

NEWQUAY TOWN COUNCIL

STAFF HANDBOOK

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MATERNITY POLICY

1.1 Definitions

The following definitions are used in this policy:

"Expected week of childbirth" (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects them to give birth; and

"Qualifying week" means the fifteenth week before the expected week of childbirth.

1.2 To Whom This Policy Applies

The occupational maternity scheme shall apply to all pregnant employees regardless of the number of hours worked per week.

1.3 Notification Requirements

Employees should notify their line manager and People Manager of their pregnancy, expected week of childbirth (EWC), and the date they intend to start maternity leave by the end of the 15th week before the baby is due, or as soon as reasonably practicable. This notification should be provided in writing and include a copy of the MATB1 certificate once issued by a healthcare professional. Employees are encouraged to discuss their intended leave dates with their manager as early as possible to support planning and ensure any necessary risk assessments or adjustments can be put in place.

The employee may vary the date on which they intend to start their maternity leave provided that they notify their employer of the revised start date. To start the leave sooner, the employee must tell the employer at least 28 days before the new start date. To start the leave later, the employee must tell the employer at least 28 days before the old start date. If either of these are not reasonably practicable, the employee must tell the employer as soon as is reasonably practicable.

1.4 Health and Safety

On receipt of written notification from an employee that the employee is pregnant, the employee's Line Manager, should commission a risk assessment. The employee and relevant manager should be fully informed of any risks identified. The manager and employee have an ongoing responsibility to monitor any potential risks that may be present.

1.5 Ante-Natal Care

Any pregnant employee has the right to a reasonable amount of paid time off to attend ante-natal appointments made on the advice of a registered

medical practitioner, which may include relaxation classes and parent-craft classes. Employees must produce evidence of appointments if requested to do so.

1.6 Maternity Leave

1.6.1 Ordinary and Additional Maternity Leave

All employees, regardless of their length of service, are entitled to 26 weeks' ordinary maternity leave (OML) and 26 weeks' additional maternity leave (AML) providing a right to one year's maternity leave in total.

Maternity leave shall commence no earlier than 11 weeks before the EWC or from the time of childbirth if that is earlier.

From the beginning of the fourth week before the EWC, an employee's maternity leave may be triggered if they are absent due to a pregnancy-related illness.

1.7 Maternity Pay

1.7.1 Less Than One Year's Continuous Service

Payments for employees who have less than 1 year's continuous local government service at the beginning of the eleventh week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP) or Maternity Allowance (MA).

Statutory maternity pay (SMP) will be payable if the employee has been employed continuously for at least 26 weeks ending the 15th week before the EWC, and has an average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.

SMP is payable for 39 weeks; for the first six weeks it is paid at 90% of the average weekly earnings. The following 33 weeks will be paid at the lower SMP rate or 90% of the average weekly earnings whichever is the lower.

Employees who do not qualify for Statutory Maternity Pay may be entitled to Maternity Allowance, for up to 39 weeks. To qualify, they must have been employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth.

Details of the current rates of Statutory Maternity Pay and Maternity Allowance may be found on the government's website www.gov.uk

1.7.2 More Than One Year's Continuous Service

Payments for employees who have completed 1 year's continuous service with a body listed on the Redundancy Modification Order (which includes local government) at the 11th week before the EWC shall be as follows:

First six weeks of absence:

The employee will be entitled to 90% of a week's pay. This will be offset against payments made by way of SMP (or Maternity Allowance [MA] for employees not eligible for SMP). This means that any SMP or MA payments will not be paid in addition to the 90% of a week's pay; instead the higher of these amounts will be paid.

Weeks 7 – 52 of absence:

An employee who declares in writing that they intend to return to the Council will, for the subsequent 12 weeks' absence, receive half a week's pay. They will also receive SMP (or MA and any dependent's allowances if the employee is not eligible for SMP), if eligible to do so. The only reason that any deduction will be made is if the combined pay and SMP (or MA and any dependent's allowances if the employee is not eligible for SMP) exceeds their contractual full pay.

As an alternative to the twelve weeks' half pay the equivalent amount (i.e. 6 weeks' pay) may be paid over any other mutually agreed distribution.

The twelve weeks' half pay (or equivalent payment) made by the employer during maternity leave is made on the understanding that the employee will return to local authority employment for a period of at least three months. In the event that they do not do so, they will be required to refund the monies paid. This may be varied at the discretion of the employer if there is good reason to do so. Payments made to the employee by way of SMP are not refundable.

For the remainder of the maternity leave period the employee will receive their entitlement to SMP (which currently ends after 39 weeks in total), where eligible. Once the SMP payments have ended any remaining maternity period will be unpaid.

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

1.8 Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

1.8.1 Employee Contributions During Maternity Leave

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

Employees will not pay pension contributions during any period of unpaid leave. However, there is a distinction between the following:

- Periods of unpaid Ordinary Maternity Leave when the employer continues to make pension contributions.
- Periods of unpaid Additional Maternity Leave and Additional Adoption Leave, when the employer does not make any pension contributions.

In the latter case the employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount 'lost' during the unpaid leave. Information about this is set out in the employer's information below.

1.8.2 Employer Contributions During Maternity Leave

The Town Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay during their leave is higher than APP, the Town Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of Additional Maternity Leave. The employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave.

If the employee notifies the Chief Executive in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the Chief Executive of this decision later than 30 days after returning to work then the whole cost will be borne by the employee, unless the Town Council voluntarily agrees to contribute to the APC.

1.9 Continuous Service

Maternity leave counts as continuous service for statutory and contractual purposes.

1.10 Leave During Maternity Leave

1.10.1 Annual Leave

Annual leave continues to accrue during maternity leave.

1.10.2 Bank/Public Holidays

Bank/public holidays continue to accrue during maternity leave.

1.10.3 Carry Forward of Annual Leave

The employee and their line manager should review annual leave arrangements prior to maternity leave being taken. Where taking maternity leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

1.11 Treatment of Leave Where an Employee Changes their Hours after Maternity Leave

If an employee changes their hours after taking maternity leave, all leave accrued up to the agreed date when their hours change is calculated based on their original hours and any leave accrued subsequently is calculated on their new hours.

For an example of calculating this, see Appendix A.

1.12 Returning To Work

1.12.1 Notification requirements

Managers must assume that an employee will return after 52 weeks. An employee need only notify their employer that they are returning to work if they are going to do so before the end of their maternity leave. Otherwise, the employee simply returns at the end of their maternity leave. However, as the return-to-work impacts on the half pay element of the Green Book maternity pay, a manager can ask the employee to inform them if they intend to return to work. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

1.12.2 Early return

If an employee wishes to return early or on a different date than they had previously notified, they must give 21 days' notice.

1.12.3 Keeping In Touch

An employee can work up to 10 days' during their maternity leave, in agreement with their manager, without bringing their maternity leave to an end. Working for part of a day will count as one day and the employee will not lose any SMP (Statutory Maternity Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employees whilst they are on maternity leave. If the employee does not wish to be contacted, then they should notify their line manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on maternity leave.

1.13 Breastfeeding and Expressing Milk at Work

Newquay Town Council is committed to supporting employees who choose to breastfeed or express milk following their return to work after maternity leave. Employees are encouraged to discuss their needs with their manager or People Manager in advance of their return so that appropriate arrangements can be made.

Reasonable breaks will be provided to enable employees to breastfeed or express milk during working hours, and suitable private facilities will be made available for this purpose. Newquay Town Council will also endeavour to provide access to secure and hygienic storage for expressed milk.

All requests will be handled sensitively and in accordance with the Newquay Town Council's commitment to employee wellbeing, equality and health and safety.

ADOPTION POLICY

2.1 To Whom This Policy Applies

This policy applies to all Council employees seeking to adopt a child from approved Adoption Agencies.

The right to adoption leave is available to employees (whether married or single) who adopt a child through an approved adoption agency. Where a couple jointly adopts a child, only one of them (known as the primary adopter) will be entitled to take adoption leave (the couple can choose which). The other adoptive parent (known as the secondary adopter) will normally be entitled to take Statutory Paternity Leave, provided that they meet the relevant statutory criteria.

2.2 Adoption Leave

All employees, regardless of their length of service, are entitled to 26 weeks of Ordinary Adoption Leave and 26 weeks of Additional Adoption Leave (subject to providing the sufficient evidence as per below).

Adoption leave can start:

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

An employee can change their mind about when they start their leave, provided they give sufficient notice. They must inform their manager of the new date 28 days before the date they now wish their leave to start, or as soon as is reasonably practical.

2.3 Adoption Pay

2.3.1 Less Than One Year's Continuous Service

Payments for employees who have less than 1 year's continuous local government service at the beginning of their adoption leave and meet the eligibility criteria shall be entitled to Statutory Adoption Pay (SAP).

Statutory Adoption Pay will be payable if the employee has been employed continuously for at least 26 weeks before the notification week and have average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.

SAP is payable for 39 weeks; for the first six weeks it is paid at 90% of the average weekly earnings. The following 33 weeks will be paid at the lower SAP rate or 90% of the average weekly earnings whichever is lower.

Details of the current rates of Statutory Adoption Pay be found on the government's website www.gov.uk

2.3.2 More Than One Year's Continuous Service

Payments for employees who have completed 1 year's continuous service with a body listed on the Redundancy Modification Order (which includes local government) at the time of the adoption shall be as follows:

First six weeks of absence:

The employee will be entitled to 90% of a week's pay. This will be offset against payments made by way of SAP. This means that any SAP payments will not be paid in addition to the 90% of a week's pay; instead the higher of these amounts will be paid.

Weeks 7 – 52 of absence:

An employee who declares in writing that they intend to return to the Council will, for the subsequent 12 weeks' absence, receive half a week's pay. They will also receive SAP, if eligible to do so. The only reason that any deduction will be made is if the combined pay and SAP exceeds their contractual full pay.

As an alternative to the twelve weeks' half pay the equivalent amount (i.e. 6 weeks' pay) may be paid over any other mutually agreed distribution.

The twelve weeks' half pay (or equivalent payment) made by the employer during adoption leave is made on the understanding that the employee will return to local authority employment for a period of at least three months. In the event that they do not do so, they will be required to refund the monies paid. This may be varied at the discretion of the employer if there is good reason to do so. Payments made to the employee by way of SAP are not refundable.

For the remainder of the adoption leave period the employee will receive their entitlement to SAP (which currently ends after 39 weeks in total), where eligible. Once the SAP payments have ended any remaining adoption period will be unpaid.

For employees not intending to return to work, payments during their adoption leave period following the first 6 weeks will only be their entitlement to SAP (currently ending after week 39), where eligible.

2.4 Eligibility Criteria

To qualify for adoption pay an employee must:

- Have 26 weeks' service with their employer by the notification week;
- Have an average weekly earnings at least equal to the lower earnings limit to National Insurance contributions.
- Be the child's adopter, i.e. have been matched with the child for adoption. A person is matched with a child when an adoption agency decides that they would be a suitable adoptive parent for the child.

The notification week is the week in which the employee is informed by the adoption agency that they have been matched with a child.

The employee needs to have agreed with the adoption agency that the child should be placed with them and the date the placement should occur and provide the Council with the appropriate notice and evidence of entitlement.

2.5 Notification Requirements

Within 7 days, or as soon as possible after the day the employee receives notification from the adoption agency that they have been matched with a child, an employee must inform your line manager and People Manager in writing of the following:

- the date the child is expected to be placed with them for adoption;
- the date the employee has chosen to start their leave and pay.

2.6 Evidence

In order to receive adoption pay and leave, the employee must provide the People Manager with either a matching certificate and/or a letter from the adoption agency which shows the following:

- the name and address of the adoption agency;
- the employee's name and address;
- the date the child is expected to be placed for adoption, or where the child has already been placed, the date of placement, and;
- the date the employee was informed that the child would be placed with them.

Where an employee is entitled to Statutory Adoption Pay (SAP) they must provide a signed declaration that they have elected to receive SAP and not statutory paternity pay (SPP).

2.7 Adoption Appointments

The main adopter has the right to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments.

2.8 Leave During Adoption Leave

2.8.1 Annual Leave

Annual leave continues to accrue during adoption leave.

2.8.2 Bank/Public Holidays

Bank/public holidays continue to accrue during adoption leave.

2.8.3 Carry Forward of Annual Leave

The employee and their line manager should review annual leave arrangements prior to adoption leave being taken. Where taking adoption leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

2.8.4 Continuous Service

Adoption leave counts as continuous service for statutory and contractual purposes.

2.9 Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

2.9.1 Employee Contributions During Adoption Leave

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

Employees will not pay pension contributions during any period of unpaid leave. However, there is a distinction between the following:

- Periods of unpaid Ordinary Adoption Leave when the employer continues to make pension contributions.
- Periods of unpaid Additional Adoption Leave when the employer does not make any pension contributions.

In the latter case the employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount 'lost' during the unpaid leave. Information about this is set out in the employer's information below.

2.9.2 Employer Contributions During Adoption Leave

The Town Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay during their leave is higher than APP, the Town Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of Additional Adoption Leave. The employee can, if they wish, choose to enter into an age-related

Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave.

If the employee notifies the Chief Executive in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the Chief Executive of this decision later than 30 days after returning to work then the whole cost will be borne by the employee, unless the Town Council voluntarily agrees to contribute to the APC.

2.10 Returning to Work

2.10.1 Notification Requirements

Managers must assume that an employee will return after 52 weeks. An employee need only notify their employer that they are returning to work if they are going to do so before the end of the adoption leave. Otherwise, the employee simply returns at the end of the adoption leave. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

2.10.2 Early Return

If an employee wishes to return early or on a different date than they had previously notified, they must give 8 weeks' notice.

2.10.3 Keeping in Touch

An employee can do up to 10 days' work during their adoption leave, in agreement with their manager, without bringing their adoption leave to an end. Working for part of a day will count as one day. An employee will not lose any SAP (Statutory Adoption Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employee whilst they are on adoption leave. If the employee does not wish to be contacted then they should notify their Line Manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on adoption leave.

PATERNITY

3.1 To Whom This Policy Applies

An employee has a statutory entitlement to take paternity leave for the purpose of caring for a child or supporting the child's mother.

3.2 Paternity Leave (PL) and Maternity Support Leave (MSL)

3.2.1 Eligibility Criteria

To qualify for paternity leave an employee must satisfy the following:

- In the case of a birth child, the employee must be:
 - the biological father of the child; or
 - the mother's spouse, civil partner or partner.
- In the case of an adopted child, the employee must be:
 - the spouse, civil partner or partner of an individual who has adopted a child.
 - Where a couple adopt a child jointly, one may take adoption leave and the other paternity leave.
- The employee must have or expect to have responsibility for the upbringing of the child.
- The employee must have complied with the relevant notification requirements and, where requested, have produced evidence to support their claim for paternity leave.

Paternity Leave will be a day one right for employees, providing immediate access to leave.

3.3 Paternity Leave (PL)

An employee who meets the qualifying criteria is entitled to two weeks' paternity leave. The entitlement is up to two weeks' leave even where more than one child is born.

An employee can take either two separate blocks of one week or two consecutive weeks. An employee cannot choose to take odd days of paternity leave and paternity leave cannot be used before the birth.

An employee is not entitled to take paternity leave if they have already taken any shared parental leave in respect of the child.

Paternity leave must be taken within 52 weeks of the birth or placement with their adoptive parent, or in the case of a child adopted from overseas, within the period of 52 weeks beginning with the date the child entered Great Britain.

If the child is born prematurely, paternity leave must be taken during the period that begins with the birth of the child and ends 52 weeks after the week in which the child was expected to be born.

Where the child is born late, the 52-week period runs from the date of the actual birth. An employee cannot start a period of paternity leave before the child is born.

3.4 Paternity Leave Pay

Any periods of Paternity Leave taken will be paid at the current Statutory Paternity Pay (SPP) rate.

Employees may be eligible to receive Statutory Paternity Pay if they:

- have 26 weeks' continuous service with their current employer by the end of the 15th week before the child is due. In the case of adoption, it is at least 26 weeks by the relevant or matching week;
- have average weekly earnings of over the lower limit for National Insurance contributions;
- are still employed at the time of taking paternity leave.

3.5 Notification Requirements for Paternity Leave

3.5.1 Before Paternity Leave starts

In the case of a birth child, the employee must provide the following in writing by the end of the fifteenth week before the expected week of childbirth. If this is not possible, notice must be provided as soon as is reasonably practical:

- Confirmation that they are planning to take paternity leave in order to care for the child and/or the child's birth parent (and the date(s) they wish to take their leave, as discussed with their manager, if known);
- The expected week of childbirth (EWC);
- Confirmation that the employee is the biological father of the child or the mother's spouse, civil partner or partner;
- Confirmation that the employee will be responsible for the child's upbringing and will take time off work to support the mother or care for the child;
- If requested, the employee must also provide a copy of the mother's MATB1.

In the case of an adopted child from with the UK, the employee must provide the following in writing no more than seven days after the date on which the adopter is notified by an approved adoption agency. If this is not possible, notice must be provided as soon as is reasonably practical:

- Confirmation that they are planning to take paternity leave in order to care for the child (and the date(s) they wish to take their leave, as discussed with their manager, if known);
- they have been matched with a child for adoption;
- the date on which the adopter was notified of having been matched with the child;
- the date when the child is expected to be placed with the adopter (or, if placement has already occurred, the date of the placement);
- a declaration that they are married to or the civil partner or partner of the child's adopter and that they expect to have main responsibility for the child's upbringing apart from any responsibility of the adopter.

In the case of an adopted child from with overseas, the employee must provide the following in writing no more than seven days after the date on which the adopter is notified by an approved adoption agency. If this is not possible, notice must be provided as soon as is reasonably practical:

- Confirmation that they are planning to take paternity leave in order to care for the child (and the date(s) they wish to take their leave, as discussed with their manager, if known);
- the date on which the child's adopter received the "official notification";
- the date on which the child is expected to enter Great Britain (or the date on which the child entered Great Britain where this has already occurred); and
- a declaration that they are married to or the civil partner or partner of the child's adopter and have or expect to have main responsibility for the child's upbringing apart from any responsibility of the child's adopter.

3.5.2 Notice to take Paternity Leave

An employee must give at least 28 days' notice before any period of paternity leave. If this is not possible, notice must be provided as soon as is reasonably practical.

An employee must put their notice to take paternity leave in writing, if requested.

3.5.3 After the birth or adoption

The employee must also inform the employer of the date the child was born or placed for adoption, as soon as is reasonably practical after the child's birth or placement.

3.5.4 Varying dates of Paternity Leave

If an employee wants to cancel a period of paternity leave or they change their mind about the date on which they intend to start a period of paternity leave, then they must inform the employer of the cancellation or revised start date at least 28 days before the earlier of the original or revised date (or as soon as is reasonably practicable, if not in a position to do so within the prescribed period, e.g. if the child is born prematurely).

If an employee wants to start their paternity leave on a predetermined date and the child has not been born or placed with the adopter by then, the employee must give their employer a notice of variation selecting a later date as soon as reasonably practicable.

An employee must put their notice of a cancellation or variation of leave in writing, if requested.

3.6 Maternity Support Leave (MSL)

Paragraph 7.6 of Part Two of the Green Book provides a right to Maternity Support Leave (MSL) of one week.

Maternity Support Leave is provided, for the child's father or the partner or nominated carer of an expectant mother, to be used at or around the time of the birth.

To be eligible for Maternity Support leave, the employee must therefore be the child's father, or the partner or nominated carer of an expectant mother. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth. There is no qualifying service requirement for this right.

Maternity Support Leave replaces one week of Statutory Paternity Leave; during this time any SPP is topped up to full pay. Therefore, an employee who would otherwise have been entitled to two weeks' Statutory Paternity Leave will be entitled to one week's Maternity Support Leave (during which Statutory Paternity Pay will be topped up to full pay) and one week's Statutory Paternity Leave (during which they will receive Statutory Paternity Pay).

An employee who wishes to request or vary a period of MSL must provide the same notification requirements as set out in section 3.5 above.

3.7 Ante-natal Care

Expectant fathers, or spouses, civil partners or the partner of the child's mother have the right to unpaid time off to attend two antenatal appointments with the expectant mother, with a maximum statutory entitlement of 6 ½ hours' time off for each appointment. They must produce evidence of appointments if requested to do so.

3.8 Adoption Appointments

In accordance with the Adoption Policy, the main adopter has the right to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments.

3.9 Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

3.9.1 Employee Contributions During Paternity Leave

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

3.9.2 Employer Contributions During Paternity Leave

The Town Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced pay. If, however, the employee's pay during their leave is higher than APP, the Town Council will pay contributions based on this higher amount.

3.10 Continuous Service

Paternity leave and Maternity Support leave will count as continuous service for statutory and contractual purposes.

3.11 Annual Leave and Bank/Public Holidays

Annual leave and Bank/Public holidays will continue to accrue during paternity leave and Maternity Support leave.

NEONATAL CARE LEAVE

4.1 Definitions

Neonatal care is the type of care that a baby who is born prematurely or sick receives in hospital. Neonatal care leave shall apply to all parents whose baby was born prematurely or require neonatal care, regardless of the number of hours worked per week.

4.2 Neonatal Care Leave

Parents whose babies are born prematurely or require neonatal care are entitled to 12 weeks of Neonatal Care Leave (NCL) with a minimum entitlement of one week, in addition to existing leave entitlements such as maternity, paternity and shared parental leave.

Eligible parents will be able to take neonatal care leave in blocks of a week, for each week their baby is in hospital, up to a maximum of 12 weeks. The leave must be taken within 68 weeks of the baby's birth.

4.3 Neonatal Care Leave eligibility

In order to qualify for Neonatal Care leave, the employee must be either:

- the child's legal parent; or
- a parent's partner, in an enduring family relationship with the child requiring neonatal care and their parent; or
- an individual with a caring relationship to the child, such as a "parent in fact", who are defined as a person who would have responsibility for the child's care; or
- the "intended parent" of the child, i.e. a parent using a surrogate.

NCL will be a day one right for employees, providing immediate access to leave.

4.4 Neonatal Care Pay eligibility

Statutory Neonatal Care Pay (NCP) will be payable if the employee has been employed continuously for at least 26 weeks and has average weekly earnings at least equal to the lower earnings limit to National Insurance contributions.

4.4.1 Neonatal Care Pay

Neonatal Care leave will be paid at the Statutory Neonatal Care Pay (SNCP) rate or 90 per cent of the average weekly earnings, whichever is the lower.

In order to receive neonatal care leave pay, an employee must notify the Chief Executive and People Manager in writing within 28 days of the start of the leave or, if that is not reasonably practicable, as soon as is reasonably practicable.

Neonatal Care leave for employees who are not eligible for neonatal care leave pay will be unpaid.

PARENTAL BEREAVEMENT LEAVE AND PAY

Parental Bereavement Leave provides up to two weeks' leave for employees following the loss of a child who was under the age of 18 or a stillbirth after 24 weeks of pregnancy.

5.0 Parental Bereavement Leave

In order to qualify for parental bereavement leave and pay, the employee must be either:

- the child's legal parent; or
- a parent's partner, in an enduring family relationship with the child who has passed away and their parent; or
- an individual with a caring relationship to the child, such as a "parent in fact", who are defined as a person who for a continuous period of at least four weeks before the child's death has lived with the child in the person's home, and had day to day responsibility for the child's care (provided they are not paid for that role, foster payments excepted); or
- the "intended parent" of a child who has passed away, i.e. a parent using a surrogate; or
- the "natural parent" of a child who has passed away who is named in a court order, i.e. where a court orders some contact for an adopted child's birth parent; or
- the adopter of a child who has passed away.

All employees, who are eligible as above, are entitled to 2 weeks' parental leave regardless of their length of service.

The two weeks' leave can be taken, either as one block or in two one-week blocks. The leave may be taken at any time within 56 weeks of the child's death.

5.1 Notification Requirements

If the employee wishes the leave to start within 56 days of the child's death, notice must be given to the Chief Executive and People Manager before the day the employee wishes the leave to start, or where that is not possible as soon as is reasonably practicable.

Employees must give the Chief Executive or People Manager at least one week's notice if they wish the leave to start after the 56-day period.

When giving notice the employee must specify, ideally in writing, to the Chief Executive:

- the date of the child's death,

- the date on which the employee intends the leave to start, and
- whether the period of absence is for one week or two weeks.

5.2 Cancellation of Parental Bereavement Leave

If an employee has asked to begin parental bereavement leave within the first 56 days of the date of the child's death, they can cancel the parental bereavement leave, as long as they inform the Chief Executive or People Manager prior to when they would have been due to start work.

If an employee has asked to begin parental bereavement leave more than 56 days after their child's death, then they can cancel their request for parental bereavement leave, as long as they inform the Chief Executive or People Manager at least one week in advance.

Employees cannot cancel any week of parental bereavement leave that has already begun.

5.3 Parental Bereavement Pay eligibility

In order to qualify for parental bereavement pay employees must meet the eligibility criteria as above and also have:

- at least 26 weeks' continuous service by the week before the week in which their child passes away, and still be employed by the Council on the day on which the child passed away;
- weekly average earnings over the lower earnings limit for National Insurance contributions in the eight weeks prior to the week before the child's death.

5.4 Parental Bereavement Pay

Parental bereavement leave will be paid at the Statutory Parental Bereavement Pay (SPBP) rate or 90 per cent of the average weekly earnings, whichever is the lower.

In order to receive parental bereavement pay, an employee must notify the Chief Executive or People Manager in writing within 28 days of the start of the week's (or weeks') leave or, if that is not reasonably practicable, as soon as is reasonably practicable.

Notice must include the parent's name and the date of the child's death. Furthermore, on the first occasion leave is taken, the employee must also provide a written declaration that they meet one of the qualifying conditions in terms of their relationship with the child.

Parental bereavement leave for employees who are not eligible for parental bereavement pay will be unpaid.

5.5 Continuous Service

Parental Bereavement Leave counts for the purpose of continuous service.

5.6 Returning to work following parental bereavement leave

Employees have the right to resume working in the same job when returning to work from parental bereavement leave if the period of leave, when added to any other period of statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child, is 26 weeks or less.

Employees are entitled to return to an alternative job that is suitable and appropriate, rather than the same job, if:

- the period of leave taken is more than 26 weeks, when added to other statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child; and
- it is not reasonably practicable for them to return to the same job.

PARTNER BEREAVEMENT LEAVE (STATUTORY BPPL)

Partner bereavement leave (BPPL) is a statutory entitlement to support employees who lose a partner within the first year of the child's birth or adoption.

6.1 Eligibility

Employees are entitled to Bereaved Partner's Paternity Leave (BPPL) where their partner has died and that partner was the child's mother or primary adopter.

To qualify for partner bereavement, leave, the employee must satisfy the following:

- The biological father of the child; or
- The mother's spouse, civil partner or partner; or
- The spouse, civil partner or partner of an individual who has adopted a child

This entitlement applies from day one of employment, with no minimum service requirement.

6.2 Leave Entitlement

Eligible employees may take up to 52 weeks of unpaid leave in the 12 months following the child's birth or placement for adoption. Leave must be taken within this 52-week period.

6.3 Purpose of Leave

This statutory leave is intended to allow the bereaved partner to grieve, make arrangements, and care for their child during the first year following the partner's death.

6.4 Notice Requirements

Employees should notify their manager of the need to take BPPL as soon as reasonably practicable. Notice may be oral or written when leave starts within eight weeks of bereavement; written notice is required for leave taken later than 8 weeks after the bereavement. Required details include:

- the date of bereavement
- the intended start and return dates
- the child's date of birth or adoption placement
- a declaration that the leave is being taken to care for the child

6.5 Parental Bereavement Leave Pay

BPPL is unpaid under current legislation. Employers may offer contractual or enhanced pay at their discretion, but this is not a statutory requirement.

6.7 Keeping in Touch Days (KIT Days)

An employee can do up to 10 days' work during their partner bereavement leave, in agreement with their manager, without bringing their leave to an end. Working for part of a day will count as one day.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employee whilst they are on leave. If the employee does not wish to be contacted, then they should notify their Line Manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on leave.

6.8 Employment Protections

Employees taking BPPL are protected from dismissal or detrimental treatment and have the right to return to the same role, or a suitable alternative in a redundancy situation.

SHARED PARENTAL LEAVE

7.0 Definitions

The following definitions are used in this policy:

- "Expected week of childbirth" (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects them to give birth; and
- "Qualifying week" means the fifteenth week before the expected week of childbirth
- "Primary adopter" refers to the nominated parent (when a couple is adopting) who is entitled to take the statutory adoption leave / pay.

7.1 Abbreviations

The following abbreviations are used within this policy:

- SPL Shared Parental Leave
- ShPP Shared Parental Pay
- SMP Statutory Maternity Pay
- SAP Statutory Adoption Pay
- MA Maternity Allowance

7.2 Overview

In 2015 the Government introduced new legislation which enables mothers, fathers/partners and primary adopters to decide how to share the care of their child during the first year of birth or adoption.

The legislation enables mothers or primary adopters who wish to, to end their maternity or adoption leave/pay period early and share the remaining entitlement with their partner.

It is important to understand that there is a distinction between the entitlement to leave and pay.

It is also important to understand that each individual (i.e. the mother/primary adopter and the father/partner) wishing to take a period of Shared Parental Leave and/or receive Shared Parental Pay must be assessed using their own check regarding whether they are eligible.

Depending upon whether they satisfy specific qualification criteria, individuals may be entitled to:

- Leave (SPL) and pay (ShPP)
- Pay (ShPP) but not leave (SPL)
- Leave (SPL) but not pay (ShPP)
- Neither leave (SPL) nor pay (ShPP)

SPL can only be used by two people:

- The mother/primary adopter and
- One of the following:
 - The father of the child (in the case of birth) or
 - The spouse, civil partner or the partner of the child's mother/primary adopter.

7.3 Shared Parental Leave

7.3.1 Entitlement to Shared Parental Leave

The total amount of leave to which employees may be entitled is calculated using the mother's/primary adopter's entitlement to maternity/adoption leave/pay. The maximum amount of SPL available is 52 weeks. SPL must be taken during the child's first year of birth/placement and must end no later than one year after the birth/placement of the child.

A mother/primary adopter who is entitled to maternity/adoption leave must take a period of compulsory leave of two weeks immediately after the birth or placement of the child. Following this they can take a period of up to 50 weeks' maternity/adoption leave. This means that a mother/primary adopter who ends their maternity/adoption leave at the earliest opportunity could share up to 50 weeks' SPL with their partner.

A mother/primary adopter who is not entitled to Maternity Leave (e.g. an agency worker, casual worker or not in work) may still be entitled to pay. This could be Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA). These are paid for 39 weeks. As above, the mother/primary adopter must take SMP/SAP/MA for a compulsory period of two weeks immediately after the birth or placement of the child. If the mother/primary adopter ends their period of pay before the 38th week of pay, the father/partner may be entitled to up to 50 weeks of Shared Parental Leave, some of which may be paid. The amount of Shared Parental Leave available to the father/partner is calculated by deducting from 52 weeks the number of weeks of SMP, SAP or MA taken by the mother/primary adopter.

7.3.2 Eligibility to Shared Parental Leave

It is the employee's responsibility to prove that they are eligible for SPL and ShPP. Employees can check their eligibility for SPL and ShPP via the Gov website: <https://www.gov.uk/shared-parental-leave-and-pay-employer-guide/overview>

To be eligible for SPL both individuals must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- The mother/primary adopter of the child must be/have been entitled to statutory maternity/adoption leave. If not entitled to statutory maternity/adoption leave, they must be/have been entitled to statutory maternity/adoption pay or maternity allowance.
- The mother/primary adopter must have ended, or given notice to end, any maternity/adoption entitlements via the 'Curtailment of Maternity/Adoption Leave and/or Pay' form.
- The employee must still be working for the Town Council at the start of each period of SPL.
- The employee must correctly notify the Town Council of their entitlement and provide evidence as required.
- The employee's partner must meet the 'employment and earnings test'. There is no qualifying service requirement for this right.

This requires them to have in the 66 weeks before the week of the baby's due date/week they're matched with their adopted child to:

- have earned at least £390* in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be consecutive)

**This is a statutory amount and is subject to annual review*

7.4 Shared Parental Pay

7.4.1 Entitlement to Shared Parental Pay

The total amount of pay to which employees may be entitled will depend upon how much Statutory Maternity/Adoption Pay or Maternity Allowance the mother/primary adopter has been paid at the date when their maternity/adoption leave or maternity/adoption pay period ends. The principle is that any pay (SMP/SAP/MA) not taken can be converted into Shared Parental Pay as long as the person wanting to take this is eligible.

SMP/SAP/MA is paid for 39 weeks. A mother/primary adopter who is entitled to this must take two weeks' of pay during the compulsory two week period immediately after the birth/placement. The mother/primary adopter may choose to end their maternity/adoption pay early at some point after this. In this case any paid weeks not taken as SMP/SAP/MA (as long as there are at least two weeks' pay remaining) may be taken as Shared Parental Pay (ShPP). If the mother/primary adopter took the minimum amount of SMP/SAP/MA, this would therefore enable 37 weeks' of Shared Parental Pay to be taken.

Any Statutory Shared Parental Pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

7.4.2 Eligibility for statutory shared parental pay (ShPP)

It is the employee's responsibility to prove that they are eligible for SPL and ShPP. Employees can check their eligibility for SPL and ShPP via the Gov website: <https://www.gov.uk/shared-parental-leave-and-pay-employer-guide/overview>

For employees to be eligible for ShPP, both parents must each meet certain eligibility requirements.

Mother's/primary adopter's eligibility for statutory shared parental pay:

- The mother/primary adopter is eligible for ShPP if they:
- Have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth/placement and remain in continuous employment with their employer until the week before any period of shared parental pay that they get;
- Have normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth/placement of at least the Lower Earnings Limit for national insurance contribution purposes;
- Have, at the date of the child's birth/placement, the main responsibility, apart from the partner, for the care of the child;
- Are absent from work and intend to care for the child during each week in which they receive statutory Shared Parental Pay; and
- Are entitled to Statutory Maternity/Adoption Pay in respect of the child, but the maternity/adoption pay period has been reduced.

In addition, for the mother/primary adopter to be eligible for ShPP their partner must:

- Have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- Have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- Have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be consecutive).

7.4.3 Partner's eligibility for statutory shared parental pay:

The partner is eligible for ShPP if they:

- Have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remain in continuous employment with their employer until the week before any period of shared parental pay that they get;
- Have normal weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth of at least the Lower Earnings Limit for national insurance contribution purposes;
- Have, at the date of the child's birth/placement, the main responsibility, apart from the mother/primary adopter, for the care of the child; and
- Are absent from work and intend to care for the child during each week in which they receive statutory shared parental pay.

In addition, for the partner to be eligible, the mother/primary adopter must:

- Have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- Have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be consecutive)
- Have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child; and be entitled to statutory maternity pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period have been reduced.

7.5 Requesting Shared Parental Leave

An employee considering taking SPL is encouraged to contact the People Manager to arrange an informal discussion as early as possible regarding their potential entitlement.

Once an employee has checked that they are eligible for SPL and/or ShPP, they should then complete a 'Notice of Entitlement and Intention' form (Appendix 3) which should then be given to the People Manager

Before SPL can begin the mother/primary adopter must end their maternity/adoption leave and/or pay entitlement. Therefore, if the employee is the mother/primary adopter then they must also complete the 'Curtailment of Maternity/Adoption Leave and/or Pay' form (Appendix 4).

7.5.1 Requesting Further Evidence of Eligibility

The Council may request, within 14 days of receiving the 'Notice of Entitlement and Intention' form being given:

- The name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead).
- In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to Shared Parental Leave, the employee must produce this information within 14 days of the employer's request.

7.5.2 Booking Shared Parental Leave

In addition to notifying the employer of entitlement to SPL/ShPP via the 'Notice of Entitlement and Intention' form, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

Requests for leave should be made via the 'Period of Shared Parental Leave Notice' (appendix F).

The employee must book leave by giving the correct notification at least eight weeks before the date on which they wish to start the leave and, if applicable, receive ShPP.

Eligible employees have the right to submit up to three notifications specifying leave periods they are intending to take.

Each period of leave may consist of either a) a single period of weeks of leave; or b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

Leave must be taken in complete weeks but can start on any day of the week.

Periods of Shared Parental Leave can be taken either at the same as or at different times to leave taken by their partner.

The father/partner can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as they cannot take paternity leave or pay once SPL has been taken).

SPL must be taken during the child's first year of birth/placement and must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption will be lost.

STAFF ANNUAL LEAVE POLICY

8.1 Annual Leave

The Council takes a positive view on work/life balance issues and believes that employees should take responsibility for regularly taking annual leave to ensure their own health, safety, and wellbeing in accordance with the Working Time Regulations.

Annual leave must only be taken with Line Manager approval. Employees must give as much notice as possible when requesting annual leave. Such notice should be at least twice the number of days' leave that the employee wishes to take as annual leave.

The annual leave year runs from 1 April to 31 March.

The minimum paid annual leave entitlement is 25 days, rising to 28 days after five years' continuous local government service. Those employed part-time will be entitled to leave on a pro-rata basis.

Employees who join and/or leave the Council during the annual leave year will receive a holiday entitlement proportionate to their completed service during the leave year.

In the event of the employee leaving the Council, payment for any leave which has been taken in excess of their accrued part year entitlement will be deducted from the final wage payment.

8.2 Bank/Public Holidays

All employees are entitled to paid bank/public holiday leave. The Council recognises eight bank holidays during the calendar year, although the dates of these may vary from year to year.

Part-time employees have a pro rata entitlement to bank/public holiday leave. This is calculated with reference to the annual entitlement of a full-time employee. Part-time employees whose working day falls on a bank holiday and whose service does not work bank holidays, must book this day off as annual leave.

8.3 Carry Over of Annual Leave

All annual leave should be taken in the leave year during which it is accrued. In exceptional circumstances, a maximum of five days' leave can be carried over into the next leave year with the written permission of the Chief Executive.

8.4 Compassionate Leave With Pay

Up to 7 days' compassionate leave with pay can be granted in order to help the employee to cope with the death or serious illness of a member of their immediate family. This includes their:

- Husband, wife, or partner;
- Parent;
- Child, including any adopted child; and
- Sibling

A further day may be granted for attending the funeral.

Employees may also wish to consider taking a period of parental bereavement leave following the loss of a child under the age of 18. Please see section 5.5 for more information.

All applications for Compassionate Leave must be made to the Chief Executive or People Manager for determination.

In exceptional circumstances, the Chief Executive will consider granting a maximum of a further seven days' compassionate leave in any one year.

PARENTAL LEAVE

9.1 Introduction

Parental Leave applies to all parents (birth or adoptive) and those people with parental responsibilities and allows for them to take up to 18 weeks' unpaid leave for each child. Each parent and person with parental responsibility are entitled to take 18 weeks' parental leave for each child.

Parental leave may be particularly useful if you require time off to care for your child but have used up, or are not entitled to, other types of family-friendly leave.

Employees who are considering taking parental leave following the birth of a child or the placement of the child for adoption, should bear in mind that they may also be entitled to paid maternity / paternity / adoption / shared parental leave. Further information can be found in the Councils relevant policies.

9.2 Eligibility and Notification

The right to take up to 18 weeks' unpaid parental leave is subject to the following conditions:

- The employee must provide evidence of parenthood or parental responsibility where requested i.e. a birth certificate or adoption papers.
- The employee must give the People Manager at least 21 days' notice in writing to take leave. The notice must specify the dates on which the period of leave is to begin and end.
- Where an employee requests parental leave to begin when their child is born, their notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give this notice to the People Manager at least 21 days before the expected week of childbirth. If the child is born earlier/later than expected, the employee should agree any changes to the start of the leave with the Chief Executive.
- Where the ordinary parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's notice must be given to the People Manager at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of ordinary parental leave requested.
- The employee can only take leave in blocks of one or more weeks except where the child is disabled, in which case it may be taken one day at a time.
- The employees may not take more than four weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to ordinary parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

The manager may postpone the leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) for a maximum of 6 months if there are sound business reasons for doing so. The manager should seek agreement with the employee over mutually acceptable arrangements and confirm the outcome in writing within 7 days of the request.

If an employee falls ill during parental leave, the absence will be treated as sick leave for those periods covered by a doctor's certificate.

Managers should keep a record of leave taken under this entitlement, so that it is clear when the entitlement is exhausted.

9.3 Continuous Service

Parental leave counts for the purpose of continuous service.

9.4 Returning to work following parental leave

An employee who returns to work after a period of parental leave is entitled to return to the job in which they were employed prior to the absence if it was an isolated period of leave lasting four weeks or less. If the period of parental leave followed on immediately from another period of statutory leave, the employee's right to return depends on the total length of leave taken.

9.5 Emergency Time off for Dependants

All employees (regardless of their length of service) have the right to take a reasonable amount of unpaid time off work in order to deal with particular unexpected emergencies affecting their dependants.

A dependant is:

- A spouse, civil partner, child or parent;
- A person who lives with the employee (other than as a lodger, tenant, boarder or employee);
- Any other person who would reasonably rely on the employee for assistance if they fell ill or were injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury; or
- In relation to the disruption or termination of care for a dependant or any other person who reasonably relies on the employee to make arrangements for the provision of care.

Under this provision, an employee is entitled to take time off work:

- Where a dependant falls ill, gives birth, or is injured or assaulted;
- To provide assistance following the death of a dependant;
- Where there has been an unexpected disruption to, or termination of, the arrangements for the care of a dependant; and
- To deal with an emergency relating to a child of the employee that occurs unexpectedly at the child's school.

Although there is no requirement to give notice the employee must, as soon as possible, tell their line manager the reason for their absence and how long they expect to be away from work.

9.6.1 Pay During Emergency Time Off for a Dependant

This leave is unpaid. All employment rights, including accrual of annual leave, continue during the period of leave.

9.6.2 Pension During Emergency Time Off for a Dependant

Employees who are members of the Local Government Pension Scheme may 'buy back' pension lost during authorised unpaid leave, as set out in this policy. See the section entitled 'Implications of Authorised Unpaid Leave and Industrial Action for Local Government Pensionable Service.

9.7 Carer's Leave

Employees who have a dependant with long-term care needs will now be entitled to up to one week's unpaid carer's leave in any twelve-month period.

9.7.1 Who Can Take Carer's Leave

All employees (regardless of their length of service) have entitlement to unpaid leave to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability (as defined in the Equality Act 2010)
- care needs because of their old age

A dependant is:

- a spouse, civil partner, child or parent;
- A person who lives with the employee (other than as a lodger, tenant, boarder or employee); or
- any other person who would reasonably rely on you to provide or arrange care.

Employees are entitled to carer's leave from their first day of work for their employer.

9.7.2 Pay During Carer's Leave

Carer's leave is unpaid. All employment rights, including accrual of annual leave, continue during the period of leave.

9.7.3 How Long Can Employees Take

Employees can take up to one week of leave every 12 months. A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.

They can either take a whole week off or take individual days or half days throughout the year.

If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant. They can only take one week every 12 months. They can use the week of leave on more than one dependant.

9.7.4 How To Take Carer's Leave

Employees need to give their employer notice before they want their leave to start.

If the request is for half a day or a day, the notice period must be at least 3 days.

If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days.

The notice period needs to be in full days, even if the request includes half day amounts.

Any request should be addressed to the Chief Executive.

Employees do not need to give evidence of their dependant's care needs.

9.7.5 When The Town Council Can Delay Carer's Leave

If the absence would cause serious disruption to the Town Council, the employee can be asked to take the leave at a different time.

If they delay it, the employer must:

- agree another date within one month of the requested date for the leave
- put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave

9.7.6 Pension During Carer's Leave

Employees who are members of the Local Government Pension Scheme may 'buy back' pension lost during authorised unpaid leave, as set out in this policy. See the section entitled 'Implications of Authorised Unpaid Leave and Industrial Action for Local Government Pensionable Service

9.8 Public Duties

Up to 5 days' leave with pay per year may be given with the permission of the Chief Executive for serving on public bodies or undertaking public duties, e.g. magistrate's service, school governing bodies, and political appointments for those employees whose posts are not politically restricted.

Where an allowance is claimable for loss of earnings, employees should claim the full allowance and the Council will deduct this amount from their pay to reflect the loss of earnings recouped.

9.9 Jury Service

Paid leave of absence will be granted for employees undertaking jury service. Where an allowance is claimable for loss of earnings, the employee should claim this, and the Council will 'top up' their pay to their normal daily rate for each day they are on jury service up until 10 working days.

9.10 Leave without pay

Additional leave without pay may be granted in special circumstances at the discretion of the Chief Executive. A request should be made to the People Manager for this.

9.11 Implications of Authorised Unpaid Leave and Industrial

Action for Local Government Pensionable Service

Under the LGPS 2014 rules, if employees who are LGPS members are granted unpaid leave of absence they will have the option to buy back the 'lost' pension by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract. The Town Council will contribute towards the cost, with the split being 1/3rd employee, 2/3^{rds} employer. If the employee wishes to buy back the 'lost' pension they must write to the People Manager within 30 days of their return to work indicating their decision. After that time, the 'lost' pension can be bought back, but the whole cost will be borne by the employee. Details of the cost of buying back the 'lost' pension can be obtained from the Pension Scheme; please ask the People Manager for details.

If employees who are LGPS members are absent from work due to industrial action they will also have the option to buy back the 'lost' pension by making an Additional Pension Contribution. In order to do so they must write to the People Manager as above; however there is no time limit and the entire cost will be met by the employee.

EQUAL OPPORTUNITIES POLICY

10.1 The Policy

Newquay Town Council is committed to being an effective Equal Opportunities organisation. This means that the Council will do everything in its power to ensure that everyone is treated fairly and with respect at all times.

This applies to all areas of the Council's activities; including recruitment, employment, and provision of Council services.

10.2 An Employer

We will provide equality and fairness for all in our employment and will not discriminate on grounds of:

- Age;
- Disability;
- Sex or gender;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race (including ethnic origin, skin colour, nationality, and national origin);
- Religion or belief; or
- Sexual orientation

All employees will be treated fairly and with respect regardless of position, part-time/full-time working, or length of contract. Selection for employment, promotion, training, or any other benefit will be on the basis of aptitude and ability.

All employees are required to treat one another with mutual respect. Actions, behaviour, and attitudes should consistently demonstrate respect for the dignity and worth of an individual.

The Council has now adopted and signed up to the Civility and Respect Pledge, meaning the Council's core culture is that of being Civil and Respectful to everyone. Officers not confirming to this principle will be taken through the formal disciplinary process.

Harassment and discrimination in any form is unacceptable behaviour and offenders will be subject to disciplinary action.

10.3 As a Service Provider

The Council will strive to ensure that all services provided by, or on behalf of, the Council are made accessible to all individuals and groups equally and without discrimination.

All service users will be treated with respect. Actions, behaviour, and attitudes will consistently demonstrate respect for the dignity and worth of an individual.

The Council will, wherever appropriate, work in partnership with other agencies in the area; including the relevant unitary, county, district, and borough councils, voluntary groups, and community organisations to promote equal opportunities.

The Council will ensure that all contractors directly supplying goods and services or executing works for, or on behalf of, the Council comply with this Council's stated policy on equal opportunities.

10.4 As an Employer

The Council aims to achieve the policy by:

- Ensuring that its employees are made aware of their rights and responsibilities to each other, the customer, and the organisation regarding equal opportunities issues;
- Providing a way in which individuals can communicate any concerns via competent named Staffing;
- Treating any unacceptable behaviour seriously; and
- Ensuring that all Managers realise they have a key role in implementing this policy and are expected to take personal responsibility for ensuring its success.

10.5 As a Service Provider

The Council aims to achieve its policy by:

- Ensuring that employees are made aware of the Council's standards of service and customer care, including equal treatment in service delivery;
- Ensuring that no member of the public is disadvantaged or treated less favourably than others in terms of access to Council services. Where the Council's practices, policies, or procedures are found to make access impossible or unreasonably difficult, we will take such steps as are reasonable in the circumstances to change these practices, policies or procedures;
- Ensuring that, wherever practical, all public buildings and premises owned or managed by the Council are accessible to all. Where this is impractical in the short-term, we will provide reasonable alternative methods of access so that no member of the public is disadvantaged by physical barriers;
- Recognising the importance of communication in attaining equality and providing quality services, which are responsive to the needs of all local people, for example through the provision of information in large print and on audio tape on request; and
- Complying with all relevant legislation relating to discrimination and equality.

10.6 Role of Councillors and Employees

All Councillors and employees are responsible for implementing the Council's Equal Opportunities Policy. It is important that all individuals who are employed by the Council appreciate that they have a responsibility and a role to play in the provision of equal opportunities.

10.7 Monitoring of Equal Opportunities

The Council's Governance & Resources Committee will have responsibility for the implementation and monitoring of the policy as it applies to the Council as an employer.

The Council's Properties Committee will have responsibility for implementing and monitoring the policy as it applies to the Council as a service provider, involving local community and voluntary groups in the monitoring process where appropriate.

Complaints from staff about discrimination or unfair treatment will be dealt with as laid down in the Council's Grievance Procedure.

Complaints from members of the public about discrimination or unfair treatment will be dealt with through the Council's Complaints Procedure.

WORKING HOURS

11.1 Working Hours

Newquay Town Councils normal hours of work (except where otherwise stated in individual contracts of employment) for all employees will be 37 hours per week.

The Town Council's core hours vary per service. However, the main offices are normally open Monday to Thursday 09:00 to 17:00 and 09:00 to 16:30 on Friday, all year round with the exception of Public and Bank Holidays. There may be occasions where the office is closed for training or team-building. In such circumstances alternative arrangements may be made including setting out of office messages and signposting (where other services are involved in the training/team building and so cannot cover the office). These are expected to be rare instances.

Some services routinely work outside of the normal office hours on a rota basis. Such arrangements are detailed within the individuals contract of employment and rotas for the service.

If staff wish to take smoking/vaping breaks outside their designated work breaks then they should discuss with their line manager whether a different arrangement can be put in place for them. Any such arrangement would involve redistributing existing break times throughout the working day. For example, instead of taking 30 minutes lunch break, an employee may take 20 minutes for lunch and a 10 minute smoking/vaping break (or two 5 minute breaks instead of one 10 minute break). Line Managers should ensure any operational agreements on this are cleared by the People Manager before confirmed to the requester to ensure consistency, fairness and operational delivery isn't adversely impacted.

11.2 Working Time Regulations 1998

The Working Time Regulations 1998 (as amended) outline that employees should not work more than 48 hours per week on average. An individual employee may agree to work more than 48 hours a week. If so, the employee should sign the opt-out agreement found in Appendix 1, which they can cancel at any time. The employee must give 1 months notice to cancel the opt out agreement.

Employees cannot be fairly dismissed or subjected to detriment for refusing to sign an opt-out.

The Chief Executive and People Manager will keep a record of who has agreed to work longer hours.

11.3 Undertaking Additional Work

Full time employees should devote their whole service to the work of the Council, and shall not engage in any other business, including self-employment, or take up any other appointment without the express prior consent of the Chief Executive. The Chief Executive reserves the right to withdraw such consent, if it is deemed necessary.

All prospective employees shall, prior to appointment, provide details of any employment(s) in which they are engaged, giving full details of the employer, job title and the hours worked per week in each job. This information will be examined to see whether any other existing employment(s) is in conflict with the employment being sought with the Council and whether, in overall terms, the total hours of all the employments exceed 48 per week – as per the Working Time Regulations 1998. Also, existing part-time employees must declare any other employment to the Council to enable the Council to ensure that there is no conflict of interest between such employment and that there is adherence to the Working Time Regulations.

Employees must avoid situations whereby their work and personal interests conflict or may appear to conflict.

Undertaking unpaid activities outside the Council's employment may, on occasions, be detrimental to the Council's interests. Employees should be mindful of any potential conflict of interests in such situations.

No personal business activity or outside work of any type should be undertaken by an employee during their normal working hours for the Council without explicit prior written agreement of the Chief Executive.

Should an employee fail to notify the Chief Executive of any new or existing other business interests/activities/voluntary work and this comes to subsequently comes to light, the Chief Executive will be obliged to investigate whether this omission should be treated as a disciplinary matter. This will be

particularly important where the outside activity/interest is impacting the employee's work or conflicts with the interests of the Council.

12.0 HEALTH AND SAFETY

This is contained within a separate Health and Safety Policy Handbook.

DISCIPLINARY PROCEDURE

13.0 Introduction

This procedure is designed to help and encourage all employees to achieve and maintain acceptable standards of conduct and job performance. The aim is to ensure consistent and fair treatment for the individual. This procedure sets out the framework for resolving issues relating to misconduct and unsatisfactory performance in accordance with the Employment Rights Act 1996, Human Rights Act 1998, and the ACAS Code of Practice on Disciplinary Procedures.

This procedure applies to all employees except where it conflicts with a contractual or statutory requirement, which takes precedence. For employees in probation, please see section 18.0.

13.1 General Principles

The procedure is not a substitute for good management practices and should only be invoked when initial attempts to improve conduct have been made following discussions between the employee and their manager. However, where there has been gross misconduct or a serious breach of disciplinary rules, the formal procedure should be actioned immediately.

No disciplinary action will be taken against an employee until the circumstances have been fully investigated.

The employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case at the appropriate stage.

The employee has the right to be represented at disciplinary hearings and appeals.

In all instances of alleged misconduct, the employee will be given at least 5 working days' notice of the requirement to attend a hearing or appeal. Should the employee fail to attend without an acceptable reason, then the Chair of the hearing or appeal may proceed in the employee's absence.

Any disciplinary action taken will depend on the nature of the offence, the past recorded behaviour of the employee concerned, the consequence to the Council of the offence, and any explanation presented by the employee.

Employees have the right to appeal against any disciplinary warnings and dismissal.

13.2 Roles and Responsibilities

Normally, the Line Manager or the People Manager will consider minor disciplinary issues and resolve them, if they can, without recourse to the formal procedure.

Allegations of more serious misconduct or where a previous warning has been given but the required improvement has not been made should immediately be referred to the People Manager and Chief Executive who will then be responsible for nominating an Investigation Manager. If the misconduct relates to the Chief Executive, this should be referred to the Chair and Vice Chair of the Governance and Resources Committee.

The Investigation Manager who carries out an investigation should not participate in any subsequent decision to take action under the procedure. Likewise, the Disciplinary Panel members hearing the case should not be involved in the investigation beforehand. It is important that respective roles are identified at an early stage so that those roles are not compromised. The Investigation Manager need not be the employee's Line Manager, although this would normally be the case.

Only a member of the Senior Management team has the right to suspend an employee, however this must have approval from either the Chief Executive (or a Director and the People Manager combined in the absence of the Chief Executive) before the suspension takes place.

13.3 Representation

Employees have the right to representation, either by a trade union representative or a work colleague, at the hearing and appeal stages of the formal procedure.

Representatives have the right to address the hearing or appeal. They may also ask questions and present the employee's case. However, they have no right to answer questions on the employee's behalf.

13.4 Informal Procedure

12.4.1 Informal Advice and Guidance

Where a minor breach of standards of conduct occurs, which does not justify formal disciplinary action, the Line Manager will advise the employee concerned of the conduct and the standard expected in the future. In many cases, this will provide sufficient encouragement for the employee not to commit further acts of misconduct.

The employee will be offered guidance, support, and additional training – where appropriate – to achieve the necessary standards. Representation will not normally be appropriate. Managers should make a note of such informal advice and guidance and should set out in writing the required improvements and standards of conduct that are expected in the future. Records of informal advice/counselling should be kept on employee's personal files.

The formal procedure will apply when:

- Previous informal advice or warnings have proved ineffective;
- The allegation is of a serious nature; or
- A number of minor allegations are made which taken together constitute a serious breach of discipline.

13.5 The Formal Procedure

13.5.1 Suspension

In some circumstances, the Chief Executive may consider suspension with pay, pending further investigation or until the disciplinary hearing takes place. Suspension may be appropriate where:

- Cases potentially involve gross misconduct;
- Relationships have broken down; or
- There is a risk to the employer's property or to other people.

An employee should be advised that suspension in itself does not constitute disciplinary action.

An employee should be advised of the reasons for suspension. The period of suspension should not normally last for more than 20 working days. However, this period can be extended where necessary.

The decision regarding whether or not suspension is necessary can be reviewed at any time during the disciplinary process.

13.6 Investigation

Before any decision can be made about whether or not a disciplinary hearing is necessary, an investigation must take place. The Chief Executive or People Manager (or the Chair and Vice Chair of the Governance and Resources Committee, in relation to matters concerning the Chief Executive) will appoint an appropriate Investigation Manager – who could be an external adviser – who will report back with their findings and make recommendations as to whether a disciplinary hearing should be convened.

The responsibilities of the Investigation Manager are to collect evidence by interviewing any relevant witnesses and gathering all documentation. An investigation meeting will be held with the employee concerned. The purpose of the meeting is to gather the employee's initial response to the allegations and to identify whether any further investigation is needed.

For the benefit of the employee and the Council, any investigation must be concluded within a reasonable timescale. If there is a delay in completing the investigation, it is the responsibility of the Investigation Manager to regularly update the employee or their representatives on the progress of the investigation.

Once the Investigation Manager has gathered all the relevant facts and reviewed the evidence, a report should be drafted to the Chief Executive (or Governance and Resources Committee as relevant) recommending one of the following:

- Take no further action and inform the employee accordingly;
- Advise the arrangement of counselling, training, extra supervision, or written advice (as appropriate); or
- Arrange a disciplinary hearing.

13.7 Arranging a Hearing

Who would normally be expected to chair a meeting?

The below table shows who would normally be expected to chair a meeting under this policy:

Employee Grade	Investigation Manager	Disciplinary Manager	Appeal Manager
6 or below	Line manager or People Manager	Senior Manager or Director	CEO
7 – 11	Senior Manager or Director	CEO	Appeal Committee

12 and above	Director	CEO	Appeal Committee
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Newquay Town Council reserves the right to depart from the above procedures if the necessary resources are unavailable or if a conflict of interest arises in the case. Where this occurs the decision-maker will log this in writing and any delegated authority given to a particular officer or panel members, will be made via email for audit purposes.

If, the Investigation Manager concludes that a hearing is required then the necessary arrangements should be made by the Disciplinary Manager. The employee will be given at least 5 working days' notice in writing. The letter should include a clear written statement of the allegation and should enclose any documentary evidence being relied upon and a reminder of the employee's right to be represented.

The Investigation Manager is responsible for presenting the case and making arrangements for any witnesses that the employee relies upon to attend the meeting.

The employee is responsible for arranging any representation they choose to have and any witnesses that they may wish to call. Details of any witnesses the employee intends to call and a copy of all documents that the employee may wish to refer to at the hearing must be submitted to the Investigation Manager at least 3 working days prior to the hearing.

13.8 Conducting a hearing

The Panel for a hearing will normally comprise of the Disciplinary Manager (or the Chair and Vice Chair of the Governance and Resources Committee, in relation to matters concerning the Chief Executive) and an independent HR representative to advise, as appropriate (this can be through email/phone).

The objective is:

- To hear the evidence in respect of the allegation, the employee's response, and to decide whether or not the allegation is substantiated; and
- If the allegation is substantiated, to determine the disciplinary sanction to be applied in light of the seriousness of the offence and having regard to previous relevant disciplinary history.

The procedure to be followed is:

- Introduction of the Panel members and outline of their roles;
- Statement of the purpose of the hearing and the allegation;

- Presentation of the case by the Investigation Manager with witnesses called as necessary;
- Questions by employee or their representative;
- Questions by the Panel;
- Presentation of the case by the employee or their representative with witnesses called as necessary;
- Questions from Investigation Manager;
- Questions from Panel;
- Concluding statement by Investigation Manager;
- Concluding statement by employee or their representative;
- Adjournment of the Panel to make their decision;
- The Panel reconvenes and the employee/representative is informed of the decision and, if necessary, their rights of appeal.

Requests for an adjournment can be made at any stage and it is up to the Disciplinary Manager to decide whether or not a request should be granted.

The outcome of the disciplinary meeting will be confirmed to the employee in writing within 5 working days of the disciplinary meeting. The letter should clearly set out:

- The Panel's decision;
- The length of time that any warning will be active for;
- The expected improvement in conduct;
- Any assistance that will be provided to achieve this; and
- The employee's right to appeal.

13.9 Levels of Disciplinary Action

In determining the appropriate disciplinary action, regard should be given to the employee's previous record, the gravity of the offence, and any explanation given.

Although the procedure implies a sequential approach, there may be certain circumstances where the matter needs to be considered immediately under Stages 2, 3, or 4.

Stage	Outcome	Description
Stage 1	Verbal Warning	For a minor offence, a formal verbal warning (confirmed in writing) making it clear that further misconduct will render the employee liable to further disciplinary action including more severe consequences.
Stage 2	First Written Warning	For a more serious offence or where a previous warning to the employee has not resulted in the required improvement to their conduct.

Stage 3	Final Written Warning	For a sufficiently serious offence, which might warrant only one written warning but is insufficiently serious to justify dismissal, or where previous warnings have been ineffective.
Stage 4	Dismissal with notice	For an act or acts of misconduct, other than gross misconduct, by an employee who is under a written or final written warning. The employee will be liable to dismissal with notice or pay in lieu of notice.
Stage 4	Dismissal without notice	In cases where gross misconduct is established, the employee will be liable to summary dismissal, i.e. without notice or pay in lieu of notice.

All dismissal decisions must be reviewed by an HR Adviser prior to being communicated to the employee.

13.10 Length of Warnings

Records of informal meetings and formal warnings will be kept on employee's personal files. Any verbal warning will be live for 6 months and written warnings for 12 months from the date of the disciplinary hearing. Final written warnings will be live for 2 years.

13.11 The Right of Appeal

An employee has the right to appeal against disciplinary action resulting in a warning or their dismissal. The Chief Executive or Three members of the Appeals Committee will hear the appeal, providing that they have had no previous involvement in the matter, assisted by an independent adviser, if appropriate.

An employee who wishes to appeal must do so in writing to the Chief Executive (or Chair of the Governance and Resources Committee, in relation to matters concerning the Chief Executive). This must be done within 10 working days of the disciplinary hearing informing them of the disciplinary action taken. The appeal letter must set out the grounds for the appeal, normally under one of the following headings:

- The severity of the disciplinary action;
- The findings of the Panel on a point of fact which is pertinent to the decision of the hearing; and
- A failure to adhere to the disciplinary procedure.

13.12 Arranging an Appeal

The date and time of the appeal will be set by the Appeal Panel Chair. It is the responsibility of each side to prepare themselves for the appeal, including arranging for any witnesses to attend.

The Disciplinary Manager and the employee or their representative will, where possible, agree papers for submission to the appeal 5 days prior to the hearing.

13.13 Conducting an Appeal Hearing

The objective is:

- To review the decision of the disciplinary hearing and decide whether that action is warranted or not; and
- If the action is not warranted, to determine what action if any is appropriate;
- In doing so, the Appeal Panel will have regard to seriousness of the offence and any previous relevant disciplinary history.

The procedure to be followed is:

- Presentation of the case by the Disciplinary Manager;
- Questions by the appellant to the Disciplinary Manager;
- Presentation of the appellant's case, including calling any witnesses;
- Questions by the disciplinary manager to the appellant and their witnesses;
- Questions by the Appeals Panel to both parties and their witnesses;
- Concluding statements by the parties. No new information should be introduced at this stage and the appellant should have the opportunity to sum up last;
- Adjournment of the Panel to make their decision;
- The appeal is reconvened if possible and both parties are informed of the decision;
- Written confirmation of the Appeals Panel's decision to the appellant will be sent within 5 working days of the hearing.

The Appeals Panel has the right to call its own witnesses should it consider this to be of assistance in making its decision.

13.14 Trade Union Officials

In normal circumstances, no action will be taken against an officer of a recognised trade union until the matter has been discussed with a full-time officer of that union.

13.15 Disciplinary Rules

It is difficult to define all the acts of misconduct that might lead to disciplinary action. As a general principle, a test of reasonableness would be applied, i.e. would a reasonable person be aware that disciplinary action would result from a certain act or omission?

The following are examples of the types of conduct that are unacceptable and might lead to disciplinary action. The list is not exhaustive and other behaviour not listed may lead to disciplinary action.

- Poor time-keeping/attendance;
- Unjustifiable absence from work;
- Waste, loss or damage of Council property through failure to take due care;
- Negligence or failure in performance of duty;
- Inappropriate or unauthorised use of e-mail, IT, or telephone facilities; or
- Being under the influence of alcohol or drugs.

13.16 Types of Gross Misconduct

Unacceptable conduct, which may be regarded as gross misconduct, is likely to lead to an employee's summary dismissal. This means dismissal without notice and occurs when the employment relationship between the Council and employee, and the trust which is inherent in that, is irrevocably broken.

The list below gives examples of matters likely to be regarded as gross misconduct and is not exhaustive.

- Refusing to follow reasonable management instructions;
- Theft from the Council, its Members, employees, or the public;
- Physical assault or verbal abuse;
- Fraud or deliberate falsification of records;
- Falsification of qualifications;
- Serious negligence which causes unacceptable loss, injury, or damage;
- Serious acts of insubordination;
- Serious breach of confidence;
- Use of privileged information for personal gain;
- Malicious damage to the Council's property;
- Sexual misconduct at work;
- Discrimination, victimisation, or harassment;
- Serious breaches of safety rules;
- Serious incapability through alcohol or drugs;
- Accessing or distributing pornography on the Council's IT facilities.

13.17 Training

Appropriate training will be given to the Chief Executive or any Members/Managers who might be involved in disciplinary or appeals meetings to ensure that they fulfil their responsibilities under this procedure.

13.18 Disciplinary Action whilst in Probation

Where a member of staff is in their probation period and is the subject of a disciplinary action, then the Chief Executive or Senior Manager handling the matter is not obliged to follow the formal process as set out in this Handbook. They should continue to follow the ACAS code and any advice received from the Council's appointed HR advisors. However, expedited processes can be instigated where deemed appropriate and reasonable and there will not be an automatic right of appeal against any decisions of the panel (including that of dismissal). The Chief Executive should approve any expedited process, should this be considered.

CAPABILITY PROCEDURE

14.1 Introduction

This procedure is used to support, enhance, and improve the performance of employees. This procedure sets out a framework for resolving issues relating to poor performance, in accordance with the Employment Rights Act 1996, Human Rights Act 1998, and the ACAS Code of Practice on Disciplinary Procedures. The procedure aims to ensure that consistent and fair treatment is given to all individuals.

14.2 Scope

Where there are issues of misconduct or of negligence, these will be dealt with under the Disciplinary Procedure. For matters of sickness, disability, or ill health, the Absence Management Policy will be used.

14.3 General Principles

The Procedure is not a substitute for good management practices. It should only be invoked when initial attempts to improve performance have been unsuccessful following discussions between the employee and their manager.

The employee must be given at least 5 working days' notice of the requirement to attend a formal review meeting or an appeal.

The employee has the right to be represented at formal review meetings or appeals.

In the event of a formal warning or a dismissal, the employee has the right of appeal.

14.4 Related Procedures

When using the procedure, it may be necessary to refer to the contents of other agreed documents such as:

- The Equal Opportunities Policy
- The Grievance Procedure
- The Absence Management Policy
- Other conditions set out in the Staff Handbook

14.5 Representation

Employees have the right to representation at hearings and appeals relating to any stage of the formal procedure. This can be a trade union representative or a work colleague.

Representatives can take an active part in review meetings.

14.6 Action against a Trade Union Official

In normal circumstances no action will be taken against an officer of a recognised Trade Union until the matter has been discussed with a full-time officer of that union.

14.7 The Informal Procedure

The line manager or People Manager (or Chair of the Governance & Resources Committee in relation to matters concerning the Chief Executive) should deal with minor issues of poor performance in the first instance.

A meeting with the employee to discuss poor performance should be arranged and any problems or areas for concern should be raised by the line manager. Appropriate support and training should be offered to assist the individual towards meeting the required standards in the future. Realistic targets should be agreed with the individual and future expectations made clear by the line manager and People Manager. The line manager and People Manager will record the points discussed in the meeting and confirm this in writing to the employee along with the agreed plan to achieve acceptable levels of performance. A review meeting should be arranged within 2 months to assess whether the targets have been met and whether the performance is satisfactory.

In most cases, these meetings should provide sufficient guidance, support, and clarification of standards to rectify the situation.

However, the formal procedure will apply when:

- Previous informal advice or guidance has proved ineffective; or

- The performance is so poor that informal discussions are unlikely to help.

14.8 The Formal Review

If informal discussions have proved unsuccessful in raising performance levels to the standards set by the line manager and People Manager then the formal procedure will be invoked. There are three stages to the formal procedure. The employee has the right of representation at each stage.

During each stage, the employee's performance will be monitored closely. The method of doing this will be made clear to them at the conclusion of each review meeting.

14.9 Stage 1: The Capability Review

The Capability Review should build on the informal discussions. It should be sufficiently specific so that the employee knows exactly what it is about their performance that is unsatisfactory and how they can improve to the required standard.

In normal circumstances the person carrying out the review will be determined as followed, unless a good reason exists to vary this process – such a reason to be considered by the Chief Executive (or the Chair of Governance and Resources Committee in relation to the Chief Executive) and their decision is final and binding:

Review of	Person to Carry Out Review
Chief Executive	Chair of Governance & Resources Committee
Directors	Chief Executive and People Manager
Managers	Director and People Manager
All other staff	Line Manager and People Manager

The review has four main purposes:

- To allow the manager to discuss with the employee: (i) the standards of work required; (ii) what improvement is necessary; (iii) how the employee can be helped to achieve them; and (iv) how improvement will be assessed and the timescale which must be reasonable.
- To allow the employee to: (i) obtain a clear understanding of what is expected of them; (ii) give an explanation or comment on their work; and (iii) give their views on how the problem can best be tackled.
- To allow the manager and the employee to explore other options, such as: (i) additional instruction, training, or personal development

activity; or referral to occupational health, which may involve alternative action under the Council's Absence Management Policy. Please refer to the Absence Management Policy.

- To make clear to the employee: (i) the timescale for improvement; (ii) how and by whom their work will be monitored during the review period; and (iii) the consequences if their work does not improve or if improvement is not maintained.

Standards of performance should be agreed between the manager and employee through a performance improvement plan. If training has already been given, then its effectiveness should be reviewed and any further training and support agreed.

If the manager is satisfied at the conclusion of the review that there is a shortfall in performance, the employee will be issued with a formal warning and a performance improvement plan, including timescales, to achieve. It will also be made clear that failure to achieve the performance improvement plan will lead to the next stage of the formal procedure. The length of time given to improve will depend on the nature of the job and the performance gap but in normal circumstances it should not be more than 3 months. The manager should confirm the outcome of the meeting in writing to the individual within 5 working days.

14.10 Stage 2 – The Capability Review

If the employee fails to achieve the standards or the timescales set out in the performance improvement plan then Stage 2 of the procedure is invoked. This involves a further review based on the same structure as Stage 1.

Stage 2 of the Capability Review will be conducted by same manager as stage 1 (or Chair of the Governance & Resources Committee, in relation to matters concerning the Chief Executive). If it is concluded that there is still a performance issue to be addressed, a further formal warning should be issued along with a performance improvement plan giving details of the standards of performance required and the timescales within which these must be achieved. The employee should be reminded that if the performance improvement plan is not achieved, then Stage 3 will be invoked. It needs to be made clear that Stage 3 may result in a decision to dismiss the employee. Again, the length of time given to improve will depend on the nature of the job and the performance gap but in normal circumstances should not be more than 3 months. A letter to confirm the outcome of the meeting should be sent to the employee within 5 working days, it should also explain the employee's right to appeal against any warning issued.

14.11 Stage 3 – The Final Capability Review

The Final Capability Review will be heard by either a Director, Chief Executive or three members of the Governance & Resources Committee depending on who the review is in relation to. In normal circumstances the person hearing

the final capability review will be determined as followed, unless a good reason exists to vary this process (the person(s) who conducted stages 1 and 2 will not normally be the person(s) who conduct stage 3) – such a reason to be considered by the Chief Executive (or chair of staffing in relation to the Chief Executive) and their decision is final and binding:

Final Review of	Persons to hear the final capability Review
Chief Executive	Three members of the Governance & Resources Committee
Director	Chief Executive and People Manager
Managers	Chief Executive and People Manager
All other staff	Director and People Manager

The manager who conducted Stages 1 and 2 should also be present to provide details of the previous review meetings and of the steps taken to encourage improvement in the employee's performance.

The employee will have the opportunity to respond and put forward any points they wish to be considered.

Consideration should be given to any alternatives to dismissal, such as redeployment or options of downgrading. However, this may not always be possible and will depend on each individual situation and the circumstances of the organisation.

The Panel must satisfy themselves that they have heard all of the relevant information and that the employee has been given sufficient opportunity to improve. If they consider that the employee's performance remains unsatisfactory, they must inform the employee that their employment is terminated on the grounds of capability or any alternatives to dismissal.

The employee's dismissal will be with notice or, if serving their notice period is not in the interests of the Council, they will receive pay in lieu of notice. The dismissal must be confirmed in writing within 5 working days, stating the reasons for it, and informing the employee of their right of appeal.

14.12 The Right of Appeal

In the event of a formal warning or dismissal, the employee has the right of appeal to the Chief Executive (or Chair of the Governance & Resources Committee, in relation to matters concerning the Chief Executive). The Appeal must be made in writing within 10 days of the date of the letter confirming dismissal.

Three members of the Appeal Committee will hear the appeal, providing that they have had no previous involvement in the matter. They will be assisted by an independent adviser.

The appeal will take place as soon as is practically possible. The Appeal Panel will consider the details of the poor performance presented by the Chair of the Final Capability Review and will consider the comments of the employee.

The decision of any appeal hearing is final. Appeal hearings will be led by members of the appeals committee.

14.13 Training

Appropriate training will be given to the any managers who might be involved in capability or appeals meetings to ensure that they fulfil their responsibilities under this procedure.

GRIEVANCE POLICY

15.1 Policy Statement

The Council recognises that individual employees or groups of employees may, from time to time, feel they have been treated unfairly and wish to raise a concern about an aspect of their employment. The Council accepts that each employee has the right to raise a grievance and to expect that management will consider it and respond.

The purpose of the accompanying procedure is to provide a framework for dealing promptly and fairly with such grievances. The aim is to encourage communication between employees and managers to ensure that problems arising during the course of employment can be expressed and resolved at the earliest opportunity and minimise the need for escalation to formal stages of this process.

Matters appropriately dealt with under the Council's grievance procedure include all questions relating to the individual rights of employees in respect of their employment other than:

- Matters that have already been considered in accordance with this procedure;
- Matters arising from a disciplinary or capability process in which the employee is already involved and where there is an appeals procedure in place;
- Matters in respect of issues over which the Council has no control. e.g. external legislation;
- Matters that are already the subject of a collective grievance or dispute; and

- Matters relating to Councillors who have allegedly breached the Council's Code of Conduct. (See section 2 for further information regarding how these matters should be addressed).

The timescales shown in the following procedure may be altered by mutual agreement.

15.2 Grievances related to breaches of the Council's

Code of Conduct by Councillors

A grievance or complaint which relates to a breach of the Council's Code of Conduct by one or more Councillors of Newquay Town Council can initially be addressed informally as described in 11.3.2. below. However, if this is not possible/successful then a complaint should be made to the Monitoring Officer at Cornwall Council rather than being addressed via the formal stages of this Grievance Procedure. As a matter of courtesy the Chief Executive and Mayor of the Council should be informed if the matter has been raised with the Monitoring Officer at Cornwall Council (as above).

Where only part of a grievance or complaint relates to a Code of Conduct complaint, consideration should be given to which part(s) can be addressed under the Council's Grievance Procedure and which must be referred to the Monitoring Officer (as above).

A copy of the Councillor Code of Conduct may be accessed Town Council website.

15.3 Procedural Guidelines

15.3.1 General Principles

The grievance procedure should not be used as a substitute for constructive dialogue between employees or difficult conversations between employees and managers.

Grievances will be handled as quickly and fairly as possible.

Throughout any investigation that takes place, the manager investigating the grievance will ensure that any employees affected by this process are informed of likely timescales.

All employees involved in a grievance process should respect confidentiality and the privacy of others at all times. Confidentiality breaches may result in disciplinary action being taken.

The Council will take all grievances seriously. However, where there is evidence to suggest that a grievance has been raised in bad faith and/or is malicious or vexatious this may be addressed as a disciplinary matter.

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Employees may wish to seek the advice of a trade union representative or work colleague when considering raising a grievance or when doing so.

15.3.2 Informal Resolution

In many cases the most effective way to resolve a grievance is to do so quickly and informally. Employees are encouraged to try to do this wherever possible.

Grievances should be raised informally as soon as possible and, other than in exceptional circumstances, within twenty working days of the incident or event. However, it is recognised that in some cases a recent grievance can include a series of directly related incidents which have had a cumulative effect and have happened over a longer time period.

Options include:

- The employee can discuss their grievance with the person/people who are the subject of those concerns in order to resolve the situation.
- The employee can have an informal discussion with their line manager to explain their grievance and ask them to assist in resolving it.
- The employee can have an informal discussion with their line manager or People Manager to explain their grievance and ask them to assist in resolving it.
- Mediation (see below).

Where the employee approaches their line manager or People Manager for assistance, the line manager/People Manager should consider and seek to resolve the grievance within ten working days. Whether or not informal resolution proves possible, the employee should in every case be given relevant feedback.

15.3.3 Mediation

Workplace mediation is a voluntary and confidential process that can be used to attempt to resolve workplace conflict.

This option is available to the Town Council as a means to resolve the grievance informally, although mediation may also be used at any stage of the grievance process.

During mediation a trained, impartial mediator works with the parties to try to:

- clarify each person's concerns, perspectives and desired outcomes;
- support them to express this to the other party/parties in a safe and controlled environment;
- facilitate further discussion to explore the issues and reach a shared understanding;
- reach agreement about how things will work in future to resolve their differences and avoid future conflict.

15.3.4 Formal Resolution

If the employee is not satisfied with the result of the informal process, they can take the matter up with the Chief Executive in writing, stating the nature of the grievance. This should be done within ten working days of receiving feedback on the informal process.

The Chief Executive will arrange a meeting with the employee to discuss the grievance as soon as possible and normally within ten working days.

Having heard the employee's grievance submission, it may be decided that further investigation is required. In this case the meeting will be adjourned while an appropriate investigator (who may be external to the Town Council) conducts any necessary investigation. This may include interviewing other parties. The investigation will be concluded as soon as reasonably practicable.

It is not expected that other parties to the grievance would attend the meeting. However, if it is determined by the Chief Executive that their contributions would facilitate consideration of the grievance they will be asked to make themselves available, in order that they may respond to any matters raised by the aggrieved employee during the course of the meeting.

A formal written response to the grievance should be issued within 5 working days of either the initial or the reconvened grievance meeting as appropriate.

15.4 Appeal

If the employee is still aggrieved, there is a right of appeal to a panel of members of the Appeals Committee. The notice of appeal should be submitted in writing within ten working days of receipt of the formal written response issued by the Chief Executive. The Appeal Panel shall consider the appeal within twenty working days of receipt of the written appeal.

There is no further right of appeal.

15.5 Grievances related to the Chief Executive

If the grievance relates directly to the action or omission of the Chief Executive, the grievance should be submitted in writing directly to the Chair of the Governance & Resources Committee or the Mayor of the Council who will oversee the investigation process and respond to the grievance as outlined above.

If the grievance is being raised by the Chief Executive the grievance should be submitted in writing to the Chair of the Governance & Resources Committee or the Mayor of the Council as above.

15.6 Representation

An individual raising a formal grievance may be accompanied throughout the formal stages of the process by a trade union representative or work colleague of their choice.

ABSENCE MANAGEMENT POLICY

16.1 Introduction

The Council is committed to providing effective, high-quality service to all its customers and to optimising the contribution of all employees. As part of this aim, it is essential that all employees are committed to maximising attendance.

The Council is concerned for the wellbeing of its employees and seeks to protect their health and safety by creating a safe working environment. In return, the Council expects all employees to take reasonable care of their own health, seek medical help whenever appropriate, and to attend work or work from home when fit to do so.

The Council recognises that genuine medical grounds will occasionally result in employee absence. It is the Council's policy to treat all such

sickness absence in a fair, sensitive, and consistent manner across all areas of the workforce.

The Council must balance the sensitive management of genuine individual sickness against its need to be publicly accountable for its resource allocation and, as such, cannot sustain high levels of sickness absence. Action will therefore be taken to address recurrent short-term sickness or extended periods of absence as appropriate.

16.2 Aims

In order for the Council to meet its responsibilities, it will ensure that:

- It provides a supportive environment for those employees affected by ill-health;
- Managers and employees adhere to this policy and procedure; and
- Levels of sickness absence are the subject of routine monitoring.

16.3 Responsibilities

The onus for attending work on a regular basis and for reporting absence in accordance with the Council's agreed procedures rests with the employee. It is also an employee's responsibility to appropriately detail any periods of absence on their record of hours worked. Their line manager should record any absence on their HR Partner.

The responsibility for recording, monitoring, and managing absence on a day-to-day basis lies with the People Manager. It is therefore essential that they ensure that all employees are aware of the Council's Absence Management Policy and Procedures.

16.4 Reporting

Employees who are unable to work due to illness/injury must contact their Line Manager or the People Manager as soon as possible. This should be no later than 09:30 on the first day of absence or the nearest working day. The employee should provide some indication of:

- The nature of the absence;
- The date the injury/illness began (including non-working days and holidays);
- The expected duration of the absence; and
- Whether there are any immediate work commitments that need completing/reassigning during the absence.

If under exceptional circumstances the employee is unable to report their absence, they must arrange for someone else to do this on their behalf.

If their Line Manager is unavailable, the employee should ensure that contact is made with the Chief Executive or in their absence, People Manager or a member of the office staff in that order. The line manager must ensure the Chief Executive are notified immediately with any operational issues that need consideration/implementation.

If the employee falls unwell during the working day and needs to go home, this will be counted as their first day of absence and should be recorded on HR Partner as such. Each day of absence after should be reported to their Line Manager as normal.

The employee must maintain contact with their Line Manager during any period of sickness absence lasting longer than one day, so that the Line Manager is aware of any progress and the expected date of return to work.

Failure to follow the sickness reporting process may lead to the absence from work being considered as unauthorised, resulting in loss of pay and possible disciplinary action.

The Line Manager will record the call on the 'Sick Call Record' form [Appendix 2] which should then be sent to the Chief Executive and the People Manager to review. A PDF version of the form will be uploaded onto HR Partner under the employee's file.

16.5 Certification

Where the absence is for a period of up to seven days (inclusive of non-working days) and not covered by a statement of fitness to work ("fit note"), the employee will be asked to complete a self-certification form on their return to work on HR Partner.

If the absence exceeds seven days – and the employee has not already done so – the employee should provide medical evidence in the form of a fit note - for the remainder of the absence. The employee will need to ensure that there is always a current fit note in place.

All fit notes must be certified by a healthcare professional who has assessed the employee's fitness for work. Healthcare professionals who are eligible to issue fit notes are nurses, occupational therapists, pharmacists, physiotherapists, and doctors.

If the fit note states that the employee "may be fit for work", the employee should inform the People Manager immediately. They will

discuss with the employee whether there are any additional measures that may be needed to facilitate their return to work, taking into account the doctor's or healthcare professional's advice. This may take place at a Return to Work Interview or an Absence Review Meeting. If appropriate measures cannot be taken, the employee will remain on sick leave and the People Manager will set a date to review the situation.

16.6 Return to Work Meetings

When the employee returns to work after any period of absence, the Line Manager or Deputy Chief Executive will arrange to meet with them. This meeting will occur on the first day back or as soon as possible. The purpose of this meeting is:

- To provide an opportunity for the Line Manager to check that the employee is fit enough to return to work;
- To give the employee an opportunity to voice any concerns that they may have and/or to identify any domestic, welfare, or work-related problems in an appropriate forum;
- To ensure that the employee is aware of work-related matters that have occurred during their absence; and
- Fill out the Sickness Declaration Form and upload onto HR Partner.

16.7 Miscellaneous

It is important that the employee complies with these procedures so that:

- The Council can monitor sickness absence across the workforce and identify any intervention/support needed;
- The Council can provide assistance to individual employees where necessary; and
- Any sick pay to which the employee would otherwise be entitled is not withheld or refused.

If an employee wilfully abuses the sickness absence/payments provisions or absented themselves without permission then this will be dealt with in accordance with the Council's disciplinary process.

Records retained in respect of sickness absence will be treated with sensitivity and confidentiality at all times, in accordance with the provisions of prevailing Data Protection legislation. The employee is entitled to access their records on request.

16.8 Underlying Medical Conditions

If at any stage of the Managing Attendance Review Process the employee and/or their manager identifies that their attendance may be affected by an underlying medical condition, the Chief Executive will give consideration whether to request that an Occupational Health referral is arranged.

This process would involve discussing with the employee the proposal to undertake a referral to the Council's Occupational Health Service. The purpose of this referral would be to obtain independent medical advice on:

- The nature of any underlying/recurrent condition;
- How to support the employee to improve their attendance, e.g. suggestions for reasonable adjustments to the employee's work, which the Council could consider.

Any agreed adjustments should be taken into account when applying the following procedure, which may need to be adapted accordingly.

Where appropriate, an employee may be referred to Occupational Health on more than one occasion e.g. when there has been a change to an employee's underlying health condition or prior to an attendance hearing.

16.9 Frequent Intermittent Absence

In addition to the Return-to-Work meetings after all periods of absence, the Council will institute a more formal review of attendance records and reasons for absence with an employee if there has been either (a) four episodes of absence or (b) a total of 10 working days' short-term sickness absence within a rolling 12-month period.

The number of days of short term sickness absence which constitutes the absence trigger point will be reduced pro rata for employees who work less than 5 days per week as follows:

Normal Days Worked Per Week	Absence Trigger – Total No. of Working Days
5	10
4	8
3	6
2	4
1	2

Stage 1 - Investigation Meeting

If the employee's short-term intermittent absences have hit an absence trigger, they may be invited to attend an investigation meeting. The relevant manager will arrange the investigation meeting to discuss their absences.

During the meeting, the manager will discuss with the employee their poor attendance record and the problems that their absences are causing for the Council and other employees. Each absence will be discussed and if the employee discloses an underlying health condition, then the advice in section 12.8 above will be followed. If the investigation manager deems that the absences have been in excess of what is reasonable, they may progress the investigation to a disciplinary meeting. The outcome of the investigation meeting will be confirmed in writing.

Potential Outcomes:

- No formal outcome – The investigation manager has decided that no formal action should be taken
- Letter of Concern – An informal letter outlining the concerns around the levels of absence by the employee and agree an absence review period whereby their absence levels will be monitored
- Proceed to Disciplinary meeting – The investigation manager decides the absences are in excess of what is deemed reasonable and further action should be taken

Stage 2 – Disciplinary Meeting

If the employee is invited to a disciplinary hearing, they should receive an invitation with at least 5 days' notice of the time and date of the meeting. The employee will have the option to bring a representative into the meeting, this can either be a colleague or a trade union representative.

Potential Outcomes:

- No formal outcome – The disciplinary manager has decided that no formal action should be taken
- Letter of Concern – An informal letter outlining the concerns around the levels of absence by the employee this will be live on their record for 12 months
- Written Warning – This will be considered when the employee has already received a letter of concern on their record for absence and they have had an additional absence
- Final Written Warning – This is given for a further absence whilst a Written Warning is still live
- Dismissal – When a further absence occurs when an employee has a Final Written Warning the employee's may be dismissed

All warnings will be live on an employee's record for a period of 12 months, this will be confirmed to them in writing after the disciplinary meeting.

After a warning has been issued, the employee's attendance will continue to be monitored and significant improvement will be required by the employee to improve their attendance. If no such improvement is made, then further action may be taken.

Maintaining levels of attendance

Employees whose levels of attendance improve satisfactorily during periods of informal or formal monitoring will be reminded that they will be expected to maintain these levels of attendance. Failure to do so will result in further monitoring or the initiation of formal action.

16.10 Long-Term Absence

All cases of long-term absence will be treated sympathetically, and every assistance will be given to the employee to return to work.

Long-term Welfare meetings

The Council will maintain contact with the employee and advise them that they should keep the Council informed of developments relating to their medical condition.

The Council will hold Welfare meetings with the employee during their absence, as appropriate, to keep up to date, review the on-going absence, and offer support to the employee where appropriate.

Where an employee remains absent and a return to work is not foreseeable within a reasonable timescale, the Chief Executive or People Manager will arrange an Absence Review meeting (see Section 12.11), which may lead to an Attendance Hearing (see Section 12.12) to consider dismissal.

Occupational Health

In order to ensure that the Council has access to guidance and advice in respect of the best course of action to follow in relation to cases of absence, employees might, depending on the nature or length of the absence in question, be referred to the Council's Occupational Health Advisor. Where the Occupational Health Advisor makes a recommendation that might affect the employee's continued employment, the People Manager will hold an Absence Review Meeting with the employee to discuss the advice and options going

forward. Employees may wish to have the support of a trade union representative or a work colleague present during such a meeting, and this should be positively encouraged.

In certain cases, the Occupational Health Advisor might find that an employee is unfit to perform a particular job but fit enough to undertake other types of work. In such cases, full consideration will be given to the possibility of redeployment into alternative positions. Consideration will also be given to redeployment in cases where work in a particular place poses problems with attendance.

Where a return to work following a period of prolonged absence might be facilitated by temporary redeployment or phased re-introduction (e.g. reduction in hours) an employee can discuss these options with their manager and, if such measures are appropriate, the Council will ensure that the support mechanisms necessary for this to occur are provided. Such arrangements will be for a defined period and will be subject to joint review.

16.11 Sickness Review Meeting

Prior to an attendance hearing being arranged for either frequent intermittent absence or long-term absence, the Chief Executive will normally meet with the individual for a final absence review meeting.

The purpose of the meeting would be to provide a final opportunity to review the employees absence levels and for the Chief Executive to decide on whether an attendance hearing should be held. Other outcomes could include seeking further medical advice or extending the period of monitoring.

16.12 Attendance Hearing

Where the decision is made to proceed to an Attendance Hearing, the employee will be invited in writing to attend the hearing and notified of their right to be accompanied by a Trade Union Representative or colleague.

The Hearing Panel will be comprised the Chief Executive, who will make the decision. The People Manager will attend to outline the history of absence and any relevant steps taken and advice received.

All paperwork relating to the hearing will be circulated 5 days in advance of the hearing to all parties attending.

Once the Panel has considered the manager's and employee's cases, and all other relevant information, it will adjourn to make a decision.

The decision to terminate the employee's employment may take place where:

- An employee is declared permanently unfit for work;
- An employee is declared medically unfit for their work and alternative employment has not been found;
- The service can no longer tolerate the high level of absence.

The decision of the Panel will be confirmed to the employee in writing within 5 working days. The letter should clearly set out:

- a. The Panel's decision:
 1. If a warning has been issued the timescale for this and the level of improvement required;
 2. If the decision is not to take action at this point and to review again in a certain time period, the applicable timescale for this; or
 3. If the decision is to dismiss the employee, inform them of their relevant notice period and provide them with any relevant pension information; and
- b. The employee's right of appeal.

16.13 Appeals

Employees have the right to appeal against any decision to issue a formal warning or dismissal under this procedure. If an employee wishes to appeal, they should write to the Chief Executive setting out the grounds of their appeal. This must be done within 10 days of the date of the letter informing them of the outcome of the Attendance Hearing.

Appeals will be heard by a separate panel of members, who will also normally be part of the Appeals Committee. An appeal hearing will be held where the employee can present their appeal. The Chair of the original panel will also attend to explain the original decision. Witnesses may be called.

Once the Appeal Panel has considered both the employee's appeal and the Hearing Chair's case, and considered all other relevant information, it will adjourn to make a decision.

The decision of the Appeal Panel is final and will be confirmed to the employee in writing within 5 working days. There is no further right of appeal.

16.14 Personal, Domestic, or Work-Related Problems

Where an employee reveals that their absence has been a consequence of personal, domestic, or work related problems, the relevant manager should endeavour to discuss with them any relevant details that they wish to disclose. Although an employee may have genuine concerns about revealing sensitive or personal information, they should be reminded that such matters will be treated confidentially and that the Council cannot assist them if it is not made aware of the problem. If an employee wishes to discuss matters with someone other than the relevant manager, they can speak with the People Manager or the Chief Executive.

Once the problem has been clearly identified, appropriate assistance can be offered to the employee. In some circumstances, special leave, temporary adjustments in working arrangements, or referral to specialist agencies may be granted.

16.15 Alcohol/Drug Dependency

Where an employee discloses that their absences are a consequence of alcohol- or drug-related problems, they will be encouraged to seek help and treatment voluntarily through the Council's Occupational Health Service or through resources of their own choosing. Employees may be granted, if necessary, leave to undergo treatment and any such leave will be regarded as sick leave within the terms of the Council's sick pay scheme, with the monitoring of progress by the Occupational Health Service.

Should an employee refuse or discontinue any programme of assistance designed for them, then any unacceptable behaviour or inadequate standard of work will be dealt with on its merits through the Council's Disciplinary Procedure.

16.16 Welfare

If, as a consequence of medically related absence, the relevant manager has any concerns about an employee's ability to undertake the full range of duties and responsibilities associated with their post, consideration should be given to suspending them with pay, or finding alternative duties whilst medical advice is sought from the Occupational Health Provider.

16.17 Monitoring

Monitoring is an important part of sickness absence. In order for reports to be issued to managers, it is important that all absence

from the workplace is reported. All signed absence forms should be returned as soon as possible after the employee's Return to Work Interview has been conducted. The Chief Executive will ensure that an absence history is maintained for each employee. These records will provide the base data for the compilation, at regular intervals, of KPI's showing the level of sickness absence across the Council.

The absence monitoring system will also enable the People Manager to identify Individual cases where frequent or lengthy absences have occurred, or where patterns of absence have been identified. However, the manager should view such notifications as a secondary means of identifying problems or potential problems.

The manager should ensure that they maintain comprehensive records at all times for each employee in relation to contact during and immediately following periods of sickness absence. These details should be maintained on the employee's HR Partner and should be treated with sensitivity and confidentiality at all times, however, they may be shared with the Governance and Resources Committee as part of absence and attendance KPI reporting. Employees will be entitled to access these records on request.

FLEXIBLE WORKING POLICY

17.1 Introduction

Under provisions set out in the Employment Rights Act 1996 and regulations made under it, all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly. As a good employer, Newquay Town Council has always had a positive view of flexible working. This policy sets out the framework in which variable working will be managed within the Council.

17.2 Eligibility

The right to request flexible working is available to employees from the first day of their employment.

A maximum of two flexible working requests can be made within a twelve-month period. Only one request for flexible working may be live at any one time.

The legislation does not provide an automatic right to flexible working. There is an emphasis on the importance of both the employee and the employer considering the terms of the request and attempting to reach an outcome that suits both parties. The

employee has a responsibility to think carefully about their desired working pattern when making an application, and the manager is required to follow a specific procedure to ensure requests are considered objectively.

17.3 Timescales

Requests will be considered in a timely manner. The entire process, including hearing an appeal will be completed within 2 months of the written request being received.

17.4 Roles and Responsibilities

Normally, the People Manager will consider flexible working requests supported by the Chief Executive where needed. Any appeals will be heard by a Director or the Chief Executive. If the request is being made by the Chief Executive, this should be referred to the Mayor, who will set up a panel to consider the request and a separate panel to consider any appeal.

17.5 Representation

Employees have the right to representation, either by a trade union representative or a work colleague, at the consultation meeting and appeal stages.

Representatives have the right to address the meeting or appeal. They may also ask questions and present the employee's case. However, they have no right to answer questions on the employee's behalf.

17.6 What is Flexible Working?

Flexible working can mean a change to the number of hours worked, the times worked or the place of work.

Some examples of flexible working are:

- Part-time working;
- Homeworking or hybrid working;
- Job sharing/Flexible working hours;
- Term time only working

17.7 How to apply

Anyone considering flexible working should first discuss with their manager the reasons for the request to change their working pattern and how they think it could work. A formal application can then be made in writing to the People Manager. It should set out clearly:

- the date of the request;
- the change the employee is requesting to the terms and conditions of their employment in relation to their hours, times or place of work;
- the date the employee would like the change to come into effect;
- if and when the employee has made a previous request for flexible working to the employer.

17.8 Meeting to Consider the Request

Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

All requests will be carefully considered by the People Manager (or the Mayor if in relation to the Chief Executive), involving relevant managers where appropriate.

When considering a request, the People Manager should:

- Consider the request fairly;
- Consider the potential benefits and/or impacts that the change would have for the employee and the organisation;
- Consider any scope for compromise.

Flexible working requests will be agreed where possible. Requests may, however, be refused where there is a genuine business reason to do so.

The Council can reject an application for any of the following reasons:

- Burden of additional costs;
- Inability to reorganise work among other staff;
- Inability to recruit additional staff;
- Detrimental impact on quality;
- Detrimental effect on customer service;
- Detrimental impact on performance;
- Insufficient work available during the periods the employee proposes to work; or
- The proposal does not fit in with planned structural changes.

17.9 Consultation Meeting to Discuss the Request

Where a request cannot be agreed in full without further information or discussion, the employee will be invited to a consultation meeting

with the People Manager. The employee's Line Manager will also be asked to attend.

The purpose of this meeting will be to discuss the request, obtain additional information where needed and fully explore the benefits/impact of the requested changes. Where there are concerns that the request may not be able to be granted in full, alternative arrangements can be discussed with a view to securing some of the benefits of the application.

The employee will be given 5 working days' notice of the meeting and will have the right to representation by either a fellow colleague or a trade union representative. A written record will be made of the meeting and a copy will be provided to the employee after the meeting.

17.10 Making the Decision

After the consultation meeting, the People Manager (or Panel of the Governance & Resources Committee if in relation to the Chief Executive) will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the Council against any adverse impact of implementing the changes.

If the request can be approved, the employee will be informed in writing of the decision. All requests approved will be subject to a trial period of 6 months, after which the arrangement will be reviewed to understand whether the arrangement is working for both parties.

If during the consultation meeting, a different arrangement was discussed and agreed with the employee, for example, the Council may propose a modified version of the request or the request may be granted on a temporary basis, then the employee will be informed in writing of the decision as soon as reasonably practicable after the meeting. The employee will be given the right to appeal the decision.

All requests approved whether in full or partly approved will be subject to a trial period of 6 months, after which the arrangement will be reviewed to understand whether the arrangement is working for both the employee and the Council.

If an application is refused, the employee will be invited to a further meeting, whereby the reasons why the request cannot be accommodated will be discussed. A letter confirming what was discussed will be sent to the employee after the meeting. The grounds on which a request may be refused are set out in the section above entitled 'Considering the Request'.

Regardless of whether or not an application is approved, a maximum of two working requests can be made within any twelve-month period. Only one request for flexible working may be live at any one time.

17.11 Right of Appeal

An employee has the right of appeal against the Council's decision. An Appeal should be submitted in writing to the Chief Executive who will arrange an appeal meeting.

The employee will be given 5 working days' notice of the meeting and will have the right to representation. A written record will be made of the meeting.

Appeals will be heard by either a Director or the Chief Executive (or Panel of the Governance & Resources Committee if in relation to the Chief Executive) Following the meeting the employee will be notified of the outcome in writing.

17.12 Review

If a trial period has been agreed, then the People Manager and the appropriate Manager will undertake this review. This is to ensure that the change in work pattern is working effectively and that there is no adverse impact on either the work of the Council or the efficient working of the team. If there appears to be a problem, a further meeting will be set up with the employee to consult them before a decision is made either to continue, to vary the working pattern further or to revert to the original working arrangement.

At the end of the review the People Manager will confirm in writing whether or not the change in working pattern will be made permanent. If it may not continue, notice will be given that the working pattern cannot be accommodated and will end on a specified date.

All flexible working will be reviewed periodically by management to ensure that the needs of the Council continue to be met.

A Flow Chart outlining this process can be found in Appendix 5.

WHISTLEBLOWING POLICY

18.1 Policy Statement

Newquay Town Council is committed to fostering a culture in which employees, workers, contractors, and other stakeholders feel

confident to raise concerns about wrongdoing, malpractice, misconduct, breaches of legal obligations, risks to health and safety, fraud, corruption, environmental damage, safeguarding concerns, or any matter that is in the public interest. Employees who raise concerns in good faith will not suffer any detriment, victimisation, harassment, discrimination, or disadvantage as a result of speaking up.

Employees are often the first to realise that there may be something wrong within their organisation. However, they may not feel able to express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. They may also be apprehensive about the consequences and they may mistakenly feel that it may be easier, therefore, to ignore the concern rather than report what may be no more than a suspicion of malpractice.

Newquay Town Council is committed to the highest standards of openness, probity, and accountability. It expects employees, and others that it deals with, who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns. The word 'whistleblowing' in this procedure refers to the disclosure, internally or externally, by employees of malpractice, as well as illegal acts or omissions at work.

This policy makes it clear that all employees can report, in a confidential manner, their concerns without fear of victimisation, subsequent discrimination or disadvantage, and is intended to encourage and enable serious concerns to be raised with the Council, rather than overlooking a problem or 'blowing the whistle' outside. It is stressed that under the Public Interest Disclosure Act 1998, employees of the Council who speak out against corruption or malpractice at work have statutory protection against victimisation, dismissal or other disadvantage.

18.2 Scope

This policy applies to employees of Newquay Town Council. Agency workers, casual workers and other individuals performing functions for the Council, such as contractors, are also encouraged to use the procedure.

18.3 Aims

This policy aims to:

- Encourage employees to feel confident in raising serious concerns in those cases where they do not wish to use the normal reporting routes within their departments;

- Provide alternative avenues for raising concerns;
- Ensure that responses to concerns are made; and
- Reassure employees that they will be protected from possible reprisals or victimisation if they have made a qualifying disclosure to address their concerns.

18.4 Background

The law provides protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that one of the following is being, has been, or is likely to be committed:

- A criminal offence;
- A miscarriage of justice;
- An act creating a risk to health and safety;
- An act of sexual harassment;
- An act causing damage to the physical environment;
- A breach of any other legal obligation; or
- Concealment of any of the above

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment (e.g. disciplinary action), or victimised because they have made a disclosure.

The employee has no responsibility for investigating the matter; it is Newquay Town Council's responsibility to ensure that an investigation takes place.

The Council fully understands that employees who are members of a Trade Union may, in the first instance, wish to seek advice and guidance from their Union on the application of this Procedure.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the Council's Grievance Procedure.

18.5 Safeguards

18.6 Harassment or Victimisation

Newquay Town 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 the person(s) who is/are the subject of the complaint. However, if employees state the truth when making a

disclosure they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.

Newquay Town Council will not tolerate any form of harassment or victimisation by any worker and will take appropriate action to protect individuals when they make a qualifying disclosure.

18.6.1 Confidentiality

All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. At the appropriate time, however, they may need to be called as a witness, following a full factual investigation of the concerns raised.

18.6.2 Anonymous Allegations

In order to ensure that employees receive the protection of the Public Interest Disclosure Act 1998, employees should put their name to their concern. Concerns expressed anonymously are much less convincing. Anonymous concerns and allegations will therefore be investigated at the discretion of the Council.

In exercising the discretion the factors to be taken into account would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from factual evidence.

18.6.3 Unsubstantiated Allegations

If an employee makes an allegation which they reasonably believe to be true but it is not confirmed by the investigation, no action will be taken against them. However, if they make an allegation frivolously, maliciously, or for personal gain, disciplinary action may be taken against them.

Step One – Raising a Concern

Whenever possible you should raise your concern with your line manager. If this is not appropriate, you should approach the Chief Executive or People Manager. If the complaint is about the Chief Executive then your concern should be raised with the Chair of the Governance & Resources Committee.

Step Two – How The Council Will Respond

The action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally by management, or through the disciplinary or other internal process
- be referred to the Police
- be referred to the External Auditor
- form the subject of an independent inquiry.

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 of Newquay Town Council will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

You will be written to within ten working days:

- acknowledging that the concern has been received
- indicating how the Council proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you if any initial enquiries have been made
- whether further investigations will take place and, if not, why not

17.6.4 Contact

The amount of contact between the officers considering the issues and you 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.

17.6.5 Attending Meetings

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

17.6.6 Support

Newquay Town Council will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, Newquay Town Council will advise or arrange for you to have advice about the procedure.

Newquay Town Council will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith.

Newquay Town Council accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

17.6.7 How The Matter Can Be Taken Further

This procedure is intended to provide individuals with an avenue to raise concerns within Newquay Town Council. If you are not satisfied, and feel it is right to take the matter further, the following are possible contacts:

- Protect
- Audit Commission
- the Police
- Health and Safety Executive
- HM Revenue and Customs

If a matter is taken outside Newquay Town Council, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the Chief Executive.

BULLYING & HARRASSMENT POLICY / DIGNITY AT WORK

19.1 Policy Statement

Employees are Newquay Town Council's most valuable and important resource, and the Council has a legal, moral, and ethical duty to ensure that the environment in which they work enables them to contribute to their fullest potential and that they feel confident and comfortable about that working environment.

As well as considering the welfare of its employees, there is a strong business case for ensuring the elimination and prevention of harassment and bullying such as; the financial impact (e.g. cost of reduced performance), health and safety (e.g. physical and emotional effects on employees), and recruitment and retention (e.g. people will not wish to join us or to remain with us).

Newquay Town Council believes that all its employees have the right to be treated with dignity and respect, and that harassment and bullying is totally unacceptable. The Council will deal effectively with any form of harassment or bullying and take any steps it sees fit to either stop or prevent it. This may include taking disciplinary action, up to and including dismissal.

19.2 Scope of the Policy

This policy should be read in conjunction with other Council policies and procedures such as: the Equal Opportunities Policy, Disciplinary Procedure and Grievance Procedure.

The policy covers harassment and bullying by Officers and Members of the Council. It does not cover harassment and bullying from the public or contractors. However, the Council has a duty of care towards its employees and, in these cases, employees should report any such behaviour to their line manager who will decide upon the appropriate action.

19.3 Aims of the Policy

The information given below shows how harassment and bullying can affect both individuals and the Council and demonstrates the need for a policy. The aims of having a bullying and harassment policy are as follows:

- To ensure that all of the Council's employees are treated with dignity and respect;
- To ensure that harassment and bullying is prevented and, if it does occur, that action is taken to stop it;
- To ensure that the working environment is such that each employee feels confident and comfortable about the way they will be treated whilst at work;
- To ensure that all of the Council's employees know what harassment and bullying is and what the Council's policy is;
- To explain the responsibilities of Members, management, and employees; and
- To explain the procedures for dealing with harassment and bullying.

19.4 Harassment

There are various definitions of harassment, but there are three key questions which help to define 'Harassment'. They are: 'Is the behaviour unwanted?' 'Does it undermine the dignity of the individual?' and 'Is it related to a protected characteristic?'

Harassment is defined by ACAS as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The protected characteristics are age; disability; sex or gender; gender reassignment; marriage/civil partnership; pregnancy or maternity; race (including ethnic origin, skin colour, nationality and national origin); religion or belief; and sexual orientation.

It is also unacceptable to harass any individual:

- Based on their association with another individual with a protected characteristic (e.g. an employee married to someone of a different ethnic origin); or
- Based on a perception that they have a protected characteristic (e.g. a heterosexual employee who is made fun of because their colleagues believe they are homosexual).

A definition of bullying is given in the next section of this policy, but harassment and bullying are closely linked.

Examples of harassment include:

Sexual harassment:

- Ridiculing someone because of their sex or sexual orientation by looks, remarks, sexual innuendo or jokes of a sexually explicit nature
- Unnecessary touching or unwanted physical conduct

Sexual orientation harassment:

- Homophobic remarks, innuendo, jokes
- Offensive actions and physical attack

Racial harassment:

- Embarrassing or derogatory remarks such as racist jokes, name-calling or nicknames
- Deliberate isolation or different treatment

Harassment on the grounds of disability:

- Name calling
- Uninvited, patronising or unnecessary assistance

Harassment on the grounds of religion or belief:

- Ridicule and religious jokes
- Scorning of belief

Age harassment:

- Negative comments generalising about the age group of the individual
- Exclusion from informal groups such as social events

19.5 Bullying

ACAS states that bullying can be characterised as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'.

It must be clearly understood that it is a manager's responsibility to set targets and review work performance. It is also the manager's role when individuals do not reach targets to ensure that corrective processes are put in place. These discussions are sometimes difficult for both parties but need to take place to ensure employees work competently. In this context bullying will only occur when a manager abuses their authority.

It should be noted that bullying does not just occur in manager/subordinate relationships, it can occur when there is unacceptable peer pressure or pressure by others in a position of 'authority', e.g. Members.

Examples of bullying behaviour can include:

- Spreading malicious rumours;
- Making the employee the butt of jokes;
- Aggressive, insulting and unco-operative attitude;
- Destructive innuendo and sarcasm;
- Constant unjustified criticism;
- Unjustifiably removing responsibilities and replacing them with trivial tasks to do instead;
- Shouting at employees;
- Unreasonable use of disciplinary/competence procedures;
- Unreasonable refusal of requests (e.g. leave or training) ;

- Deliberately ignoring or excluding individuals from activities;
- Imposing unreasonable workloads and/or unjustifiably reducing deadlines;
- Constantly undermining an employee in terms of their professional or personal standing;
- Undervaluing an employee's efforts;
- Seeking to make an employee appear incompetent, or intentionally creating an unacceptable working environment, with the object of either achieving a dismissal or of making them resign.

Newquay Town Council recognises the fact that employees may initially submit to a particular instance of harassment or bullying, but this does not mean that they find the behaviour acceptable. For example, an employee who is the butt of jokes may not wish to object initially, but this should not prevent them from addressing the issue once they feel able to do so.

19.6 Whistleblowing Protections

Newquay Town Council recognises that individuals may be particularly concerned about raising issues relating to sexual harassment due to fear of embarrassment, retaliation, damage to professional relationships, or adverse impacts on their career progression. Newquay Town Council is committed to creating an environment where concerns of this nature can be raised safely and will ensure that anyone reporting sexual harassment, or concerns relating to the handling of sexual harassment, is treated with dignity, sensitivity, and respect.

Disclosures relating to sexual harassment are protected under whistleblowing legislation where the relevant legal requirements are met. Individuals who make such disclosures are protected from victimisation, detriment, and, where applicable, dismissal as a result of raising concerns.

Newquay Town Council will take all reasonable steps to ensure that those who raise concerns relating to sexual harassment:

- Are able to raise concerns confidentially and through a range of appropriate reporting channels.
- Are protected from harassment, intimidation, bullying, victimisation, retaliation, or any other detrimental treatment resulting from their disclosure.
- Receive appropriate support throughout any investigation process.
- Are not disadvantaged in relation to promotion, training, performance management, work allocation, or any other employment-related decision because they have raised a concern.
- Have concerns investigated promptly, objectively, and fairly.

Are informed, where appropriate, of the progress and outcome of any investigation, whilst respecting the confidentiality and rights of all parties involved.

19.7 Responsibilities of Managers, Employees, and Managers

Managers will have the following responsibilities:

- Compliance with the Policy;
- Creating/ensuring that there is a supportive working environment;
- Making sure that their employees know the details of this policy and ensuring compliance with it;
- Making sure that their employees know what standards of behaviour are expected of them;
- Taking allegations of harassment and/or bullying seriously and dealing with them as quickly as possible;
- Ensuring that victims of harassment and/or bullying receive appropriate support which might include counselling. (Note: consideration should be given as to whether the harasser/bully should also be given access to counselling, as the employee who has been accused of bullying/harassment can find this a stressful situation);
- Dealing with complaints under the Bullying and Harassment Complaints Procedure (see below);
- Ensuring that matters are dealt with confidentially and impartially;
- Ensuring that their employees attend any training requirement; and
- Liaising with the Chief Executive on how to deal with cases that arise.

Employees

Employees will have the following responsibilities:

- Compliance with the policy;
- Treating their colleagues with dignity and respect;
- Having an awareness of their own standards of behaviour;
- Making it clear that they find harassment and bullying unacceptable;
- Reporting harassment and supporting management with the investigation of complaints; and
- Intervening to stop harassment and/or bullying and give support to victims.

Members

Members will have the following responsibilities:

- Compliance with the Policy; and
- Treating employees with dignity and respect.

19.8 Introduction – Bullying and Harrassment

Complaints Procedure

No employee need put up with bullying or harassment. Newquay Town Council recognises that making a complaint may be a distressing experience, but all complaints will be taken seriously and dealt with in a sympathetic and sensitive manner.

If you feel that you are being bullied/harassed, the decision about how to pursue this will, in the first instance, rest solely with you. You have the right to redress through either the informal or formal procedure.

Only if the matter is brought to the attention of the alleged harasser/bully or your manager can action be taken to stop the behaviour.

In the interests of natural justice a complaint should be made as close as possible to the date when the incident occurred. In a situation where, in your view, an accumulation of incidents merit a bullying/harassment complaint, this should be done as close as possible to the date when the 'final straw' incident took place.

Stage One

If it is possible and appropriate to do so, you should ask the person who you feel is harassing or bullying you to stop such behaviour, making it clear that you find it offensive and it is unwelcome. This can be done face-to-face or in writing.

If you feel that you cannot approach the alleged harasser/bully alone then you may wish to ask a work colleague or trade union representative to accompany you.

It is possible that some people may not have realised that their behaviour was offensive and alerting them to it will alter their behaviour.

Stage Two

If you feel unable to use the approach set out in Stage 1, or you feel that this is not appropriate, or if Stage 1 action fails to resolve your complaint then you can raise this formally if you wish.

In this case you will need to put your complaint in writing to the People Manager (or in the case of the Chief Executive the Chair and

Vice Chair of the Governance & Resources Committee), giving details of the specific actions/incidents about which you are complaining.

Once you have done this the matter will be investigated under the Council's Grievance Procedure.

The People Manager (or in the case of the Chief Executive the Chair and Vice Chair of the Governance & Resources Committee) will discuss your complaint with you. In line with the informal resolution stage set out in the Grievance Procedure, the People Manager will, if appropriate, explore with you whether there are any informal measures that you feel able to pursue in order to attempt to resolve the situation before requesting that formal action is taken. These could include meetings with the alleged harasser/bully facilitated by your line manager or the People Manager (or in the case of the Chief Executive the Chair and Vice Chair of the Governance & Resources Committee), or more structured mediation.

The formal process must, however, be followed if the particular 'offence' brought to the Council's attention is so serious that criminal prosecution may result.

If informal measures are not appropriate or successful or you wish to proceed straight to the formal process, the People Manager (or in the case of the Chief Executive the Chair and Vice Chair of the Governance & Resources Committee), will thoroughly investigate the complaint in accordance with the Grievance Procedure.

The usual representation will apply to the alleged bully/harasser and you can be supported throughout the process by a work colleague or trade union representative.

In accordance with Newquay Town Council's Grievance Procedure you will be invited to attend a hearing. You will be given written notification of the outcome of this hearing and will have the right of appeal.

Decisions will be made at/after the hearing about the appropriate actions to be taken. These could include taking disciplinary action against the bully/harasser; issuing management instructions; arranging mediation if both parties are willing to participate; making changes to working arrangements; or taking no further action.

It should be noted that if disciplinary action is taken against the alleged bully/harasser, you will be informed that disciplinary action is being taken, but will not be informed of the outcome of this or have a right of appeal against the decision of the disciplinary panel.

Nor do you have the right to raise a grievance about any decision affecting the harasser/bully following a disciplinary hearing or investigation.

19.9 Confidentiality

Any complaint received, either formally or informally, will be treated with as much confidentiality as possible. However, in order to enable your complaint to be investigated and resolved the individuals concerned will have to be made aware of your complaint, and it may not be possible to do this without identifying you.

The knowledge that a complaint has been made will be restricted to the minimum number of people necessary to investigate what happened. All those involved in any complaint must respect this and ensure that they are sensitive to the needs of both the complainant and the alleged harasser/bully.

All involved in investigating a complaint will do so impartially and make no inference that either party is at fault until the investigation is complete. Breaches in confidentiality may result in disciplinary action.

19.10 Complaints About Other Parties

If the matter involves a complaint against the Chief Executive, you should inform the Chair or Vice Chair of the Governance & Resources Committee, who will determine the most appropriate means of dealing properly with the complaint.

If the matter involves a complaint in relation to a Member's conduct, you should inform the Chief Executive and consideration should be given regarding the need to consult the Monitoring Officer to establish the most appropriate way to deal with this matter.

19.11 Malicious/Unfounded Complaints

This procedure is designed to protect individuals who raise their concerns. It is accepted that some allegations may arise from genuine misunderstandings. However making a malicious and unfounded complaint may itself constitute harassment and be dealt with under the disciplinary procedure.

CRIMINAL RECORDS CHECK POLICY

20.1 Aims of the Policy

The aim of this policy is to set out Newquay Town Council's approach to carrying out Criminal Record Checks.

The Council recognises that although criminal record checks is important to make safe recruitment decision, the check only forms one part of the process. Therefore, any decisions which the Council makes will be made on the balance of what a criminal record check provides against all other evidence presented.

1. Basic Disclosure Checks - For Jobs Covered by the Rehabilitation of Offenders Act 1974

The Council has discretion to request a Basic Disclosure for any role.

2. Standard and Enhanced Disclosures Checks - For Jobs That Are Exempt From the Rehabilitation of Offenders Act 1974

The Council will only carry out standard or enhanced disclosure checks for roles which are defined as exempt from the Rehabilitation of Offenders Act 1974.

3. Disclosure procedure

If the Council concludes that to assess an applicant's suitability for a post a criminal record check is required then this will be processed through the Disclosure and Barring Service (DBS). The Council ensures that they comply fully with the code of practice and undertakes to treat all applicants for positions fairly.

The Council will only make an application for a criminal record check to the DBS after after due consideration has been given and a decision has been reached that one is both proportionate and relevant to the position concerned.

The nature of the post will determine which level of disclosure check is required: basic, standard, enhanced or enhanced with barred list(s).

For those positions where a criminal record check is identified as necessary, the relevant recruitment documents, such as the job advert, will state that an application for a DBS certificate will be submitted in the event of the individual being offered the position. The Council will make every job applicant who will need a criminal record check submitted aware of the existence of the code of practice and will make a copy available on request.

If the applicant declares any spent or unspent convictions on their application form then the Council will consider their application alongside others. If they meet the criteria to be interviewed an open and measured discussion will be arranged with the job applicant. This may take place at the interview or in a separate discussion. The Council will discuss with the job applicant any offences or other matters declared which may be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

Once the Council has selected the person to whom it wishes to offer employment, the Council will seek the applicant's agreement to make a joint application to the Disclosure and Barring Service (DBS).

If the post requires a Basic check then, once the Council has selected the person to whom it wishes to offer employment, the Council may ask the individual to do make the request for a check themselves via <https://www.gov.uk/request-copy-criminal-record>. Alternatively the Council may arrange this through a responsible organisation.

If the post requires a Standard or Enhanced check then, once the Council has selected the person to whom it wishes to offer employment, the Council will seek the applicant's agreement to make a joint application to the Disclosure and Barring Service (DBS). This may be arranged through a responsible organisation.

Where the individual is member of the DBS update service, the Council may instead, with their permission, carry out a status check on any current certificate.

The Council will meet the cost of obtaining the appropriate DBS certificate, regardless of the level of the check.

The DBS check will provide the Council with documentary evidence about the person's criminal convictions. The Council will undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before deciding whether or not to withdraw a conditional offer of employment.

4. Subsequent checks

For roles which require a criminal records check, the Council will usually carry out a new check every three years.

5. Training for employees

For posts which require a DBS check, the Council will ensure that the Chief Executive and/or other any employee/member involved in the

recruitment process have received or have access to appropriate advice and guidance on the criminal record check process.

6. Data protection

The Council processes information about an individual's criminal convictions in accordance with its Data Governance policy on processing special category personal data and criminal records data. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's Data Governance policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

7. Record keeping

20.2 General principles

As an organisation using the DBS checking service to help assess the suitability of applicants for positions of trust, Newquay Town Council complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

20.3 Storage and access

The Council will ensure that DBS certificate information should be kept in a secure folder, separate from the individual's personnel file. The folder will be stored in lockable, non-portable, storage area with access strictly controlled and limited to those who are entitled to see it as part of their duties.

20.4 Handling

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. The Council will maintain a record of all those to whom certificates or certificate information has been

revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

20.5 Usage

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

20.6 Retention

Once a recruitment decision has been made, the Council do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

20.7 Disposal

Once the retention period has elapsed, the Council will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

The Council will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, the Council may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

16.1. DBS logo

The DBS logo is protected by crown copyright, the copying and use of the DBS logo is not permitted without prior approval of the DBS.

REHABILITATION OF OFFENDERS POLICY

21.1 Aim of this Policy

The aim of this policy is to set out the Council's approach towards employing people who have criminal convictions.

Newquay Town Council is committed to being an effective Equal Opportunities employer. This means that the Council will provide equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

The Council will consider ex-offenders for employment, taking into account the criteria above as well as the facts and circumstances relating to their criminal record.

21.2 Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act (1974) was introduced to support the rehabilitation into employment of reformed offenders who have stayed on the right side of the law. It enables many offences to become 'spent', or disregarded, after a set rehabilitation period has been completed.

For most purposes the Act treats a rehabilitated person as if they have never committed an offence and, as such, they are not obliged to declare their caution(s) or conviction(s), for example when applying for employment.

However, some jobs are exempt from the Rehabilitation of Offenders Act, due to the nature of the role: for example jobs working with children or vulnerable individuals. In this situation the individual is required to disclose both spent and unspent convictions.

21.3 Establishing Whether Jobs Are Exempt From the Rehabilitation of Offenders act 1974

The Council will determine which, if any, of its jobs are exempt from the Rehabilitation of Offenders Act. Using this information, a decision can be made:

- Whether to ask prospective employees to disclose spent and/or unspent convictions on their job application documents.
- Whether to request a Disclosure and Barring Service check for the successful applicant and, if one is requested, what category of check should be made.

During the application process, the Council may ask applicants for these jobs to disclose any unspent convictions, but will not ask about spent convictions.

The Council may decide on this basis whether to proceed with the application. See section 7 below.

Once the Council has selected the person to whom it wishes to offer employment, it may also seek the applicant's agreement to make a joint application to the Disclosure and Barring Service (DBS) for a basic disclosure check.

The DBS basic check will provide the Council with documentary evidence about the individual's convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974.

If the Council undertakes Disclosure and Barring Service checks at any level then further information regarding this process can be found in the Council's Criminal Records Check Policy.

21.4 For Jobs That Are Exempt from the Rehabilitation of Offenders Act 1974

If the job into which the Council is seeking to recruit is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the Council will require the job applicant to disclose all convictions, whether spent or unspent (other than where protected cautions and protected convictions do not need to be disclosed, depending on the job concerned).

The Council may decide on this basis whether to proceed with the application. See section 7 below.

Once the Council has selected the person to whom it wishes to offer employment, it may also seek the applicant's agreement to make a joint application to the Disclosure and Barring Service (DBS) for a standard, enhanced or enhanced with DBS barred lists check (as appropriate). The DBS check will provide the Council with documentary evidence about the person's criminal convictions. Further information regarding this process can be found in the Council's Criminal Records Check Policy.

21.5 Training for Recruiters

The Council will ensure that Chief Executive and/or other any Officer/ Member involved in the recruitment process has the required knowledge to identify and assess the relevance and circumstances

of offences. The Council will also ensure that they have received or have access to appropriate advice and guidance on the relevant legislation relating to the employment of ex-offenders.

21.6 Consideration of Applicants With Criminal Convictions

In accordance with the Rehabilitation of Offenders Act 1974 the Council will not automatically refuse to employ an individual just because they have a previous criminal conviction.

If the applicant declares any convictions on their application form and they meet the criteria to be interviewed then the Council will arrange for an open and measured discussion with the job applicant. This may take place at the interview, or in a separate discussion. This discussion will cover any offences or other matters declared which may be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of any offer of employment.

After considering the information provided the Council will decide whether or not to proceed with the application process.

Further information regarding the DBS process can be found in the Council's Criminal Records Check Policy.

21.7 Data Protection

The Council processes information about an individual's criminal convictions in accordance with its Data Protection Policies and, where these are undertaken, as set out in the Criminal Records Check Policy. In particular, data collected during recruitment is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the recruitment process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported immediately in accordance with the Council's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under the Council's disciplinary procedure.

APPENDIX 1

Newquay Town Council

Opt-out agreement

I _____ agree that I may work for more than an average of 48 hours a week. If I change my mind, I will give my employer one month's notice in writing to end this agreement.

Signed_____ **Date**_____
(Employee)

Signed_____ **Date**_____
(by Chief Executive as recipient)

APPENDIX 2

RETURN TO WORK DISCUSSION

Name:				
Date of Interview:				
Time of Interview:				
Period of Sickness Absence:	From		To	
Number of Working Days Absent				
Has the Employee/Employer updated their sick leave on HR Partner Portal?				
Has the manager uploaded the phone call record to HR Partner and sent a copy to the Chief Executive?				
Number of absence occurrences in the last 12 months				

Provide brief details of the content of the discussion:

(Explore the reason for their absence and any medical advice or actions the colleague is taking. Where appropriate explore any underlying causes or contributing factors)

--

Are there any underlying health conditions which may result in further absences?

(e.g. long-term health condition, medication, injuries)

--

Has the discussion with the employee identified any additional support that is required to return to full duties?

If yes, please give detail

Signed..... Date.....
(Employee)

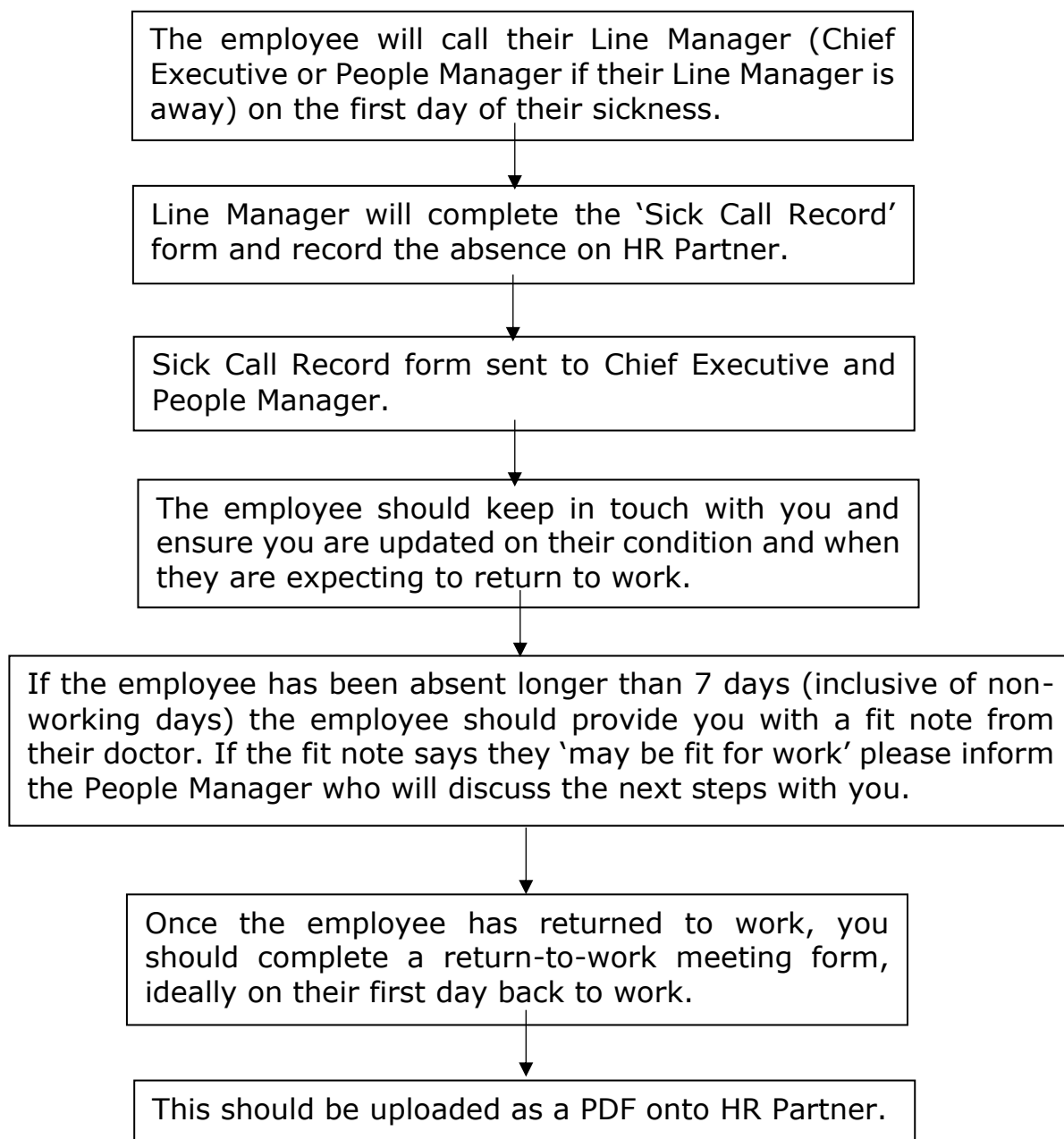
Signed..... Date.....

APPENDIX 3

Absence Reporting Process

Line Manager Responsibilities

Below is the process to be followed by Line Manager's when a member of their team is absent.



You should ensure to monitor the employee's absence levels. If the employee has been absent more than 4 times in a 12-month period, they may need to be invited to attend an absence review meeting as outlined above.

Employee Responsibilities

Below is the process employees should follow when they are unable to attend work due to illness.

The employee should call their Line Manager as soon as possible on the first day of absence to discuss their sickness and how long they are expected to be away from work.



For the entirety of the absence, the employee should keep their Line Manager (or People Manager) up to date on their sickness and when they are expected to return to work.



If the absence lasts longer than 7 days, inclusive of non-working days, then it is the employees' responsibility to obtain a fit note from their doctor and provide this to your Line Manager.

Please note, if you feel well enough to work, however you do not want to attend the office as you do not want to spread any colds/viruses to your colleagues, we encourage you to either work from home or work from a private office within the Marcus Hill building.

If you intend to work from home, you will need to follow the relevant policy.

APPENDIX 3

Notice of entitlement and intention to take Shared Parental Leave form

1. This form must be completed by the mother/primary adopter in conjunction with the curtailment of Maternity/Adoption Leave and/or Pay
2. This form must be submitted to the Chief Executive and People Manager at least eight weeks before the date on which you wish to start the leave and (if applicable) receive ShPP.

Section A – Your details:

Surname	
First name(s)	
Child's expected date of birth/placement	
Actual date of child's birth/placement (if child is not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	

Section B – Your partner's details:

Partner's surname	
Partner's first name(s)	
Partner's address	
Partner's National Insurance number (State 'none' if no number is held)	

Section C – Maternity / adoption details:

Date mother/primary adopter started (or intends to start) statutory maternity/adoption leave	
Date mother's/primary adopter's statutory maternity/adoption leave ended (or will end)	
Total number of weeks of statutory maternity/adoption leave that will have been taken at	

the date that statutory maternity/adoption leave ends	
Date mother/primary adopter started (or intends to start) SMP/MA/SAP	
Date mother's/primary adopter's SMP/MA/SAP ended (or will end) (as below in section D)	
Total number of weeks SMP/MA/SAP has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP/MA/SAP will be reduced (i.e. 39 weeks minus total number of weeks SMP/MA/SAP has been paid or will have been paid at date of curtailment)	
Total number of weeks of SPL created (52 weeks less total number of maternity/adoption weeks taken and any SPL from a previous notice and revocation)	
Total number of weeks of SPL the mother/primary adopter intends to take	
Total number of weeks of SPL that the father/partner intends to take	

Section D - Indication of intentions:

I (the mother/primary adopter) currently expect to take SPL as follows:

(Note: It will usually be helpful to answer this in a "From... To..." format)

--

Section E - Shared Parental pay (only complete if claiming ShPP):

Total number of weeks of ShPP created (39 weeks less total number of SMP/SAP taken and any ShPP paid from a previous notice and revocation)	
Total number of weeks of ShPP that I (the mother/primary adopter) intend to take:	

Total number of weeks of ShPP that my partner intends to take:	
I (the mother/primary adopter) currently expect to take ShPP as follows: <i>(Note: It will usually be helpful to answer this in a "From... To..." format)</i>	

Section F – Mother’s/primary adopter’s declaration (must be completed):

The following points apply in all circumstances where a mother is entitled to maternity leave:

- I am giving notice that I am entitled to and intend to take Shared Parental Leave (SPL).
- I have, or will have, been continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due/placed.
- I will remain employed with this employer until any period of SPL that I intend to take.
- I had (or will have) the main responsibility for the care of the child at the time of the child’s birth/placement (along with my partner, who has made the declaration below).
- I am entitled to maternity/adoption leave, my maternity/adoption leave period is reduced and the remaining weeks are now available as SPL.
- I will inform my employer immediately if I am no longer caring for my child.
- Maternity only: If my employer asks within 14 days of the date of this notice, I will give my employer a copy of my child’s birth certificate or a declaration of the date and place of the birth where no certificate is available.

Adoption only: If my employer asks within 14 days of the date of this notice, I will give my employer evidence, in the form of one or more documents issued by the adoption agency that matched me with the child, of (i) the name and address of the adoption agency; (ii) the date that I was notified of having been matched for adoption with the child; and (iii) the date on which the adoption agency expects to place the child with me.

- If my employer asks for this within 14 days of the date of this notice, I will give my employer the name and address of my partner’s employer or a declaration that they do not have an employer.
- I (or my partner) have given a period of SPL notice.
- The information provided in this declaration is accurate and meets the notification requirements for SPL.

The following points only apply if Section E has been completed:

- I am giving notice that I am entitled to and intend to take Shared Parental Pay (ShPP).
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth/placement.
- I am entitled to SMP/SAP in respect of the birth/placement of our child, my maternity/adoption pay period is reduced and the period that remains is available as ShPP.
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL).
- I intend to care for my child in the weeks I receive ShPP.
- I will remain employed with this employer until before the date of my first period of ShPP.
- I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA.
- The information provided in this declaration is accurate.

Signed.....

Print.....

Date.....

Section G: Partner's declaration:

- Maternity only: I am the father of the child or, at the date of the birth I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with them and the child in an enduring relationship
Adoption only: I am the adopter's spouse, the adopter's civil partner or the adopter's partner living with them and the child in an enduring relationship.
- I had (or will have) the main responsibility for the care of our child at the time of the birth/placement (along with the child's mother/primary adopter)
- I have (or will have) earned in total at least £390* in 13 weeks of the 66 weeks before the expected week of childbirth/placement.
*subject to annual review
- I consent to the amount of SPL which the mother/primary adopter intends to take, as set out in Section D above.
- I consent to the mother/primary adopter's employer processing the information I have provided.
- I consent to the amount of ShPP which the mother/primary adopter intends to take, as set out in Section E above.
- The information provided in this declaration is accurate.

Signed.....

Print.....

Date.....

APPENDIX 4

Curtailment of Maternity/Adoption Leave and/or Pay

1. This form must be completed by the mother/primary adopter to bring their Maternity/Adoption Leave period to an end in order to opt into Shared Parental Leave.
2. You are only able to curtail (i.e. bring to an end) your Maternity/Adoption Leave and opt into Shared Parental Leave (SPL) after you have provided your MAT B1 and any relevant maternity / adoption forms.
3. You should complete and submit this form along with the Notice of Entitlement and Intention to Take Shared Parental Leave form
4. You must state the date on which you propose your Maternity/Adoption Leave to end. That date must be:
 - after the compulsory Maternity Leave Period which is the 2 weeks after the birth
 - at least 8 weeks after the date on which you provide this Maternity Leave Curtailment Notice
 - at least 1 week before what would be the end of the additional Maternity Leave Period (which is 52 weeks after the birth)

Section A – Your details

Surname	
First name(s)	
Child's expected date of birth/placement	
Actual date of child's birth (if born)/placement	

Section B – If curtailing maternity/adoption leave

Date statutory maternity/adoption leave started/is intended to start	
Date statutory maternity/adoption leave will come to an end	
Total number of weeks of statutory maternity/adoption leave that will have been taken at the date that statutory maternity/adoption leave ends	

Section C – If curtailing maternity/adoption pay (only complete if claiming ShPP and if you have a minimum of 2 weeks maternity pay remaining)

Date SMP/SAP started/is intended to start	
Date SMP/SAP will come to an end	
Total number of weeks of SMP/SAP that will have been paid at the date that SMP/SAP ends	

Declaration

Please accept this as my notice to curtail my maternity/adoption leave and/or SMP/SAP. This form is accompanied by notification that either I intend to take SPL and/or ShPP or that my partner intends to take SPL and/or ShPP. I understand that my maternity/adoption leave will end on the date given in Section B and that my SMP/SAP will end on the date given in Section C.

I understand that I can only reinstate my maternity/adoption leave if I revoke this notice before the curtailment date given in Section B. I understand that if I am eligible for myself or my partner to opt into SPL and ShPP I can only reinstate my SMP/SAP if I revoke this notice before the end date given in Section C.

Signed.....

Print.....

Date.....

APPENDIX 5

Example:

An employee working full-time (37 hours per week) and entitled to 24 days' annual leave per year takes maternity leave.

They request to reduce their hours to 20 hours per week on their return to work and their employer agrees.

The employer's annual leave year runs from 1 April to 31 March. Although they had used all the previous annual leave year's entitlement before taking maternity leave, they have not taken any of the current annual leave year's entitlement.*

Their maternity leave ends on 30 June. If their hours are changed with effect from 1 July, their accrued annual leave will be calculated as follows:

1 April to 30 June (when their working day was 7.4 hours)

24 days' annual leave per year = 2 days per month

Leave accrued 1 April to 30 June (3 months) = 6 days @ 7.4 hours = 44.4 hours

Plus

1 July to 31 March (when their average working day will be 4 hours)

24 days' annual leave per year = 2 days per month

Leave accrued 1 July to 31 March (9 months) = 18 days @ 4 hours = 72 hours

The employee's total annual leave for the current year will be 116.4 hours. Because they will be reducing the length of their working day to 4 hours, this will equate to 29.1 days on their return to work.

* For simplicity, this example does not take account of bank/public holidays, although these accrue during maternity leave and would also need to be factored in to any calculations.