice of your return, but it is a good idea to do so.
16. If you wish to return earlier, you must give us 8 weeks' notice that you intend to return early and the date of your return.
17. If you decide not to return to work at all you must give the Council notice in the usual way.

### **Flexible working**

1. Parents of children aged 16 and under, or of disabled children aged 18 and under, are entitled to request a flexible working pattern to assist with the work/caring balance.
2. You must make your request in writing and the Council must consider your request and reply to you in writing, giving reasons for any refusal.

### **Ordinary Paternity Leave Procedure**

1. As an employee of Diss Town Council you are entitled to Ordinary Paternity Leave provided that you have been employed by the Council for at least 26 weeks by either:
  - a) The end of the 15<sup>th</sup> week before the start of the week when the baby is due
  - b) The end of the week you are notified that you are matched with your child
2. You must also be either the:
  - a) Biological father of the child
  - b) Mother's husband or partner (including same sex relationships)
  - c) The child's adopter
  - d) Husband or partner (including same sex relationships) of the child's adopter.

### **Attendance of antenatal appointments**

3. Prospective fathers or the mother's spouse or partner, has the right to take unpaid leave to attend up to two antenatal appointments with the expectant mother under the Children & Families Act 2014.
4. By virtue of the Children & Families Act 2014 your Line Manager can ask you to provide a declaration confirming:
  - a) That you have a qualifying relationship with the expectant mother (that you are the father of the child or the woman's spouse or partner)
  - b) That the reason for requesting time off is to attend an antenatal appointment
  - c) That the appointment has been made on the advice of a medical practitioner registered midwife or registered nurse
  - d) The date and time of the appointment.

### **Length of ordinary paternity leave**

5. As long as you meet the conditions you can take either 1 or 2 weeks Ordinary Paternity Leave. If you take 2 weeks off, they must be taken together. You cannot take odd days off.

### **Taking your ordinary paternity leave**

6. To qualify for Ordinary Paternity Leave you must tell your Line Manager:
  - a) When the baby is due or when the child is expected to be placed with you for Adoption
  - b) Whether you wish to take 1 or 2 weeks leave
  - c) When you want your leave to start.
7. You must give your Line Manager the correct amount of notice in writing telling them:
  - a) At least 15 weeks before the beginning of the week when the baby is due OR
  - b) Within 7 days of being told by the Adoption Agency that you have been matched with a child.
8. Your Ordinary Paternity Leave can start on any day of the week (but not before the baby is born). It has to finish within 56 days of the baby's birth. If the baby is born before the week in which it was due, your leave must finish within 56 days of the first day of that week.
9. You can change the date that your Ordinary Paternity Leave starts as long as you give the Council 28 days' notice.
10. You can still take Ordinary Paternity Leave if your baby is stillborn after 24 weeks of pregnancy or born alive at any point of the pregnancy.

### **Parental Leave Procedure**

#### **Entitlement**

1. Parental leave is for employees to take time off work to look after a child's welfare; this leave is normally unpaid. If you have a child aged under 18 you may have the right to parental leave.
2. To qualify you must:
  - a) Have at least 1 year's continual service with the Council and
  - b) Be named as the parent on the child's birth certificate or
  - c) Be named on the child's adoption certificate or
  - d) Have legal parental responsibility for the child.
3. If you are separated and you do not live with your child, you still have the right to parental leave if you still have parental responsibility for your child.
4. The Council will ask for evidence that you are entitled to parental leave:

- a) Your child's birth certificate
- b) Papers confirming your child's adoption or the date of placement in adoption cases
- c) The award of disability living allowance for your child.

### **How much leave can be taken?**

5. Each parent (biological, adoptive or with legal parental responsibility) can take up to a total of 18 weeks' (no more than 4 weeks per year) parental leave for each child up to their 18th birthday.
6. If your child is disabled (that is receiving disability living allowance) each parent has the right to take 18 weeks' parental leave until the child's 18<sup>th</sup> birthday.
7. Parental leave is an individual right and you cannot transfer leave between parents
8. Parental leave applies to each child, not the individual's job. If part has been used with a previous employer, the balance is carried forward.

### **Pay during parental leave**

9. Statutory parental leave is unpaid.

### **Process**

10. Twenty-one days' notice must be given by the employee before the intended start date and if requested both the start and return date must be given in writing
11. A leave application form must be submitted to your Line Manager and approved by a senior manager
12. Unless it is an emergency, the agreed timescales under the Annual Leave procedure must be adopted
13. Parental leave should be taken in blocks of a week or multiples of a week, and should not be taken as "odd" days off, unless agreed with your Line Manager or the child is disabled. Employees cannot take off more than four weeks during a year. A week is based on an employee's working pattern.

## Member Training Policy

1. The Council is committed to developing its elected members to assist the Council in achieving its objectives. Councillor development and training is a joint commitment between the Town Clerk and Councillors and by working in partnership, appropriate investment in relevant training and development will be identified and resourced.
2. It is essential that Councillors are given equal opportunity to develop their knowledge and learn new skills to promote partnership working and community engagement to become effective Councillors and lead a modern and progressive Town Council of the future. Member development should be recognised as an integral part of the Council's business.
3. The Council recognises:
  - a) New Councillors will need to know what the job entails and to build up their knowledge and skills and experienced Councillors need to refresh their skills and knowledge to meet the ever-changing needs and demands of the modern world.
  - b) that continued investment and commitment to training and development are essential to the Council if quality services are to be provided, maintained, and continually improved.
  - c) Any member wishing to attend any training courses or events should discuss the training with the Leader of the Council, who will inform the Town Clerk who will arrange course bookings. Additional approval from the Chair of Executive will be needed if the training will incur reimbursement of travelling and other expenses.
4. The Council will:
  - a) All members will receive a Councillor induction pack within 1 month of taking their seat. All new members will be given the opportunity to attend a new Councillor training course.  
  
Any member wishing to a
  - b) All Members will be kept informed of relevant training courses especially those offered by the Association of Local Councils and Society of Local Council Clerks.
  - c) All new Councillors will be invited to meet with the Maintenance Manager and visit the Council's properties to further understand the Councils assets and liabilities.

## **Probationary Appraisal Policy**

- 1.1. The performance of employees in their six-month probationary period will be reviewed after two months and at the end of the probationary period. The appraisal form used for this appraisal is attached at Annex
- 1.2. The Line Manager will schedule the review and give the employee at least one week's notice of his/her review. If the employee is not meeting the expectations required of the role at the two-month review, the Line Manager can opt to continue with employment and offer extra training to the employee to enable them to complete their probation.
- 1.3. At the end of the probationary period, the same appraisal form will be used to determine whether the employee will receive a letter of permanent employment. If the employee's work after the six-month period is unsatisfactory, the Line Manager can arrange for an extension of three months if they believe that the employee will meet the satisfactory requirement with extra time.
- 1.4. If, during the probationary period, the employee is found to be unsatisfactory, the employee will be asked to attend a review where it will be highlighted that the Council is considering terminating his/her contract due to issues with their performance & the employee will have the right to bring a colleague representative to the meeting.
- 1.5. The employee will be given evidence of unsatisfactory performance and will be able to respond to any issues raised. A decision will then be made to offer further training and additional support where required, extend the employee's probation or terminate the employee's contract.



## **Annex**

### **Staff Probationary Appraisal Form**

1. A probationary appraisal will be carried out on each new employee at their two month and six-month anniversary during their first year of employment.
2. The objectives of the appraisal will be to:
  - discuss and review the employee's performance so far, conduct and achievements
  - identify any areas for development
  - if necessary, agree any changes required to performance objectives and actions required to improve the employee's performance and/or to enable them to achieve their full potential in the work they carry out for the Council and/or to facilitate their career progression
  - consider any future individual training and career development needs for the employee which are both relevant to the employee and to the Council
3. To maximise the effectiveness of the appraisal, it is important that employees prepare for the meeting by:
  - a) Reviewing the Council's Probationary Appraisal Policy.
  - b) Completing the appraisal form below, which should be given to employees at least one week before your review
  - c) Reviewing the employee's job description and person specification to ensure these accurately reflect their role
  - d) Submitting the completed appraisal form to your line manager at least two days prior to the employee's review
  - e) Considering any training and development, which could help the employee do their job more effectively.

## Reviewee Summary

Name		Job role	
Name of Manager completing the review		Date	Two / six-month appraisal ( <i>please delete</i> )
What achievements are you really proud of during the two / six-months?			
Please provide some suggestions for how your job could be more efficient or manageable.			
What have I been really good at during my probation period?			
What would I like some help with?			
Is there any extra support or training that would help me?			
Is there anything else relevant to your probation that you'd like to add?			

## Staff Appraisal - Reviewer Summary

How do I think you have performed during your probation period?		
Other points covered during probation including development		
Agreed Action Plan (including objectives and role expectations)		
What	When	How (if relevant)


**Acknowledgements:** I acknowledge that I have reviewed this document and it is a true representation of the discussion with my Line Manager.

Employee's Signature	Date
Line Manager's Signature	Date

## **Protocol for Recording of Council Meetings**

1. The right to record, film and to broadcast meetings of Local Councils, committees and sub committees was established following the Local Government Audit and Accountability Act 2014 with the “Openness of Local Government Bodies Regulations 2014” and was given Royal Assent on 6<sup>th</sup> August 2014. This is in addition to the rights of the press and public to attend such meetings.
2. Meetings or parts of meetings from which press and public are excluded may not be filmed or recorded.
3. Members of the public are permitted to film or record Town Council meetings, to which they are permitted access, in a non-disruptive manner and only from public areas.
4. The use of digital and social media recording tools, for example, blogging or audio recording will be allowed if it is carried out in a non-disruptive way.
5. In order to safeguard children and the vulnerable in particular, a space will be provided where individuals cannot be filmed. In addition, we ask that the filming or recording of members of the public is kept to a minimum and focuses on those making representations to the meeting.
6. The Council will make the Council chamber available to the public 15 minutes before and after meetings for the setting up and removal of any filming equipment.
7. The Chair of the meeting has the authority to stop a meeting and take appropriate action if any person contravenes these principles or is deemed to be recording in a disruptive manner.
8. While those attending meetings are deemed to have consented to the filming, recording or broadcasting of meetings, those exercising the rights to film, record and broadcast must respect the rights of others attending under the Data Protection Act 1998.
9. The Council asks those recording proceedings do not edit the film or recording in a way that could lead to misinterpretation of the proceedings or infringe the core values of the Town Council. This includes refraining from editing an image or views expressed in a way that may ridicule or show lack of respect towards those being filmed or recorded.
10. Any person or organisation choosing to film, record or broadcast a meeting of the Town Council, committee or sub-committee is responsible for any claims or other liability from them so doing.
11. The Council will display requirements as to filming, recording and broadcasting at its meeting venues and those undertaking these activities will be deemed to have accepted them whether they have read them or not.
12. This guidance on recording meetings is available on the Council's website.

## **Protocol for Marking the Death of a Senior National Figure or Local Holder of High Office**

1. The Council's mourning protocol will be implemented on the formal announcement of the death of any member of the Royal Family (Appendix 1.1). Implementation will be authorised by the Town Clerk or in their absence, the Deputy Town Clerk. See also Chain of Command.
2. On the formal announcement of the death of a Local Holder of High Office (Appendix 1.2) refer to Appendix 4.
3. This protocol sets out the activities to be undertaken by the Town Council in partnership with St Mary's church.
4. The Action Plan provides the detailed actions to be undertaken by whom and when.
5. The Town Council's Maintenance Manager or in his absence the Deputy Town Clerk will organise for the lowering and raising of the appropriate flag in front of the Council Offices.
6. For those wishing to leave a message, a book of condolence will be opened at St Mary's church Monday – Sunday 9am – 5pm. Once closed on the day following the funeral, the Town Council will organise for it to be archived at the District Council. During COVID-19 and in a future pandemic, a message will be displayed on the Council's website directing residents to the physical book and an e-condolence book on the official Royal website at [www.royal.uk](http://www.royal.uk).
7. Diss Town Council will issue a statement to the media and on its website (Appendix 2).
8. Town Councillors and staff will be invited to attend a service conducted by the local vicar. Should COVID-19 or other pandemic prevent a physical service, this will be conducted virtually.
9. The Town Clerk and Town Mayor will review the Town's Mayor's programme of engagements and other civic events to ensure appropriateness.
10. The Town Mayor will attend a reading of the Proclamation by Broadland & South Norfolk District Councils and appropriate dress code is detailed in Appendices 3 & 4. To avoid unnecessary social contact during the COVID-19 pandemic, the District proclamation will not take place.
11. There will be a two-minute silence in the Market Place lead by the Town Mayor on the day of the funeral (see Appendices 3 & 4). Should a pandemic prevent physical attendance, there will be a virtual two-minute silence lead by the Town Mayor on the day of the funeral OR the outdoor event will take place following strict government guidelines.
12. Floral tributes can be placed on Mere's Mouth at the location marked in Appendix 5 and will be sensitively removed the day following the funeral. During a pandemic and to avoid unnecessary social contact, the laying of flowers on Council grounds will be discouraged.
13. There will be a minute's silence before the start of any Council meetings, if held during what is known as the 'D' days.

## 1 ACTION PLAN

When	Who	Action required	Authorised by	Other Notes
<b>D</b> (day of death)	All in Appendix 1	DTC to lower Union flag to half-mast in the event of the death of any member of the Royal family.  For local holders of high office, the DTC flag will be flown.	Town Clerk / Chain of Command*	**All flags will be stored in the strong room at the Council Offices  The correct procedure for flag-flying is provided on the website of the Flag Institute ( <a href="http://www.flaginstitute.org">www.flaginstitute.org</a> ).  If D-day falls outside of working hours, flag will be lowered at 8am the next day.  If the death falls on St. George's Day or the period of mourning includes St. George's Day, the flag of the Patron Saint should be replaced by the Union Flag at half-mast.
<b>D</b>	Town Mayor	Issue a statement (Appendix 3) via press and on Council's website homepage	Town Clerk / Council Leader	Guidance on the content of the statement is set out in Appendix 2.  A banner has been prepared (including an image of The Queen / The Duke of Edinburgh, dates of her / his life & reign). This will link through to the Council's press statement and links to <a href="http://www.royal.uk">www.royal.uk</a> which will provide official statements from Buckingham Palace regarding lying-in-state and funeral arrangements and <a href="http://www.norfolk.gov.uk">www.norfolk.gov.uk</a>
<b>D</b>	As per Appendix 1	A book of condolence will be opened at St Mary's church 9am – 5pm Mon-Sun until the day following the funeral. A table with cloth, chair & suitable photo will be positioned at St Mary's church.  During a pandemic, a message will be displayed on the Council's website directing residents to the physical book at St Mary's church and the e-condolence book on the official Royal website at <a href="http://www.royal.uk">www.royal.uk</a> .	Town Clerk's office  St Mary's church	2 x condolence books are stored in the Council's strong room & suitable framed photos have been sourced. Photographs can be downloaded from <a href="http://www.royal.gov.uk">www.royal.gov.uk</a>  Ensure there is adequate paper available in the book & supply of pens. Pages that have been defaced or include offensive comments should be quietly removed until such time as a decision can be taken by the Town Clerk, on whether they should be permanently excluded.

<b>D</b>	Town Mayor	<p>Identify an area within Council's grounds for the public to lay flowers.</p> <p>The Mayor may wish to lay flowers first.</p> <p>During a pandemic and to avoid unnecessary social contact, the laying of flowers on Council grounds will be discouraged.</p>	Maintenance Manager	It is proposed that the area on Mere's Mouth at the location marked in Appendix 5 is used. Residents will be encouraged not to leave plastic or cellophane wrappings so that the flowers can be composted. The compost could be used for the planting of a commemorative tree.
<b>D + 1</b> (the day following the death of the Sovereign, when the new Sovereign is proclaimed)	For H.M. the Queen only	Flag will – at 11am – be raised to full mast and flown throughout D+1 until 1pm on D+2 at full mast.	Maintenance Manager / DepTC	
<b>D + 1 until funeral</b>	For other members of the Royal Family identified in Appendix 1.1	Flag will continue to be flown at half-mast until 8am on the day following the funeral	Maintenance Manager / DepTC	The funeral of the Sovereign will take place ten days after the day of death. For other senior members of the Royal Family the number of days will be fewer.
<b>D + 1</b>		<p>Organise attendance by councillors at a service at St Mary's Church</p> <p>Should a pandemic prevent a physical service, this will be conducted virtually.</p>	Town Clerk's office	The incumbent Rector should lead a service on the eve of the funeral and the church has the technology to live stream.
<b>D + 1</b>	Town Mayor	Review the programme of engagements undertaken by the Mayor / other civic events for appropriateness	Town Clerk / Town Mayor	
<b>D + 2 until D + 11</b>	H.M. the Queen	<p>Flag lowered to half-mast at 1pm</p> <p>until 8am on the day following the funeral</p>	DTC	The funeral of the Sovereign will take place ten days after the day of death. For other senior members of the Royal Family the number of days will be fewer.

<b>D + 2</b>	Town Mayor	Attend Proclamation reading by District Council at 12.45pm.  During the COVID-19 outbreak and to avoid unnecessary social contact, the District proclamation will not take place.		The District Council will make its proclamation as soon as possible after the County proclamation preferably before 1pm before the flags return to half-mast.  Details of the Proclamation readings will be available on the Norfolk County Council website and at <a href="http://www.royal.gov.uk">www.royal.gov.uk</a> . Dress code listed in Appendices 4 / 5.
<b>D + 8</b>	Duke of Edinburgh, Prince of Wales or Duchess of Cornwall	Two-minute silence at 11am on the day of the funeral  Should a pandemic prevent physical attendance, there will be a virtual two-minute silence lead by the Town Mayor on the day of the funeral.	Lead by Town Mayor in Market Place on raised platform	TBC by Buckingham Palace.  Dress code listed in Appendix 5.  All members & staff to be invited. Will be publicised via statement.
<b>D + 10</b>	HM The Queen	Two-minute silence at 11am on the day of the funeral  Should a pandemic prevent physical attendance, there will be a virtual two-minute silence lead by the Town Mayor on the day of the funeral.	Lead by Town Mayor in Market Place on raised platform	TBC by Buckingham Palace.  Dress code listed in Appendix 4.  All members & staff to be invited. Will be publicised via statement.
<b>D + 11</b>	Maintenance Team	Flag returned to normal at 8am.	Town / Deputy Clerk	
<b>D + 11</b>	Maintenance Team	Sensitively remove floral tributes	Town Clerk	Planning will take place regarding the logistics of removing floral tributes sensitively composting or donating living plants to local organisations.
<b>D + 11</b>		Close the Book of Condolence / pages	St Mary's Church	The Town Clerk's office will arrange for lodging the book / pages in South Norfolk Council's archives.

**\* DTC Chain of Command**

1. Town Clerk
2. Deputy Town Clerk
3. Maintenance Manager
4. Town Mayor
5. Council Leader
6. Chair of Committee (available)

**\*\* Flag-flying**

<b>Date</b>	<b>Flag</b>	<b>Occasion</b>	<b>Notes</b>
6 <sup>th</sup> February	Union Jack	Her Majesty's Accession	
21 <sup>st</sup> April	Union Jack	Birthday of H.M. the Queen	
2 <sup>nd</sup> June	Union Jack	Coronation Day	To remain up until after 10 <sup>th</sup> June
8 <sup>th</sup> June	Union Jack	Official celebration of H.M. the Queen's birthday	
10 <sup>th</sup> June	Union Jack	Birthday of the Duke of Edinburgh	
Second Sunday in November	Union Jack	Remembrance Day	
When it happens	Union Jack	Death of any member of the Royal family / Remembrance Day	
Second Monday in March (8 <sup>th</sup> March 2021)	Commonwealth	Commonwealth Day	
23 <sup>rd</sup> April	St Georges	St George's Day	
Last Saturday in June (26 <sup>th</sup> June 2021)	Armed Forces	Armed Forces Day	
Remainder of year / when it happens	Town Council	When the other flags are not flying / on death of national Local Holder of High Office	

## APPENDIX 1 – SENIOR NATIONAL FIGURES AND HOLDERS OF HIGH OFFICE

### 1.1 MEMBERS OF THE ROYAL HOUSEHOLD

The Union Flag to be flown for the following:

- H.M. The Queen (The Sovereign)
- H.R.H. The Duke of Edinburgh (Philip)
- H.R.H. The Prince of Wales (Charles)
- H.R.H. The Duchess of Cornwall (Camilla)
- H.R.H. The Duke of Cambridge (William)
- H.R.H. The Duchess of Cambridge (Kate)
- H.R.H. Prince George of Cambridge
- H.R.H. Princess Charlotte of Cambridge
- H.R.H. Prince Louis of Cambridge
- H.R.H. The Duke of Sussex (Harry)
- H.R.H. The Duke of York (Andrew)
- H.R.H. The Earl of Wessex (Edward)
- H.R.H. The Princess Royal (Ann)

### 1.2 LOCAL HOLDERS OF HIGH OFFICE

The Diss Town Council flag to be flown for the following:

- The Prime Minister or former Prime Minister
- Lord Lieutenant of Norfolk
- High Sheriff of Norfolk
- The Member of Parliament for the constituency of which the Civil Parish of Diss forms part
- District / County Councillors for Diss & Roydon
- Serving Member of Diss Town Council

## Appendix 2 - Press Statement / Chairman's Tribute to HRH The Duke of Edinburgh (draft)

The staff and members of Diss Town Council are deeply saddened to hear of the death of The Duke of Edinburgh.

The Duke has served our country with great distinction throughout his life and our thoughts and deepest sympathy are with The Queen and the rest of the Royal Family at this sad time. Accordingly, the Council's Union flag will be flown in line with protocol until the day following the funeral.

For those wishing to leave a message, a book of condolence is physically available to sign at St Mary's church. Locations for all books of condolence in Norfolk can be found on the Norfolk County Council website ([www.norfolk.gov.uk](http://www.norfolk.gov.uk)) and an e-book of condolence is available on the official Royal website ([www.royal.uk](http://www.royal.uk)). Floral tributes by members of the public may be laid on Mere's Mouth in the marked space where the former car parking spaces were situated.

*(pandemic specific)* In line with Government advice on social contact during this sensitive time, we are asking residents not to lay flowers within the Council grounds.

The Town Mayor will attend the Reading of the Proclamation on the Accession of a new Sovereign by Broadland and South Norfolk District Councils on behalf of Diss Town Council from 1pm on day two after the announcement.

*COVID-19 specific - the above paragraph will be removed as the Proclamation will not take place.*

There will be a 2-minute silence at the Market Place lead by the Town Mayor on the day of the funeral following strict Covid-19 guidelines OR there will be a virtual two-minute silence lead by the Town Mayor on the day of the funeral.

Diss Town Mayor

### **Appendix 3 - Mourning Dress Code following the Death of The Sovereign**

Members and senior officers to follow this guidance at their own discretion.

Members and senior officers are advised to wear black ties or arm bands at official events and public appearances and are advised to wear dark clothing if attending the Proclamation or observing the 2-minute silence.

Chains of office will not be worn for the period of public mourning; instead, badges of office will be worn on black neck ribbons from D-day until and including the day of the funeral.

*Note: For all other senior members of the Royal Family, follow the protocol for senior national / local figures in Appendix 4, unless a formal period of public mourning has been announced.*

### **Appendix 4 – Protocol for marking the death of a senior national / local figure**

This Protocol sets out the action to be taken in the event of the death of:

- The Prime Minister or former Prime Minister
- Lord Lieutenant of Norfolk
- High Sheriff of Norfolk
- The Member of Parliament for the constituency of which the Civil Parish of Diss forms part
- Serving Member of Diss Town Council

For all the above, the flag will fly at half-mast on D-day. On subsequent days the flag will fly at full mast until the day of the funeral when they again fly at half-mast (8am on funeral day until 8am the following morning).

On the death of any of the above (or other significant person), the Officers will discuss with the Mayor and/or Leader whether books of condolence should be opened.

If there is no formal public mourning period for the deceased, then black ties and/or black armbands can be worn instead from D+1 to the day before the funeral.

A national 2-minute silence may be observed to mark the death of other senior national figures, but this will be advised in the event. A council can still decide to observe a silence even if no national arrangements are in place.

## **Recording Officer Decisions Policy**

### **1. Introduction**

The Openness of Local Government Bodies Regulations 2014 requires a written record of any decision delegated to an officer under express authorisation or under general authorisation where the effect is:

- a) to grant permission or licenses.
- b) affects the rights of individuals.
- c) awards contract or incurs expenditure which materially affects the Councils financial position.

### **2. Material Expenditure**

Expenditure that materially affects the Councils financial position has been determined by the Council to be 10% of gross ordinary annual expenditure (excluding additional projects).

### **3. Examples of Decisions to be Recorded**

- a) To award or renew a lease.
- b) To refuse a request for access to information.
- c) To award a contract or incur expenditure above £5,000.
- d) To withdraw or refuse any Council service, e.g. terminating a market trader's agreement.

### **4. Examples of Decisions not to be Recorded**

- a) Routine administrative and organisational decisions.
- b) To allocate burial plots.
- c) To approve bookings for Council facilities.
- d) To approve works undertaken by a contractor.
- e) Any written decision that is already recorded by a written record and produced by virtue of other legislation.
- f) Any decision that would be exempt or confidential.

### **5. Procedure for Recording**

5.1 The decision-making Officer will produce a written record as soon as practicable after taking the decision, and it will be made available on the Council's website with hard copies available from the Council offices. The written record will include:

- a) The decision taken and the date the decision was taken.
- b) The reason(s) for the decision.
- c) Any alternative options considered and rejected.
- d) Any other background documents.

5.2 The record will be available for a minimum of six years from the date of the decision, with any supporting documentation available for a minimum of four years.

## **Risk Management Policy**

### **1. Purpose of a Risk Management Policy**

- 1.1 Risk management will strengthen the ability of the Council to achieve its objectives and enhance the value of services provided whilst safeguarding public resources.
- 1.2 This Policy will help to ensure that all Council committees have an understanding of 'risk' and that the Council adopts a uniform approach to identifying and prioritising risks. This should in turn lead to conscious choices as to the most appropriate method of dealing with each risk, be it elimination, reduction, transfer or acceptance.
- 1.3 This Policy provides assurances to members and officers on the adequacy of arrangements for the conduct of business and the use of resources. Implementation of the policy leads to greater risk awareness and improved control, which should mean fewer incidents and control failures and in some cases lower insurance premiums.
- 1.4 There is a requirement under the Accounts and Audit Regulations 2015 s3(c) that local Councils must ensure they have a sound system of internal control which includes effective arrangements for the management of risk. Risks and their control will be identified and collated in a Risk Register.

### **2. The Principles of Risk Management**

#### **2.1 Risk Management Policy Statement**

The Council recognises that it has a responsibility to manage risks effectively in order to protect its employees, assets, liabilities and community against potential losses, to minimise uncertainty in achieving its aims and objectives and to maximise the opportunities to achieve its vision.

Whilst it is acknowledged that risk cannot be totally eliminated it is accepted that much can be done to reduce the extent of injury, damage and financial loss. Therefore, The Council is committed to identifying, reducing or eliminating the risks to both people and the natural and built environments.

The Council will carry insurance in such amounts and in respect of such perils as will provide protection against significant losses, where insurance is required by law or contract and in other circumstances where risks are insurable, and premiums cost effective.

The Council will seek to embed effective risk management into its culture, processes and structure to ensure that opportunities are maximised; it will seek to encourage managers to identify, assess and manage risks, and learn to accept the right risks.

### **3. What is Risk Management?**

- 3.1 *'Risk is the threat that an event or action will adversely affect an organisation's ability to achieve its objectives and to successfully execute its strategies. Risk management is the process by which risks are identified, evaluated and controlled. It is a key element of the framework of governance together with community focus, structures and processes, standards of conduct and service delivery arrangements.'* Audit Commission, *Worth the Risk: Improving Risk Management in Local Government*, (2001: 5)
- 3.2 Risks can be classified into various types, but it is important to recognise that for all categories the direct financial losses may have less impact than the indirect costs such as disruption of normal working. The examples below are not exhaustive:

- a) Strategic Risk - long-term adverse impacts from poor decision-making or poor implementation. Risks damage to the reputation of the Council, loss of public confidence, in a worst-case scenario a Judicial Review or Report in the Public Interest.
- b) Compliance Risk - failure to comply with legislation or laid down procedures or the lack of documentation to prove compliance. Risks exposure to prosecution, Judicial Review, employment tribunals, additional audit investigation, inability to enforce contracts.3.2.3
- c) Financial Risk - fraud and corruption, waste, excess demand for services, bad debts. Risk of additional audit investigation, public objection to accounts, reduced service delivery, increased Council tax levels/impact on Council reserves, increased Council borrowing.
- d) Operating Risk - failure to deliver services or maintain buildings/property effectively, malfunctioning equipment, hazards to service users, the general public or staff, damage to property. Risk of insurance claims, higher insurance premiums, lengthy recovery processes, increased Council tax levels/impact on Council reserves, increased Council borrowing.

3.3 These risks can be broken down further into specific areas which could impact on the achievements of the Council's long-term objectives and day-to-day delivery of services:

- a) Political - Those associated with the failure to deliver either local, regional or national policy.
- b) Financial – Those affecting the ability of the Council to meet its financial commitments; failure of major projects; internal and external audit requirements; failure to prioritise and allocate resources effectively; poor contract management; new ideas overload; poor internal controls leading to fraud/mismanagement
- c) Social – Those relating to the effects of changes in demographic, residential, or socio-economic trends on the Council's ability to deliver its corporate priorities.
- d) Technological – Those associated with the capacity of the Council to deal with the pace/scale of technological change, or its ability to use technology to address changing demands.

3.4 It would also include the consequences of internal failures on the Council's ability to deliver its objectives.

- a) Legal – The ability of the Council to keep up to date with changes in legislation and ensuring compliance to avoid breaches in legislation (UK & EU).
- b) Partnership/contractual – Those associated with the failure of partners/contractors to deliver services to an agreed cost and specification and similarly failure of the Council to deliver services to an agreed cost and specification; compliance with procurement policies (internal/external); ensuring open and fair competition;
- c) Human Resources – Those associated with the professional competence of staff; lack of training and development; over reliance on key personnel; ineffective project management; recruitment and selection issues; inadequate personnel policies
- d) Organisational – Those associated with the review of services and delivering continuous improvement;

- e) Health & Safety/Physical – Those related to fire, safety, accident prevention and health & safety which pose a risk to both staff and the public; safeguarding and accounting of physical assets.
  - f) Reputational – Those associated with the changing needs of customers and the electorate; ensuring appropriate consultation; avoiding bad public and media relations.
- 3.5 Not all these risks are insurable and for some the premiums may not be cost-effective. Even where insurance is available, money may not be an adequate recompense. The emphasis should always be on eliminating or reducing risk, before costly steps to transfer risk to another party are considered.
- 3.6 Risk is not restricted to potential threats but can be connected with opportunities. Good risk management can facilitate proactive, rather than merely defensive, responses. Measures to manage adverse risks are likely to help with managing positive ones.

#### 4. **The Risk Management Process**

- 4.1 Implementing this Policy involves identifying, analysing/prioritising, managing and monitoring risks, which should be controlled in the form of a Risk register.
- 4.2 Risk Identification – Identifying and understanding the hazards and risks facing the Council is crucial if informed decisions are to be made about policies or service delivery methods. The risks associated with these decisions can then be effectively managed. All risks identified will be recorded in the Council's Risk Register.
- 4.3 Risk Analysis – Once risks have been identified they need to be systematically and accurately assessed. Analysis should make full use of any available data on the potential frequency of events and their consequences. If a risk is seen to be unacceptable, then steps need to be taken to control it or respond to it.
- 4.4 Risk Prioritisation - An assessment should be undertaken of the impact and likelihood of risks occurring, with impact and likelihood being scored Low (1), Medium (2) and High (3).
- 4.5 The scores for impact and likelihood are added together. Risks scoring 4 and above will be subject to detailed consideration and preparation of a contingency/action plan to appropriately control the risk.
- 4.6 Risk Control – the process of taking action to minimise the likelihood of the risk event occurring and/or reducing the severity of the consequences should it occur. Typically, risk control requires the identification and implementation of revised operating procedures, but in exceptional cases more drastic action will be required to reduce the risk to an acceptable level.

Options for control include:

- a) Elimination – the circumstances from which the risk arises are ceased so that the risk no longer exists.
- b) Reduction – loss control measures are implemented to reduce the impact/likelihood of the risk occurring.
- c) Transfer – the financial impact is passed to others e.g. by revising contractual terms.

- d) Sharing the risk with another party.
  - e) Insuring against some or all of the risk to mitigate financial impact; and
  - f) Acceptance – documenting a conscious decision after assessment of areas where the Council accepts or tolerates risk.
- 4.7 Risk Monitoring – The risk management process does not finish with putting any risk control procedures in place. Their effectiveness in controlling risk must be monitored and reviewed. It is also important to assess whether the nature of any risk has changed over time.
- 4.8 The information generated from applying the risk management process will help to ensure that risks can be avoided or minimised in the future. It will also inform judgements on the nature and extent of insurance cover and the balance to be reached between self-insurance and external protection.

## 5. **Implementation**

- 5.1 Initial Identification of Risks will be by officers compiling a list of the risks in their areas of responsibility.
- 5.2 The Council will at least annually reassess its objectives and any threats to achieving them. The Council will build risk management procedures into the way that it operates.
- 5.3 Officers developing projects or recommending service changes will ensure that risks are identified and the measures to eliminate or control risks are documented in agenda reports to be considered by Council and/or its committees.
- 5.4 The Council is entering into an increasing number of partnerships with organisations from the public, private, voluntary and community sectors. Some of these organisations may not have the same sensitivities to the risks that the Council sees as important. Part of the process of setting up future partnerships will be to ensure that all relevant risks are identified and that appropriate control mechanisms are built into the management arrangements for the partnership.

## 6. **Roles and Responsibilities**

- 6.1 It is important that risk management becomes embedded into the everyday culture of the Council. The roles and responsibilities set out below, are designed to ensure that risk is managed effectively across the Council, and responsibility for risk is allocated appropriately. Those who best know the risks to a particular service should be responsible for it. The process must be policy driven but must also involve staff throughout the organisation.
- 6.2 Councillors – risk management is seen as a key part of the councillors' stewardship role and there is an expectation that they should lead and monitor the approach adopted. This will include:
- a) Review and approval of the Risk Management Policy;
  - b) Analysis of key risks in reports on major projects, ensuring that all future projects and services undertaken are adequately risk managed;
  - c) Annual review of of Internal Controls; and
  - d) Assessment of risks whilst setting the budget, including ensuring sufficient resources to tackle specific issues.

6.3 Senior Officers will act as the risk champions for their areas of specialty, assisting with identifying all risks within their remit and the compilation of the Risk Register. They will manage risk effectively in their service areas or projects and report how threats and risks have been managed to the Town Clerk. This includes identifying, analysing, prioritising, monitoring and reporting on service risks and any control actions taken.

Specific duties relating to individual officers are detailed below:

6.4 Town Clerk – will act as the Lead Officer on Risk Management, overseeing the implementation of the detail of the Risk Management Policy and will:

- a) provide advice as to the legality of policy and service delivery choices.
- b) provide advice on the implications of potential service actions for the Council's corporate aims and objectives.
- c) update Council on the implications of new or revised legislation.
- d) assist in handling any litigation claims.
- e) provide advice on any human resource issues relating to strategic policy options or the risks associated with operational decisions and assist in handling cases of work-related illness or injury.
- f) advise on any health and safety implications of the chosen or proposed arrangements for service delivery; and
- g) report progress to Council via the Executive Committee as detailed in para 8 below.

6.5 Responsible Finance Officer – as the Council's Section 151 Officer, will:

- a) work with the Town Clerk to assess and implement the Council's insurance requirements.
- b) assess the financial implications of strategic policy options.
- c) provide assistance and advice on budgetary planning and control.
- d) ensure that the Financial Information System allows effective budgetary control.
- e) inform investment decisions made by the Council.

6.6 Maintenance Manager will:

- a) ensure that Risk Management is an integral part of any service review process;
- b) ensure that recommendations for risk control are detailed in service review reports;
- c) assist in developing and monitoring Performance Indicators for Risk Management.

6.7 Employees – will undertake their job within risk management guidelines ensuring that the skills and knowledge passed to them are used effectively. All employees will maintain an awareness of the impact and costs of risks and how to feed data into the formal process. They will work to control risks or threats within their jobs, monitor progress and report on job related risks to their Line Manager.

6.8 Internal Auditor – provides an important scrutiny role carrying out audits to provide independent assurance to the Executive Committee that the necessary risk management systems are in place and all significant business risks are being managed effectively.

- a) The Internal Auditor assists the Council in identifying both its financial and operational risks and seeks to assist the Council in developing and implementing proper arrangements to manage them, including adequate and effective systems of internal control to reduce or eliminate the likelihood of errors or fraud.

- b) The Internal Audit Report, and any recommendations contained within it, will help to shape the Council's system of Internal Control.

6.9 Training – Where appropriate risk management training will be provided to Councillors, senior officers and key staff to ensure that both Councillors and staff have the skills necessary to identify, evaluate and control the risks associated with the services they provide.

### **Reporting on Progress**

The Town Clerk will present an annual report to the Executive Committee detailing progress on risk management over the year and providing a summary of the Risk Register as part of the review of internal controls.

# Sickness and Absence Policy

## 1. Introduction

- 1.1. Council employees are expected to maintain acceptable levels of attendance and performance. While it is recognised that employees have genuine reasons to be absent from work, the Council has a responsibility for 'duty of care' for all its employees & expects all employees to adopt a responsible attitude towards their own health and well-being.
- 1.2. The aim of this policy is to provide clear guidelines regarding sickness absence from work and to keep unnecessary absence to a minimum. It also aims to ensure that all employees are treated fairly and consistently.

## 2. Principles

Should any employee be unable to attend work due to illness, injury, personal or domestic reasons, they must comply with the following sickness absence reporting procedure:

### 2.1. During Absence

- a) On the first morning of sickness absence, all employees must contact their Line Manager, by telephone, within the first hour of the working day and on each subsequent day after that unless otherwise agreed. If the Line Manager is unavailable, the employee must contact the office.
- b) The employee should give details of the nature of the illness and, if the illness is of a minor nature, they should indicate when they believe they will be fit to return to work.
- c) The employee must inform the Council as soon as possible of any change in the date of their anticipated return to work.
- d) Contacting the Council by text message or e-mail is not acceptable, other than in exceptional circumstances.
- e) Whilst off sick the employee should do nothing which is likely to make their illness worse and to do all they can to aid recovery.
- f) If the employee has been diagnosed with an infectious or contagious disease, they must inform their Line Manager as soon as possible after diagnosis.
- g) Any employee absent through sickness is prohibited from undertaking any form of paid alternative employment, self-employment or voluntary work. Any breach of this rule will be regarded as gross misconduct, which may result in the employee's dismissal.

### 2.2. Returning to Work

- a) When resuming work, employees must report to their Line Manager.
- b) If the sickness is for a duration of seven days or less, they must complete a Self-Certification Form on their first day back. Self-Certification Forms are available from the office.
- c) If the sickness is for a duration of more than seven days a Medical Certificate (Fit Note) must be produced. A Return to Work interview must also be conducted by the Line Manager either after seven days absence or if a pattern is detected for shorter periods of absence.

## 2.3 **Fitness to Work**

- a) Where a doctor's certificate indicates that an employee may be fit for work and the doctor has suggested ways of helping them get back to work, such as a phased return to work, altered hours, amended duties or workplace adaptations, their Line Manager will discuss the advice on the doctor's certificate with the employee.
- b) The Line Manager will consider any functional comments made by the doctor and any other action that could help the employee return to work despite their illness.
- c) The various options will be discussed with the employee and if a return to work is possible, the Line Manager will agree a return-to-work date with the employee, any temporary adaptations or adjustments that are to be made, for how long and will set a date for review. If the Council is not able to make any adaptations or adjustments to help their return to work, the Line Manager will explain the reasons for this and will set a date for review. The doctor's certificate may then be used by the employee as if the doctor had advised "not fit for work".
- d) If the employee disagrees with the Council's proposals to support their return to work, they will be asked to confirm why they believe they cannot return to work despite their doctor's suggestions.
- e) The Council reserves the right to obtain further medical evidence, as necessary.

## 3. **Return to Work Interviews**

- 3.1 For all periods of sickness absence of seven days or longer, the employee will be required to attend a "return-to-work" interview on their first day back (or as soon as possible thereafter) to discuss the reasons for the absence and whether it was work-related.
- 3.2 The employee will be asked to explain the reasons for their absence and whether they consulted a doctor or attended hospital and will be required to produce a Medical Certificate (Fit Note) for the period of their absence.
- 3.3 During the interview, the employee will be advised of their absence record, and be asked to identify any contributory factors to their overall absence. The Council will also explore whether there is any support they can offer to assist in improving the employee's attendance.
- 3.4 The Line Manager will explore with the employee whether there is any apparent pattern of absence and discuss whether the absences are in any way related to their work.
- 3.5 The Line Manager may also set reasonable targets and time limits for improvement in attendance and the employee may be warned that a failure to improve may result in disciplinary action.
- 3.6 The aims of a return to work interview are to:
  - a) Identify and resolve the cause of the absence.
  - b) Make sure employees are fit to return to their normal duties.
  - c) Offer employees assistance if required.
  - d) Give employees an opportunity to discuss any particular problems.

- 3.7 The interview with the employee's Line Manager must be carried out as soon as practical, following their return to work. It must be private and on a one to one basis. The outcome will be recorded on the Return to Work form. This will document the precise reasons for the absence and any relevant comments made by either party. If a course of action is required, this will be recommended. The completed form will be placed in the employee's personnel file.
- 3.8 If appropriate, the employee may be asked to consult a doctor to establish whether medical treatment is necessary and the underlying reason for the absence.

#### **4. Medical Examination**

The Council reserves the right to require an employee at any time to submit to a medical examination by a medical practitioner nominated by the Council, subject to the provisions of the Access to Medical Reports Act 1988 where applicable. Any costs associated with the examination will be met by the Council.

#### **5. Sick Pay**

- 5.1 After successfully completing a 6-month probation period and provided that employees comply with this policy, employees will be entitled to the Council's Sick Pay Scheme and this will be detailed in his / her Contract of Employment.

Employees on a short fixed-term contract may be entitled to Statutory Sick Pay, subject to meeting the eligibility requirements.

- 5.2 The limit of entitlement to SSP is 28 weeks.
- 5.3 If an employee is off for two periods which are separated by 8 weeks (56 days) or less for the same ailment, then the employee does not need to be absent for 4 consecutive days in the second period of absence in order to receive SSP.
- 5.4 Payments made to employees by the Council under its sick pay provisions will go towards discharging the Council's liability to make payment to employees under the Statutory Sick Pay scheme.
- 5.5 Any payment of sick pay is conditional upon:
- a) The production of a Self-Certification Form signed by the employee giving the reasons for any absences of up to a calendar week.
  - b) The production of a Medical Certificate (Fit Note) covering any absences of more than a calendar week or an absence of any length before or after a public holiday.
- 5.6 Any payment of sick pay may be withheld if the employee: -
- a) has knowingly provided false information;
  - b) has failed to follow the set procedure;
  - c) is subject to a disciplinary warning;
  - d) is suspected of abusing the system;
  - e) is ill due to drug, alcohol or substance abuse or a self-inflicted injury; or
  - f) is injured as a result of their involvement in dangerous sports

- 5.7 Employees failing to comply with their obligations under this scheme will invoke disciplinary action, which may lead to their dismissal.
- 5.8 It is The Council's policy that any employee in receipt of sick pay (including Statutory Sick Pay) is prohibited from undertaking any form of paid alternative employment, self-employment or voluntary work. Any breach of this rule will be regarded as gross misconduct, which may result in the employee's dismissal.
- 5.9 If the incapacity is, or may have been, caused by negligence of a third party on account of which damages are or may be recoverable, the employee must immediately notify the Council of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it. They must also provide the Council with all details it may reasonably require. If required by the Council, the employee shall refund to the Council such of the damages recovered as related to loss of earnings, less any costs borne by the employee in recovering those damages.
- 5.10 The Council reserves the right to require any prospective or current employee to undergo a medical examination at the expense of the Council, at any time before or during employment, and allow the findings to be made known to the Council in confidence, if there are reasonable grounds as to their capability to carry out duties required and/or on return from any absence due to sickness.

## **6. Persistent Short-Term Absence Procedure**

- 6.1 Should an employee's level of absence give cause for concern, it is responsible and appropriate for the Council to investigate the reasons for the absence.
- 6.2 Persistent short-term absence is defined as one of the following: -
- a) 2 separate spells of absence or a total of 7 days in a rolling 3-month period, or
  - b) 5 separate spells of absence in a rolling 12-month period, or
  - c) More than 10 day's absence in a rolling 12-month period, or
  - d) Unacceptable patterns of absence, for example regular absence on a Monday or a Friday or absence which appears to form a pattern against the procedure eg. repeatedly completing a review period only to lapse again a few months later.
- 6.3 If one of these occurs, the Council will adopt the following procedure:
- a) The Line Manager will conduct a Return to Work Interview on the employee's return to work, (see clause 3) to investigate the situation and give employees an opportunity to explain the reasons for the absence.
  - b) If the Line Manager still has cause for concern following the Return to Work Interview, the Disciplinary & Dismissal Procedure may be invoked.

## **7. Long-Term Sickness Absence Procedure**

- 7.1 The Council will do what it can to provide support and assistance where long-term absence arises through sickness, or the inability to attend regularly and consistently because of ill health.
- 7.2 Contact will be maintained with the employee or their family throughout the absence. The Council maintains the right to discuss with the employee the reasons for their absence and what adjustments may be necessary to facilitate a return to work. This will take place no earlier than the fourth week of absence and the employee will be

notified of a time and date for the contact. The employee may be asked to give consent for a GP report to be obtained (under the Access to Medical Reports Act 1988).

- 7.3 Upon receipt of the GP report, a further meeting/home visit will be arranged to discuss the content and future options.
- 7.4 The Council may request further information from the employee's GP or Consultant or seek a second medical opinion where appropriate.
- 7.5 A Return to Work interview will be conducted upon their return to make sure that the employee is fully recovered and to help them return to their normal duties.
- 7.6 In a case of permanent or long-term sickness or disability, where appropriate, the Council will do all it can to identify alternative employment or adjustments to terms and conditions, which may facilitate a return to work.
- 7.7 Where there is little or no prospect of recovery, or where the period before return is unreasonable in terms of the needs of the Council, the Council may decide to terminate employment on the grounds of incapacity. Before such a decision is taken, however, all the possibilities will be discussed with the employee, taking into account any reasonable adjustments and all the relevant circumstances. Each case will be considered on its own merits.
- 7.8 If the decision is made that there is no option but to dismiss an employee following a period of long-term sickness absence, the required contractual entitlement to notice and pay during the notice period will apply, even though the employee will be unable to work the notice period.
- 7.9 Early retirement on medical grounds may be considered.

## **8. Sickness at Work**

The Council reserves the right to send an employee home if, for any reason, they appear to be un-fit for work or appear to present a risk to themselves, the workplace, other staff members or third parties. These are precautionary measures designed to prevent the spread of disease in the workplace and/or further harm to the employee or others.

## **9. Safety at Work**

- 9.1 Should an employee have any worries or concerns about tasks which are likely to affect their health, it is important that they bring them to the attention of their Line Manager or in their absence the Town Clerk at an early stage. The Council is always prepared to discuss any problems or difficulties staff may be experiencing and will endeavour to assist wherever possible.

## **10. Medical Appointments**

- 10.1 Appointments with doctors, dentists and other medical practitioners should, wherever possible, be made outside of normal hours of work or with the minimum of disruption to the working day (i.e. at the beginning or end of the working day).
- 10.2 When this is not possible, time off work to attend medical appointments must be authorised by the Line Manager in advance. The employee may be asked to provide proof of appointment. Time off for this purpose should be made up, as agreed with the Line Manager.
- 10.3 There is no contractual or statutory right for employees to be paid for absences relating to attendance at medical appointments, unless these are ante-natal appointments, and any payment of salary is made at the absolute discretion of the Council, bearing in mind the Equal Opportunities Policy.

- 10.4 Where a medical appointment is expected to take half a day or more, the employee should complete the Employee Self-Certification form and submit to their Line Manager. In this instance the time off will be recorded as sickness absence. Alternatively, staff can opt to use their annual leave for this absence.

## **11. Elective Surgery**

- 11.1 Elective surgery is surgery that is not considered to be medically necessary, for example because it is concerned with the enhancement of appearance through surgical and medical techniques.
- 11.2 If an employee wishes to take time off for elective surgery, they may use their existing paid annual leave entitlement, provided they comply with the provisions relating to annual leave set out in employees Contract of Employment and the leave has been approved by the Line Manager.

## **12. Gender Reassignment**

- 12.1 Gender reassignment is a process which is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex, and it includes any part of such a process.
- 12.2 Medical appointments and absence in connection with the gender reassignment process will be treated no less favourably than any other medical appointments or absence. The employee should try to arrange medical appointments and surgery at times that will cause the minimum amount of inconvenience to the Council.

## **13. Fertility Treatment**

Medical appointments in connection with the early stages of the fertility treatment process will be treated no less favourably than any other medical appointments. The employee should try to arrange fertility treatment at a time that will cause the minimum amount of inconvenience to the Council. If time off is required, it is permitted to use existing paid annual leave entitlement, provided the employee complies with the provisions relating to annual leave set out in employees Contract of Employment and in the leave has been approved by the Line Manager. If the employee, as a result of fertility treatment, becomes pregnant, the normal statutory pregnancy and maternity entitlements will apply.

## Staff TOIL Policy

Time off in Lieu (TOIL) is time off which staff may take for hours worked beyond the normal working day.

1. TOIL should only be accrued in exceptional circumstances only, these exceptional circumstances include finishing important maintenance team work. Where possible every effort should be made to avoid TOIL being accrued. Working additional hours is voluntary.
2. All TOIL must be authorised by the individual's Line Manager and recorded on the employee's time sheet.
3. TOIL cannot be accrued for lunch periods. If you work more than six consecutive hours daily, you are entitled to a 20 minute lunch break, this lunch break must be taken and recorded on all staff time sheets.
4. The additional hours needed should be sporadic or required for a limited period of time only – if it is for a period longer than a month then the Clerk should review the overall staffing needs for the team to ensure working practices are effective.
5. The rate at which TOIL can be accrued is on a like for like basis.
6. All TOIL accrued in one calendar month must be used up within six weeks of accrual.
7. Only TOIL accrued in March be carried over from one tax year into the next and must be utilised in April.
8. Employees who choose to work outside their normal working hours through personal choice cannot claim TOIL for those hours unless authorised through their Line Manager.
9. TOIL not taken within the six weeks of accrual will be lost, if there is no allowance for toil to be taken in this time due to staff shortages the Town Clerk can authorise an extension to this time limit.
10. There will be no financial compensation for any TOIL that is lost.
11. Managers should ensure that employees are given reasonable opportunities to take any accrued TOIL within the approved period.
12. The operation of TOIL depends on mutual trust. Any suspected abuse of TOIL will be treated as a disciplinary matter.

## **STAFF TRAINING POLICY**

### **1. Introduction**

1.1 This document sets out:

- a) The Council's commitment to training
- b) The identification of training needs
- c) Financial assistance
- d) Study leave
- e) Short courses/workshops
- f) Evaluation of training

1.2 The objectives of this strategy are to:

- a) Require staff to undertake appropriate training
- b) Allocate training in a fair manner
- c) Ensure that all training is evaluated to assess its value

### **2. Commitment to Training**

2.1 The Council is committed to the ongoing training and development of all employees to enable them to make the most effective contribution to the Council's objectives in providing the highest quality representation and services for the people of the town. Training can be defined as 'a planned process to develop the abilities of the individual, contribute to their continuing professional development and to satisfy current and future needs of the organisation'. The Council recognises that its most important resource (apart from its elected members) are its officers and staff and is committed to encouraging individuals to enhance their knowledge and qualifications through further training. Some training is necessary to ensure compliance with legal and statutory requirements.

2.2 The Council expects senior officers to undertake a programme of continuing professional development (CPD) in line with the requirements of their professional bodies (such as the Institute of Local Council Management).

2.3 Providing training yields a number of benefits:

- a) It improves the quality of the services and facilities that the Council provides
- b) It improves the skill base of the employees, producing confident, highly qualified and motivated staff working as part of an effective and efficient team; and
- c) It demonstrates that employees are valued.

2.4 The process of development is as follows:

- a) Training needs should be identified by considering overall objectives of the Council as well as individual requirements.
- b) Planning and organising training to meet those specific needs
- c) Designing and delivering the training (where appropriate)
- d) Evaluating the effectiveness of training.

### **3. The Identification of Training Needs**

- 3.1 Employees will be asked to identify their development needs with advice from their Line Manager during their performance management review. Staff training needs may also be identified through discussion with their Line Manager.
- 3.2 Other circumstances may present the need for training:
- a) Legislative requirements i.e. Health and Safety, first aid etc
  - b) Changes to operational systems
  - c) New qualifications become available
  - d) Accidents
  - e) Professional error
  - f) New equipment
  - g) New working methods and practices, complaints to the Council
  - h) Delivery of new services
- 3.3 Employees who wish to be considered for a training course should discuss this in the first instance with their Line Manager. The Line Manager will consider, together with colleagues and budget available & with Council if required, to determine whether the training is relevant to the authority's needs and/or service delivery, the training costs represent value for money, and if there is sufficient funding available.

#### **4. Financial Considerations**

- 4.1 Each request will be considered on an individual basis on the benefits to the individual and the Council & within the available budget.
- 4.2 Other considerations include:
- a) The implications of employee release for training course attendance on the operational capacity of the Council
  - b) The most economic and effective means of training (value for money)
  - c) The provision and availability of the training budget and other demands on it.
- 4.3 For approved courses, employees can expect the Council to fund the following:
- a) The course and registration fee
  - b) The examination fees (if any)
  - c) Associated membership fees (if any)
  - d) One payment to re-take a failed examination or assignment
  - e) Travel costs
  - f) Accommodation costs (only if necessary and only by prior agreement).
- 4.4 Staff attending training courses must inform their Line Manager immediately of any absence, giving reasons.
- 4.5 Failure to sit an examination (where there is one) may result in the Council withdrawing future course funding and/or requesting the employee reimburse the Council. Each case will be considered on an individual basis.
- 4.6 The Council operates a Return of Service agreement. Any employee receiving training at the Council's expense, which costs £100 or more (or several courses which together cost more than £100) must be aware that should they leave the employment of the Council within one year of completion of the qualification, they may be required to repay all costs associated with the undertaking of such training.

4.7 In the case of further education, such as the Certificate in Higher Education or Degree course, employees may be required to repay all costs associated with the study if they leave within two years following the completion of the course.

4.8 Decisions will be made on a case by case basis by the Executive Committee.

## **5. Study Leave**

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

- a) Study time to attend day-release courses
- b) Time to sit examinations
- c) Study time to be discussed and agreed with the Town Clerk and Executive Chair in advance.

## **6. Short Courses/Conferences and Continuing Professional Development**

6.1 Duration of travel and attendance on a full day or half day (short) course to attend training, will be on full pay or TOIL.

6.2 Staff attending workshops, residential or day conferences can expect the following to be paid by Council:

- a) The course or conference fee (with accommodation and meals if this forms part of the cost package)
- b) Travelling expenses in accordance with Council policy
- c) Subsistence in accordance with Council policy
- d) Council may also pay an additional nights' accommodation where this will improve the ability of the attendee to gain the most of the event where significant travel is required

## **7. Evaluation of Training**

7.1 Records of all training undertaken by employees will be kept in the personnel files of each member of staff.

7.2 As part of the Council's continuing commitment to training and development, employees are asked to provide feedback on the value and effectiveness of the training they undertake highlighting in particular the key implications of new legislation, guidance and/or best practice for the ongoing efficiency and effectiveness of the authority.

## **Staff Use of Vehicles on Council Business Policy**

### **1. Introduction**

- 1.1 Subject to holding a current, full driving licence, some employees are entitled to drive Council vehicles for use in the performance of their duties. Unless notified otherwise, Council vehicles may only be used for work purposes. Employees and Councillors of the Council are the only persons authorised to drive Council vehicles. Under no circumstances may any other person drive a Council vehicle (hereafter referred to as employees).
- 1.2 Upon request, the employee must provide his or her full driving licence for inspection or allow the Council to review their license status online. This request will be made prior to commencing employment and annually thereafter. Requests can also be made at any time during employment. In this instance, Councillors would only be required to provide driving licence information when intending to drive a Council vehicle.
- 1.3 The Council reserves the right to change or cancel the provision of this policy, as the needs of the Council dictate.

### **2. Principles**

- 2.1 The Council is responsible for ensuring vehicles are maintained in a serviceable condition at all times, serviced in accordance with the manufacturer's service schedule and are MOT tested as required. The Council will retain all documents relating to the registration of vehicles.
- 2.2 Various GPS monitoring systems may be fitted to Council vehicles. These systems provide information such as route planning and vehicle location. Information provided through these systems does not take precedence over the rules of the road.

### **3. Driver Responsibilities**

- 3.1 Employees using Council vehicles have a personal responsibility to maintain them in a good and clean condition at all times. Council vehicles may be subject to random inspection by the Maintenance Manager and details recorded.
- 3.2 Good driver behaviour and care of the Council's vehicles is the expected norm and drivers demonstrating negligence will be subject to disciplinary action. When driving on Council business, the expectation by the Council is for safe and considerate driving. Complaints received about the standard of the employee's driving whilst on Council business will be dealt with under the Council's Disciplinary and Dismissal Policy.
- 3.3 The employee must ensure:
  - a) that daily checks for oil, water, tyres and all lights including indicators, headlights and brake lights are carried out before first use each day and a record of inspections kept on the sheet provided. It is the Employee's full responsibility to ensure the level of fuel is maintained in the vehicle.
  - b) all defects and faults are reported immediately (a vehicle must not be used if the fault breaches road traffic regulations)
  - c) that any road traffic accident in which the employee was involved whilst driving a vehicle is reported immediately to the Town Clerk, whether or not the incident occurred on the Council's business

- d) any fixed penalty notice or any order of any Court to endorse the employee's driving licence or to disqualify him or her from holding a driving licence, whether or not that consequence occurred whilst driving on the Council's business is reported immediately to the Town Clerk
- e) any other event which results in the employee being ineligible to drive a vehicle is reported immediately to the Town Clerk (for example, medical reasons).
- f) Council vehicles are not taken out of Great Britain
- g) Council vehicles are not taken home overnight
- h) non-work-related passengers are not carried at any time unless authorised by the Town Clerk
- i) keys are not left in the vehicle if it is unattended in any circumstances
- j) the vehicle is locked (& alarmed).

### 3.4 Towing

The employee must ensure when towing any trailer or other item behind Council vehicles or their own private vehicle whilst on Council-related business that:

- a) their drivers' license entitles them to tow a trailer
- b) the correct vehicle registration is displayed on the towed item
- c) the trailer lights are working, tyre pressure and tyre condition checked before use (any defects to be reported immediately and trailer not to be used if the fault breaches road traffic regulations)
- d) when hitching the trailer to the vehicle, the safety wire is used, the lights are properly connected to the towing vehicle and any running wheels are securely tightened in the 'up' position
- e) all side and back panels are properly secured before use
- f) heavy items are evenly distributed to ensure ease of towing
- g) overhanging items will not cause obstruction or damage to the towing vehicle or other vehicles or persons and are clearly marked
- h) all items in the trailer are properly secured to prevent movement
- i) they do not exceed the speed limits for towed vehicles

### 3.5 Ride-On Mower

Before using the ride-on mower on the Highway, the employee must ensure that:

- a) their driver's license entitles them to do so
- b) the flashing beacon is functional and in use
- c) the blades are disengaged and in the 'up' position
- d) the tyre pressure and tyre condition are checked
- e) all attachments are properly secured
- f) there is sufficient fuel in the tank for the journey
- g) the operator is wearing high visibility clothing provided
- h) it is only used in full daylight
- i) any defects and faults are reported immediately (a vehicle must not be used if the fault breaches road traffic regulations)
- j) the vehicle is not left unattended on the Highway, except in exceptional circumstances, the keys are not left in the vehicle if it is unattended in any circumstances

## 4. Breakdown Procedure

In the event of a breakdown the employee must notify their Line Manager as soon as is reasonably practicable of the vehicle location and problem (if known).

### 4.1 Accidents

- a) The employee must notify their Line Manager or the Town Clerk immediately, of any accident or damage (irrespective of the seriousness or fault) involving a Council vehicle, and of any charges brought against them arising from driving offences. In all such cases, the individual must provide written details to the Council without delay. Failure to notify the Council of an accident will be treated as a disciplinary offence and may, subject to the nature of the accident, be treated as gross misconduct.
- b) Any accident whilst on Council business will be investigated to determine whether the Council's disciplinary procedure will be invoked. Drivers deemed to be at fault in the event of an accident may be required to undertake additional driver training.
- c) If the employee or any other person is injured whilst travelling in a Council vehicle, or the employee is absent from work as a result of an accident or incident in a Council vehicle, the details must be recorded in the Council's Accident Reporting book.

4.2 In the event of a road accident the employee must:

- a) where required obtain medical assistance for any injured person
- b) ensure all parties are clear from the damaged vehicles and moving traffic providing they are not injured [if there are injuries, wait for the emergency services]
- c) never admit liability or give money to any third party involved in an incident.

4.3 The employee must also record the following details and report immediately to their Line Manager or the Town Clerk:

- a) Date/Time of accident
- b) Place where incident occurred (town, street names)
- c) Weather and road conditions
- d) Position of all vehicles before and after accident (take photographs or draw pictures where possible)
- e) Details of third parties (registration number, make and model of vehicles, driver/passenger names and addresses, insurance details, Council, address, policy number, telephone number)
- f) Witness contact details (where possible)

4.4 Any accident involving personal injury, to either party must be reported to the police at the time of the accident or within 24 hours

#### **4.5 Driver Training**

- a) Drivers may, be required to undertake additional driver skills training at various times during their employment. It is the Council's policy to ensure that all employees have the necessary skills and training to undertake their duties safely.
- b) Individuals who refuse to undertake additional training will not be allowed to drive Council vehicles and this may affect their future employment.

#### **5. Fines & Prosecutions**

5.1 The employee is responsible for the prompt payment of fines for parking, driving or other motoring offences incurred whilst they are driving a Council vehicle.

5.2 Further, the employee consents to the deduction from their wages of a sum no greater than the costs the Council incurs if the Council is issued with a penalty notice or other fines connected with the employee's failure to pay the fine or notify the Council of such. The

Council agrees to notify the employee of the deduction from their wages prior to the deduction being made under this clause.

5.3 The employee further consents to the disclosure by the Council to the Police or other authorised parties of their name and home address in respect of any motoring offence. The Council agrees to notify the employee of the disclosure of their personal details made under this clause.

## **6. Security**

6.1 Personal items are left in the vehicle entirely at the employee's own risk and the Council does not accept any liability for loss, theft or damage of personal items.

6.2 When the vehicle is unattended, doors, windows and boot should be closed, and keys removed from the vehicle. Belongings and all valuables should be secured discreetly and not left on seats. Vehicles are to be locked at all times when parked, including when parked on Council property.

6.3 Personal items should be removed from the vehicle when not in use.

6.4 In the event of theft or criminal damage to a Council vehicle, the Town Clerk, Line Manager and the Police must be advised immediately, and any crime number given by the Police must be recorded and immediately forwarded to the Town Clerk.

## **7. Health & Safety**

The principal legislation governing road safety are the Road Traffic Acts supported by the Highway Code. There are also many other related statutes intended to safeguard road users. When employees drive Council vehicles for business use, the employer has duties under the Health and Safety at Work Act 1974 as well as the Management of Health and Safety at Work Regulations 1999.

### **7.1 Alcohol, Drugs & Medication**

The Council has a zero tolerance of driving or attempting to drive Council vehicles or own private vehicles on Council-related business under the influence of alcohol, illegal drugs or medications that affect the ability to drive and as such they will be subject to summary dismissal if found doing so. If the employee is taking, or will be taking, any prescription drugs or other medication, which will affect their ability to drive, they should consult with their doctor, pharmacist or health care professional and inform their Line Manager, prior to driving. Failure to do so will result in disciplinary action.

### **7.2 Smoking**

The ban on smoking in Council vehicles applies at all times.

### **7.3 First Aid Kits**

The Council's policy is that all vehicles will carry a First Aid Kit. Employees who use Council vehicles are responsible for regularly checking (every three months) to ensure the First Aid Kit supplied is complete and not time-expired. If items are used or are time-expired the employee must immediately request replacement items.

#### 7.4 Use of Mobile Phones Whilst Driving

- a) The employee is prohibited from using a hand-held mobile phone or similar hand-held electronic device whilst driving Council vehicles or driving their own private vehicle on Council-related business,
- b) If the employee does need to use a mobile telephone whilst in a Council vehicle or on Council Business, they must stop the vehicle in a safe manner, turn off the engine and put the handbrake on before using the mobile phone. A person is regarded as “driving” for the purposes of the law if the engine is running, even if their vehicle is stationary.
- c) Employees must:
  - ii. never use a mobile phone on a petrol station forecourt
  - iii. always find a safe place to stop before using a mobile phone
  - iv. never use a mobile phone near a vehicle carrying flammable loads
- d) If the employee is discovered contravening these rules, they will face disciplinary action under the Council’s disciplinary procedure.

#### 7.5 Eating and Drinking Whilst Driving

- a) Please note the Government recommends that eating and drinking whilst driving is prohibited. If drivers are found not to be in control of the vehicle whilst eating and drinking, they could be liable of ‘driving without due care and attention’ and be issued with a fixed penalty fine.
- b) Therefore, employees must never eat or drink whilst driving a Council vehicle & always find a safe place to stop for refreshments.

#### 7.6 Safe Standards of Driving

When driving Council vehicles, the employee must drive within the law and abide by all requirements of road traffic law and the Highway Code, including, but not limited to, ensuring that:

- a) traffic signs and speed limits are observed
- b) the vehicle is properly parked and not in breach of any road traffic regulations
- c) taking regular breaks because driving when tired can result in accidents.

### **8. Withdrawal of Use**

- 8.1 Notwithstanding any rights in the employee terms and conditions, the Council will withdraw the use of Council vehicles if the employee loses their driving licence for any reason or are charged by the Police with a serious motoring offence, or the employee does not comply with the procedures contained within this policy. The Council will, on an individual basis, review the employee’s appointment with the Council if the employee is no longer able to effectively carry out their duties due to the withdrawal of use of a Council vehicle or the loss of their driving licence. If there is no opportunity to transfer to alternative duties, the Council may terminate the employee’s employment. The employee has no automatic right to transfer to alternative duties on the loss of their licence. Each case will be reviewed on an individual basis and will be subject to the Council’s ability to find alternative suitable work.

- 8.2 If deemed necessary, the Council may treat any such incidents as an act of gross misconduct and may undertake the actions necessary to review the employee's continuing employment with the Council.
- 8.3 If the employee loses their licence on medical grounds, the Council will, on an individual basis, review the situation to find, where possible, suitable alternative employment in accordance with the requirements of the Equality Act 2010.
- 8.4 In the event that the Council suspends the employee from the performance of his or her duties in accordance with the Council's disciplinary procedure, the employee will not be entitled to the use of any Council vehicle during that period of suspension.

## **9. Driving Own Private Vehicles Whilst on Council Related Business**

The following applies to employees who drive on Council-related business using their own private vehicle.

### **9.1 Driving Licence and Insurance**

- a) Employees are required to be in possession of & provide for inspection a current, full driving licence at all times when driving on Council-related business.
- b) When an employee uses their own vehicle on Council-related business, they must ensure their policy of insurance specifically covers using the vehicle for business travel. Upon request, the employee must produce a copy of their insurance certificate confirming business travel cover.

### **9.2 Mileage Allowance**

- a) If an employee uses their own vehicle whilst driving on Council-related business, mileage allowance will be paid in accordance with the Council's Expenses Policy, for approved journeys. This allowance cannot be claimed for journeys between home and the Employee's place of work, except when they are required to return to work for additional duties e.g. for opening/closing of Council facilities or attending meetings. Please note that journeys home for meal breaks are specifically excluded.
- b) The Council reserves the right to vary the mileage allowance from time to time in line with statutory guidelines.

### **9.3 Roadworthiness and Tax**

- a) When using their own vehicle for Council-related business, the employee must ensure that it is maintained in good repair and in an efficient roadworthy condition, that it is serviced at the recommended intervals (in line with the vehicle log book and mileage record) & that regular checks are made of tyre tread and pressure, lights, brakes, fuel, oil, water coolant, screen wash and battery. It must also conform with current road traffic legislation and that the conditions of the car insurance policy must be observed and that such policy is not rendered void or voidable. The vehicle must not be used for Council-related business if the employee knows or suspects it may have a defect or in any other way not be roadworthy.
- b) The employee must also take reasonable steps to ensure that their vehicle is in a clean and presentable condition (both externally and internally) when used for Council-related business on the basis that it represents the Council to its customers, suppliers and public.

- c) In addition, the employee must ensure their vehicle has a valid MOT certificate (where required) and the correct vehicle tax has been paid when using it for Council-related business. Upon request, the employee is required to submit a copy of the vehicle's MOT certificate.

#### 9.4 Fines and Penalties

The employee is responsible for the payment of any fines or charges incurred as a result of a motoring offence committed whilst driving on Council-related business, including but not limited to parking, congestion and speeding fines.

#### 9.5 Accidents and Loss of Licence

The employee must report to the Council forthwith any road traffic accident in which they are involved whilst driving their own vehicle on Council-related business, regardless of fault. The employee must also immediately report to the Council any order of any court to disqualify them from holding a driving licence (or fixed penalty notice which results in disqualification under the "totting up" provisions), whether or not that consequence occurred whilst driving their vehicle on Council-related business, together with any other event which results in their being ineligible to drive.

#### 9.6 Carrying of Passengers

The employee should ensure they comply with the vehicle manufacturer's design specification, when carrying passengers. There should be enough seats for all passengers and only one person per seat. The driver and any passengers must wear seat belts on all journeys. Only Council employees should be carried as passengers when the driver is engaged on Council business.

#### 9.7 Use of Mobile Phones Whilst Driving

Please refer to the provisions of Clause 7.4 of this policy.

#### 9.8 Alcohol, Drugs & Medication

Please refer to the provisions of Clause 7.1 of this policy.

#### 9.9 Breach of this Policy

A failure to observe these rules will be regarded as a disciplinary offence and will be dealt with in accordance with the Council's disciplinary procedure. Depending on the seriousness of the breach it may constitute potential gross misconduct rendering the employee liable to summary dismissal.

## Stress at Work Policy

1. Diss Town Council recognises that its employees are its most important asset and it is committed to providing the support and assistance necessary to enable its employees to undertake their job duties in an environment that is as stress-free as reasonably possible. This policy will apply to all employees.
2. The Health and Safety Executive define stress as “the adverse reaction people have to excessive pressure or other types of demand placed on 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.
3. The Council’s aim is to ensure employees’ health and safety at work and ensure that they are not subjected to excessive workloads, onerous working practices or a detrimental work environment.
4. Employees who have high stress levels are more likely to work inefficiently, behave erratically, have low morale and be absent from work. Work performance can also suffer.
5. The Council is committed to carrying out a stress audit on all aspects of its day-to-day work to ensure that, so far as reasonably practicable, it does not expose any employees to unnecessarily high stress levels in its work practices and work environment. This audit is completed via a two weekly 1-2-1 with staff.
6. As part of this commitment, the Council will:
  - a) determine if stress in the workplace is a problem, by seeking employees’ views during staff meetings which are held every two weeks.
  - b) review job descriptions to identify any job duties that may involve stress
  - c) identify all those employees who may be affected by work-related stress
  - d) take steps to eliminate or to reduce work-related stress to as low a level as reasonably practicable (for example, by changing working practices and procedures or workplace conditions, providing information and training and improving communication in the workplace)
  - e) ensure that the Council’s grievance and disciplinary procedures are satisfactory and are communicated to all employees
  - f) encourage employees to inform their Line Managers of any stress-related issues or problems. If a Line Manager suspects that a member of staff is suffering from stress at work they should support that employee and if appropriate refer them for medical assessment and any specific medical help that may be required.
  - g) ensure that, where a work-related stress report is made, the underlying causes and actions to remove or otherwise deal with these causes are identified
  - h) ensure that the arrangements for reducing or eliminating work-related stress are monitored and reviewed for their effectiveness.
  - i) help monitor the effectiveness of measures to address stress by collating sickness absence statistics.
7. The Council is committed to providing a support system to help minimise and alleviate stress in the workplace. It is the Council’s intention to deal constructively and sympathetically with stress and as such it will not be treated as a sign of shortcoming. If an employee feels that their work performance or health is suffering because of excessive pressure or stress-related matters, whether those matters are occurring outside the workplace or within the work environment, the employee should first raise this with their Line Manager.

8. The employees Line Manager will arrange a meeting with the employee to discuss the issues causing the stress with a view to taking the appropriate steps to address the cause of the stress or to assist the employee to manage it. This may include evaluating the amount and complexity of the employee's workload, work environment and/or referring the matter to a more senior manager who may be in a better position to provide guidance and to take the appropriate steps to assist and consider referring specialist agencies as required.
9. Employees are also free to seek help themselves from their own doctor or counsellor. However, please note that if employees do not tell the Council they are suffering from stress and unable to cope or if the Council is unaware that an employee has a particular problem or vulnerability, it will not be in a position to help the employee.

# Vexatious Complaints Policy for managing unreasonably persistent, abusive or vexatious contact or complaints from outside bodies

## Introduction

1. Dealing with a complaint is usually a straightforward process. However, in a minority of cases people pursue complaints in a way that can impede the investigation of their complaint or can have significant resource implications for the council. This policy has been formulated to deal with the small number of complaints which make it necessary for special arrangements to be taken.
2. Before implementing the provisions in this policy, officers must consider whether the council's procedures have been followed correctly, make sure full and reasonable responses have already been given and decide if the complainant is now unreasonable.
3. The council has a duty to provide a safe working environment and system of work for its officers. Regardless of this policy, abusive, offensive or threatening conduct may be referred to the police to take action as appropriate in addition to any action the council may take.

## 1 Vexatious complaints

4. This policy is formulated in accordance with the definition of **unreasonable complaint behaviour** and **unreasonable persistent complaints**.
5. Unreasonable complaints are defined as contact from persons who, because of the frequency or nature of their contacts with the council, hinder the consideration of their or other people's complaints.
6. Examples include the way, or frequency, in which complainants raise their complaint with staff, or how complainants respond to officers dealing with the complaint.
7. Features of an unreasonable complaint include the following examples (the list is not exhaustive).

## 2 **The following are non-exhaustive descriptions of the behaviour of an unreasonable complainant who may have insufficient or no grounds for their complaint and be making the complaint only to inconvenience the council, or for reasons that the complainant does not make obvious.**

- a) Refusal to co-operate with the council's complaints procedure while still wishing their complaint to be resolved

- b) Refusal to accept that issues are not within the remit of the complaints policy, despite having been provided with information about the scope of the policy and procedure.
- c) Refusal to accept that issues are not within the power of the council to investigate, change or influence (e.g. something that is the responsibility of another higher tier Council)
- d) Insist on the complaint being dealt with in ways which are incompatible with the council's complaints procedure or with good practice (e.g. insisting that there must not be any written record of the complaint or that a certain officer shall or shall not deal with a matter)
- e) Make groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or displaced
- f) Make an unreasonable number of contacts with the council in relation to a specific complaint or complaints
- g) Make persistent demands of staff and/or the complaints process after their behaviour has been explained to them as unreasonable (e.g. a complainant who insists on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails).
- h) Repeatedly attend council offices, harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint, by use of foul, inappropriate offensive or discriminatory language
- i) Raise new or secondary issues whilst a complaint is being addressed that were not part of the original complaint.
- j) Introduce irrelevant information whilst the complaint is being investigated and expect this to be addressed
- k) Deny statements made at an earlier stage in the complaint process
- l) Electronically record meetings and conversations without the prior knowledge and consent of the staff member involved
- m) Refuse to accept the outcome of the complaint process after its conclusion; repeatedly arguing the point, complaining about the outcome and/or denying that an adequate response has been given
- n) Make the same complaint repeatedly, perhaps with minor differences, after the

complaints procedure has been concluded, and insist that the minor differences make these new complaints which should be put through the full complaints procedure

- o) Refuse to accept documented evidence as factual
- p) Behave in an abusive, offensive or threatening manner towards council employees or their families
- q) Combination of some or all of these features.

### **3 Classification**

- 8. The decision to classify a complainant as unreasonably persistent or as behaving unreasonably should be made by the Clerk. Where there is a dispute about the classification of a complainant, the matter shall be referred to the Chair of Executive Committee for a final decision.
- 9. A written record shall be kept of why the complainant is believed to be unreasonable, what information has been considered and the decision made. The council shall act in a proportionate, fair and objective way.

### **4 Initial notification**

- 10. When an unreasonable persistent complaint/complainant has been identified, the unacceptable behaviour should be explained to the complainant by the Clerk, usually by letter or email. An explanation of the action the council is to take should also be given and the complainant advised of the content of this policy.

### **5 Options for dealing with an unreasonable complainant**

- 11. The options which the council may consider include:
  - a) Refusing to accept a complaint or to amend the terms of a complaint
  - b) Requesting contact to be in a particular format (e.g. letters only)
  - c) Requiring contact to take place with one named member of staff only
  - d) Restricting telephone calls to specified/times/day/duration
  - e) Requiring any personal contact to take place in the presence of an appropriate witness
  - f) Letting the complainant know that the council will not reply or acknowledge any further contact with them on the specific topic of that complaint or at all
  - g) Restricting access to council premises
- 12. In deciding on an appropriate option, care must be taken:

- a) not to interfere with a complainant's statutory rights, e.g. to attend council meetings, view papers whilst respecting their rights to the Freedom of Information Act, when making such restriction; and
  - b) to make sure that the council takes appropriate action in response to a matter included in a complaint where necessary.
13. These options are not exhaustive and other factors individual to the case or service may be relevant in deciding on an appropriate course of action. For example, any arrangements for restricting a complainant's contacts must take into account the complainant's circumstances such as age, disability, literacy levels, race, language barrier etc.
  14. If none of the options listed above offer the protection that staff are entitled to, other options may be available, such as taking out an injunction against a complainant or involving the police. These will be considered on a case by case basis, in consultation with legal services as necessary.
  15. When a decision has been made as to the appropriate restrictions to be used, the Town Clerk will write to the complainant explaining the council's decision and the nature of restrictions being made.
  16. Appropriate managers and staff, e.g. those likely to be involved in implementing the restrictions should be notified of the decision.

## **6 Reviewing decisions**

17. All restrictions will be subject to review, at least once every six months.
18. Reviews will be undertaken by the Executive Committee. Complainants should be notified that a review has taken place and of its outcome.

## Virtual Meeting Policy

### 1. Introduction

Diss Town Council recognises the opportunities offered by meeting virtually in times that a physical meeting is not appropriate and has developed this policy to assist Chairmen, councillors and members of the public and press to understand how these meetings differ from a physical meeting and to assist people to engage in debate and decision making. The policy is to be delivered within 'The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020'.

### 2. Publishing the agenda and providing documents

Councillors are to be summoned as per regulations with the agenda and documents being placed on the Council's website. Agendas will not be published on physical noticeboards. Anyone wishing to attend the meeting should contact the Town Clerk prior to the start of the meeting for the link. Any person unable to access the Council's website must contact the Council to request a copy of the agenda pack, which will be forwarded.

### 3. Virtual Meeting 'platform'

Diss Town Council will utilise Zoom to provide video communications. Zoom enables video and audio conferencing for persons using mobile devices, desktops, and fixed room systems. In preparation for the meeting the Clerk to the Council will publish via the summons the zoom meeting link, which incorporates the meeting ID.

### 4. Standing Orders

Standing Orders will be used to guide the meeting in a similar way as if persons were present in a physical location.

### 5. Specific Virtual Meeting Arrangements

#### a) Discussions

*This section applies if members are experiencing good connectivity. In the case of poor connectivity, see 5c.*

During the meeting, all persons other than members will be muted. During the public participation period, members of the public will be required to 'enable video' in order for them to be visible to the Chairman and will raise their hand to indicate that they wish to speak. Their microphone will then be unmuted, and they can address the meeting. Following the conclusion of their address, the microphone will be muted.

During the meeting, members and officers will use the waving hand option on Zoom to indicate to the Chairman that they wish to speak on an agenda item.

All members attending the meeting will monitor their own background noise and mute their own microphones, except when speaking, if necessary, to negate interference with the meeting.

#### b) Voting

The Chairman will ask each councillor for their vote once a motion has been put forward.

#### c) Poor connectivity

In the case of poor connectivity, the Chairman will decide whether to continue with the meeting or to reconvene.

In the case of video not being available for some or all of members attending the Chairman can choose to continue but to operate on a roll call for councillor views on individual agenda items.

d) Attendance

If a member is believed to have 'dropped out' this will be minuted. If 'dropouts' result in the meeting becoming inquorate members will endeavour to re-join for a period of 15 minutes. After 15 minutes if the meeting is still inquorate, the Chairman will suspend the meeting and reconvene at a later date subject to the statutory days of notice. Members will be telephoned to advise of the suspension.

e) Telephone attendance

Persons wishing to attend by telephone are advised to contact the Clerk in advance in order that processes can be put in place to enable appropriate engagement.

**6. Virtual Meeting Etiquette**

Normal Standing Orders and the Council's Code of Conduct continue to apply during virtual meetings and all attendees are expected to be mindful of the difficulties people experience regarding the operation of technology.

Behaviour that is contrary to the intended outcomes of the meeting will be dealt with at the discretion of the Chairman. For a member of the public or press this may result in them being dismissed from the Zoom meeting.

**7. Declaration of Interests**

A councillor that has declared an interest that requires them to leave the meeting will be placed in the waiting room. On conclusion of the item for which the declaration is made the councillor will be returned to the meeting.

**8. Public Participation**

The Clerk will read any pre-submitted addresses from the press and public.

**9. Confidential Matters**

Should the public or press be in attendance, the meeting will be suspended on conclusion of the non-confidential matters on an agenda in order that the public and press can leave the meeting. Alternatively, members will be sent a new Zoom meeting link for discussion of the confidential item(s).

**10. Recording**

Zoom meetings will only be recorded at the request of the press and / or members of the public in accordance with the right to record, film and to broadcast meetings of Local Councils, committees and sub-committees established through the Openness of Local Government Bodies Regulations 2014.

**11. Security**

The meeting link will only be sent to members and officers. Members of the public and press wishing to attend the meeting must contact the Town Clerk prior to the start of the meeting for the link. The waiting room will be enabled, which allows the Clerk (host) to admit entry and

participants will be unable to join before the host. Any removed participants will not be able to re-join the meeting.

The Clerk will lock the meeting once all members, staff, members of the public and press have joined the meeting. The chat function will be disabled for participants however the Clerk may use it to provide additional information to attendees depending on the specific meeting. If any documents need to be displayed, the Clerk will share her screen. If a member requires something displayed, they must submit it prior to the meeting. The file sharing facility in Chat will not be used.

# Whistleblowing Policy

## 1. Introduction

- 1.1 Staff or members\* are often the first to realise there may be something seriously wrong within a Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, integrity and accountability. In line with that commitment, the Council encourages employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals.

\*Any reference to staff in this policy, also refers to elected members.

## 2. Aims and Scope

2.1 This policy aims to:

- provide avenues for staff to raise concerns and receive feedback on any action taken;
- allow staff to take the matter further if they are dissatisfied with the Council's response; and
- reassure staff that they will be protected from reprisals or victimisation for whistleblowing in good faith.

2.2 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This policy is intended to cover concerns that fall outside the scope of other procedures.

That concern may be about something that:

- a) is unlawful; or
- b) is against the Council's Standing Orders or policies;
- c) falls below established standards or practice; or
- d) amounts to improper conduct.

## 3. Safeguards

3.1 Harassment or Victimisation

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith.

3.2 This does not mean that if a staff member is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of the whistleblowing.

3.3 Confidentiality

The Council will do its best to protect the identity of any staff member when they raise a concern and do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the staff member concerned may be required as part of the evidence.

3.4 Anonymous Allegations

This policy encourages staff members to put their name to any allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Council.

3.5 In exercising the discretion, the factors to be considered would include:

- a) the seriousness of the issues raised;
- b) the credibility of the concern; and
- c) the likelihood of confirming the allegation from attributable sources.

3.6 Untrue Allegations

If a staff member makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, a staff member makes malicious or vexatious allegations, disciplinary action may be taken.

#### **4. How to Raise a Concern**

4.1 As a first step, the staff member should normally raise concerns with their immediate line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if there is cause to believe that the Line Manager concerned is involved, the employee should approach the Town Clerk or the Deputy Town Clerk, whichever is applicable. Where the matter concerns the Town Clerk, the matter can be referred to the Town Leader or Chair of Executive..

4.2 Concerns are better raised in writing. Staff members are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why there is cause for concern about the situation. If staff members do not feel able to put their concerns in writing, they can telephone or meet the Town Clerk, Deputy Town Clerk, Council Leader or Chair of Executive.

4.3 The earlier staff members express the concern, the easier it is to act.

4.4 Although staff members are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

4.5 Advice and guidance on how matters of concern may be pursued can be obtained from the employee's Line Manager in the first instance, or where appropriate the Town Clerk or the Town Leader or Chair of Executive (if the complaint relates to the Town Clerk).

4.6 Where necessary, the Town Clerk, Deputy Town Clerk, Council Leader or Chair of Executive (or if the complaint relates to any of the above) may seek assistance from:

- a) South Norfolk Council Monitoring Officer
- b) National Association of Local Councils
- c) Society of Local Council Clerks
- d) Norfolk Association of Local Councils

4.7 Staff members may invite their trade union or professional association to raise a matter on their behalf.

4.8 If staff members feel unable to raise the matter within the Council, please refer to clause 6.

#### **5. How the Council Will Respond**

- 5.1 The action taken by the Council will depend on the nature of the concern. The matters raised may:
- a) be investigated internally
  - b) be referred to the Police
  - c) be referred to the Internal or External Auditor
  - d) form the subject of an independent inquiry
  - e) result in disciplinary action
  - f) result in legal action
- 5.2 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 5.3 Some concerns may be resolved by agreed action without the need for investigation.
- 5.4 Within ten working days of a concern being received, the Town Clerk/Council Leader will write to the complainant:
- a) acknowledging that the concern has been received;
  - b) indicating how they propose to deal with the matter;
  - c) giving an estimate of how long it will take to provide a final response;
  - d) advising whether any initial enquiries have been made; and
  - e) advising whether further investigations will take place, and if not, why not.
- 5.5 The amount of contact between the staff members considering the issues and those raising the issue will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought from the staff member(s) concerned.
- 5.6 When any meeting is arranged, the staff member can, if they so wish, be supported by a union or professional association representative or a friend who is not involved in the area of work to which the concern relates. Under no circumstances should the meeting be recorded by either parties.
- 5.7 The Council will take steps to minimise any difficulties that the staff member may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Council will provide advice about the procedure.
- 5.8 The Council accepts that staff members need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcome of any investigation.

## **6. How the Matter Can Be Taken Further**

- 6.1 This policy is intended to provide staff members with an avenue to raise concerns and the Council hopes any matters raised may be successfully resolved using this procedure. If staff members are not satisfied with the response they receive, and if they feel it is right to take the matter outside Council, they can contact South Norfolk Council's Monitoring Officer.
- 6.2 If staff members do take the matter outside the Town Council, they need to ensure that they do not disclose confidential information or that disclosure would be privileged i.e. confidential between the Officer and their advisors. Further advice on what would be considered as confidential can be sought from the contact point.

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