



AGENDA FOR THE MEETING OF COUNCIL MATTERS COMMITTEE MONDAY 14TH OCTOBER 2024 AT 6.30PM IN THE GUILDHALL

There are stairs to the Council Chamber but if any member of the public has mobility issues the Council can relocate to the lower Guildhall.

You are hereby SUMMONED to attend the **Council Matters Committee on Monday 14th October 2024 at 6.30pm** in the Guildhall for the purpose of transacting the following business:

Committee Members: Councillors D Peters (Chair), C Beavis, T Bennett, J Chinnock, J Hannam, J Hodgson and E Price.

1. WELCOME AND APOLOGIES FOR ABSENCE

The Chair will read out the following statement:

Welcome to everyone attending and observing the meeting.

A reminder that open proceedings of this meeting will be video recorded. If members of the public make presentations, they will be deemed to have consented to being recorded. By entering the Council Chamber attendees are also consenting to being recorded.

This meeting is limited to 90 minutes and therefore members are asked to raise their points succinctly and not repeat the same view expressed by colleagues if it does not add to the debate.

To receive apologies and to confirm that any absence has the approval of the Council.

The Committee will adjourn for the following items:

PUBLIC QUESTION TIME

A period of 15 minutes will be allowed for members of the public to ask questions or make comment regarding the work of the Committee or other items that affect Totnes.

The Committee will convene to consider the following items:

2. CONFIRMATION OF MINUTES

To approve the minutes of 9th September 2024 and update on any matters arising. Document attached.

3. BUDGET MONITOR

To consider the Budget Monitor including the reserves projection. To follow.

4. MAYOR'S ENGAGEMENTS AND BUDGET

To consider the Mayor's engagements since July 2024 and the current budget. Documents attached.

5. FINANCIAL DELEGATION

To consider granting financial delegation to the Town Maintenance Officer to sign for expenditure on the TMO Tools and Consumables budget line. Verbal update.

6. COMMUNITY WORKING GROUP

To consider the recommendations from the Community Working Group – point 3: Council Awards policy. Document attached.

7. ENVIRONMENT AND PUBLIC REALM WORKING GROUP

To consider the recommendations from the Environment and Public Realm Working Group - point 2: planter review. Document attached.

8. ABSENCE MANAGEMENT POLICY

To review the Absence Management Policy. Document attached.

9. WORKING TIME AND LEAVE POLICY

To review the Working Time and Leave Policy. Document attached.

10. RECRUITMENT, RETENTION AND SELECTION POLICY

To review the Recruitment, Retention and Selection Policy. Document attached.

11. BULLYING AND HARASSMENT POLICY

To review the Bullying and Harassment Policy. Document attached.

12. EXTERNAL AUDIT CERTIFICATE

To update on the external audit certificate. Verbal update.

13. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 11th November 2024 at 6.30pm in the Guildhall. No document.

*The Committee will be asked to **RESOLVE** to exclude the press and public “by reason of the confidential nature of the business” to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

14. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations for September (financial). Documents attached.

15. CASTLE MEADOW PERMISSIVE PATH

To consider a request to formally acknowledge the permissive path access to Castle Meadow (legal). Verbal update.

16. STAFF ATTENDANCE

To note sickness and overtime balances (personal details). Verbal update.

17. STAFFING UPDATE

For any general or urgent updates that required confidential sharing with Councillors (staffing). verbal update.

Catherine Marlton

Town Clerk

7th October 2024

USE OF SOUND RECORDINGS AT COUNCIL & COMMITTEE MEETINGS

The open proceedings of this Meeting will be audio and video recorded. If members of the public make a representation, they will be deemed to have consented to being recorded. By entering the Council Chamber or Zoom meeting, attendees are also consenting to being recorded.



DRAFT MINUTES FOR THE MEETING OF COUNCIL MATTERS MONDAY 9TH SEPTEMBER 2024 AT 6.30PM IN THE GUILDHALL

Present: Councillors D Peters (Chair), C Beavis, T Bennett, J Chinnock, J Hannam, J Hodgson and E Price.

Apologies: None

In Attendance: C Marlton (Town Clerk).

1. APOLOGIES FOR ABSENCE

The Chair read a statement about how the meeting would be conducted and recorded.

The Committee will adjourn for the following items:

PUBLIC QUESTION TIME

There were no members of the public present.

The Committee will reconvene to consider the following items:

2. CONFIRMATION OF MINUTES

To approve the minutes of 8th July 2024 and update on any matters arising.

The minutes were **AGREED** unanimously as an accurate record of the proceedings.

3. BUDGET MONITOR

To consider:

a. the Budget Monitor including the reserves projection.

The Clerk updated that there was an amendment required for future budget monitors for: cemetery income is already higher than expected; and the Christmas Light overspend was predicted to be £1025 not £3003.

Subject to these points the budget monitor was **AGREED**.

b. the purchase of a gazebo for Council events (and what budget should fund this).

It was **AGREED** to fund £900 on a new gazebo from the Community budget

c. an overspend on the Christmas Lights due to infrastructure costs.

The overspend was **AGREED** as the works are essential.

4. COMMUNITY WORKING GROUP

To consider the actions from the Community Working Group – point 3: support for Community Transport.

It was **AGREED** to discuss the relationship between various community groups and seek advice from them on what research is needed locally before committing to any endorsement or proposing a pledge of funding to support.

To **RECOMMEND** to Full Council that Cllr Robshaw is added to the Community Working Group membership.

5. ECONOMY WORKING GROUP

To consider the actions from the Economy Working Group - point 9: funding for the Christmas window competition for businesses.

It was **AGREED** to allocate £675 from the Economy budget for this project.

6. SCHEME OF DELEGATION

To note a Scheme of Delegation for the Council.

Noted. The Scheme of Delegation will go to Full Council to consider adoption.

7. INVESTMENT STRATEGY

To review the Council's investment Strategy

This item was not required as the policy was agreed earlier in the year due to audit requirements.

8. EQUALITY AND DIVERSITY POLICY

To review the Equality and Diversity Policy.

It was **AGREED** to adopt the updated Equality and Diversity Policy..

9. HEALTH, SAFETY AND WELLBEING POLICY

To review the Health, Safety and Wellbeing Policy.

It was **AGREED** to adopt the updated Health, Safety and Wellbeing Policy.

10. PAY POLICY

To review the Pay Policy.

It was **AGREED** to adopt the updated Pay Policy.

11. EXTERNAL AUDIT CERTIFICATE

To note the external audit certificate

This item was deferred as the certificate had not yet been received.

12. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 14th October 2024 at 6.30pm in the Guildhall.

Noted.

*The Committee will be asked to **RESOLVE** to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

13. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations for July and August (financial).

These were reviewed and **AGREED**.

14. CHRISTMAS MARKET CONTRACT

To consider the contract terms document for the Christmas Markets (commercial).

It was **AGREED** unanimously to extend the Christmas Market contract by one year as outlined in the report.

15. CLOSED CIRCUIT TELEVISION (CCTV) SHARING WITH THE POLICE

To consider a request for real-time CCTV data sharing with the police (legal).

To **RECOMMEND** to Full Council that:

Two local police officers are permitted real-time access to the CCTV footage around the Guildhall (via phone app), subject to:

- a. Accessing the footage should only be for the prevention and investigation of criminal activity, and
- b. The app should not be installed on the officers personal phones, and
- c. There is a signed agreement that no footage shall be shared and used without the usual completed CCTV request form being completed.

Full Council will be made aware of the detail in the prepared report which outlines that the Town Council, in law, retains responsibility for the CCTV data at all times.

16. STAFFING UPDATE

For any general or urgent updates that required confidential sharing with Councillors (staffing) including:

- a. to note a parental leave request. Noted.
- b. to consider the approval of professional fees. After discussing the impact of the Strategic Plan process, the proposed staffing changes were unanimously **AGREED** in principle and the Clerk was instructed to start the process under delegated authority, including:
 - It was unanimously **AGREED** to appoint Cllr Price as the Cllr representative in the process.
 - It was unanimously **AGREED** to appoint legal support.
 - It was unanimously **AGREED** to offer an increase of 4 hours week to the Assistant Town Maintenance Officer, from 1st January 2025.

The meeting closed at approx. 8.40pm

Catherine Marlton
Town Clerk
September 2024

ITEM 4 – MAYOR’S ENGAGEMENTS AND BUDGET

Mayoral Engagements July – September 2024

| | | |
|------------------|-----------------------------------------------------------|---------------------------|
| July | | |
| 3 | Meeting with English in Totnes Students | Guildhall |
| 5 | Grove School Summer Fair (Deputy Mayor) | Grove School |
| 10 | Tour of the Mansion | The Mansion |
| 14 | Totnes Rotary President's Handover BBQ | President's home |
| 20 | Brutus Pageant | St Mary's Churchyard |
| 25 | Meeting at Caravan Park | Steamer Quay Caravan Park |
| | | |
| August | | |
| 28 | Talk with Moretonhampstead Twinning Association | Guildhall |
| | | |
| September | | |
| 2 | Meeting with the Ramblers photo at new gate | Sharpham |
| 2 | Stepping Stones CIC official opening | St John's Church |
| 8 | Totnes Carnival Mad Hatter's Tea Party | St John's Primary |
| 19 | Mayors and Clerks Meeting | |
| 21 | Art Auction | St Mary's church |
| | Visiting various Heritage Festival events in the morning. | |
| 28 | | |
| 28 | The Guildhall Heritage Festival Event | |

Civic Events Budget 24/25 As at 30/9/24

| | |
|----------------------------------------|---------|
| Allocation | 3500.00 |
| <u>Expenditure</u> | |
| Stamps for invitations | 10.20 |
| Plymouth Mayor's dinner x 2 tickets | 104.00 |
| Bellringer for Mayor Making | 160.00 |
| Catering for Mayor Making | 231.00 |
| Medal engraving | 39.75 |
| Groceries for Mayor Making | 57.79 |
| Lanyards for medals | 6.57 |
| Flowers and groceries for Mayor Making | 29.85 |
| Organist for Mayor Making | 60.00 |
| Enscribing Mayor's board | 95.00 |
| Poppy Wreath | 20.41 |
| Murder Mystery deposit | 50.00 |
| Plymouth Mayor's dinner x 2 tickets | 100.00 |

Balance remaining 2535.43

Event costs
 Mayoral Choosing 578.69

Mayoral travel Budget 24/25

| | |
|------------------------------|--------|
| Allocation | 330.00 |
| <u>Expenditure</u> | |
| Rail tickets to Plymouth x 2 | 21.40 |
| Rail ticket to Plymouth x 1 | 12.00 |
| P.Bethel travel claim | 13.50 |
| | <hr/> |
| | 46.90 |

Balance remaining 283.10

NOTES: Community Working Group Meeting – Monday 30th September, 6pm, in The Guildhall

Working Group Members – Cllrs Bennett (Chair), Cooper, Presswell, Chinnock and Robshaw

Apologies – Cllr Hannam

Other attendees – Cllr Collinson

Officer: Town Clerk

1. To consider the notes of the last meeting and agreed actions (see Appendix A), including:
 - a. Follaton Play Park
ACTION – Clerk to arrange a meeting with the Residents Association and Cllr Bennett.
 - b. The future of Caring Town and the role of Community Action (**ref CD4.B**) (noting the meeting with Caring Town 8th November)
ACTION – Cllrs to attend the Caring Town event on Friday 8th November – please RVSP.
ACTION – Cllrs to attend the next TQ9 Partnership meeting on Tuesday 5th November by Zoom.
 - c. Engagement with SHDC Community Team – no further updates.
 - d. To note any update from community projects such as the Skate Park – no further updates.
 - e. To note any update on the Leisure Centre investments – no further updates.

2. To note the current budget position for the Community work (please note all new proposed expenditure will need to be ratified by Council Matters)
 - a. There is approx. £12,000 of unallocated budget. The large proposed expenditure will be the community mapping exercise and the cost is currently unknown.
Noted.

3. To consider a report on the Council Awards Policy (**ref CD3.A**) (Appendix B)
 - a. Please note a recommendation to Council Matters is required.
It is RECOMMENDED to Council Matters that:
 - a) The Life-time Achievement Award is renamed to the Judy Westacott Award.
 - b) The Honorary Freeman process is unchanged and should remain discretionary, and only reserved for exceptional, long serving members of the community.
 - c) Two caveats regarding the Honorary Freeman award are suggested:
 - a. Serving Councillors cannot apply
 - b. It should not be awarded when the nominee has undertake the community role as an exclusively paid position.

4. Review the Community actions of the Strategic Plan, including:
 - a. To consider the parameters for the Community Mapping project.

| REF NO. | PROJECT | OFFICER COMMENT AND UPDATES | RESOURCES NEEDED |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------------|
| LOCAL COMMUNITY (C) | | | |
| LINK OFFICER: CATHERINE MARLTON | | | |
| C01 | Carry out a mapping exercise in collaboration with community groups, to identify the current provision of services, activities and community groups in | | |

| | | | |
|-------|------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| | Totnes, with the aim of identifying opportunities for collaboration or support as well as areas of under or over provision. | | |
| C01.1 | Commission a community mapping exercise | Meeting with Caring Town has been called about their future and security of funding. Other options include approaching Devon Communities Together to undertake this exercise as a one off. Difficult to keep such data current given the amount of community groups in Totnes. | Unknown. Initially staff and councillor time, could require paying for an external audit. |

ACTION: Cllr Chinnock to initially approach Devon Communities and feed back to the Community WG.

5. Review the Community section of any Delivery Plan, including:
 - a. To note the Christmas event dates and Cllr involvement.
- Noted.

| REF NO. | PROJECT | STATUS | ACTION NEEDED | RESOURCE |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------------------------------------------------|-------------------------------|
| LOCAL COMMUNITY (C) | | | | |
| LINK OFFICER: CATHERINE MARLTON | | | | |
| CD1 | Elmhirst site | | | |
| CD1. A | Bid submitted but no Secretary of State permission granted for sale. Cost of borrowing now exponentially higher and no budget allocated for loan payments of further professional fees | On hold | None currently but potentially major | Unknown but potentially major |
| CD2 | Civic and Community Events | | | |
| CD2. A | Bunting – whether to erect in town this year. Requires an external contractor with independent insurance. | Ongoing | Review for future years | £1500 |
| CD2. B | Heritage Day 2024 – new initiative via the Heritage Trust for September 24. Officer engagement and comms being provided Ref EPR03 | Ongoing | Possible development and support for future years | Officer time |
| CD3. C | Christmas Light Switch On | Ongoing | Review of future years budget | £3500 |

| | | | | |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------------------------------------------------------|------------------------------------------------------------------------------------|
| CD4. D | Mayor Making Ref EPR03 | Ongoing | Ongoing | Officer time and existing budgets |
| CD4. E | Annual Town Meeting | Ongoing | Ongoing | Officer time and existing budgets |
| CD5. F | Civic Event/Dinner | Ongoing | Ongoing | Officer time and existing budgets |
| CD3 | Community Awards | | | |
| CD3. A | Annual awards have proved successful. Review of categories and the Honorary Freeman criteria is required for 2025. Ref C01 | Ongoing | Autumn 2024 review of policy for 2025 onwards | Officer time and existing budgets |
| CD4 | Community Groups | | | |
| CD4. A | Community Grants are always oversubscribed and TQ9 Partners describe increasing need for services and lack of funding. Annual review of criteria and allocation of budget is required. Ref C01 | Ongoing | Ongoing. Review of future budgets and support required. | Officer time and existing budgets |
| CD4. B | Engagement in TQ9 Partnership and other community partners – currently via link Cllrs and the Clerk. Ref C01 | Ongoing | Ongoing | Officer time and existing budgets |
| CD5 | Neighbourhood Plan | | | |
| CD5. A | To consider a review in relation to the Neighbourhood Plan for the Town in line with the future review of the Joint Local Plan. Ref EC02 | Ongoing | Ongoing | Officer time and existing budgets. A full review may require additional resources. |

| | | | | |
|-----------|-----------------------------------------------------------------------------------------------------------|---------|---------|-----------------------------------|
| CD5. B | To engage with the review and creation of a new Conservation Area Management Action Plan Ref EPR03 | Ongoing | Ongoing | Officer time and existing budgets |
|-----------|-----------------------------------------------------------------------------------------------------------|---------|---------|-----------------------------------|

6. To set the date of the next meeting

ACTION – proposed as Tuesday 3rd December at 6pm, Guildhall.

ENVIRONMENT AND PUBLIC REALM WORKING GROUP

DRAFT NOTES FROM 18TH SEPTEMBER 2024 MEETING

Present: Cllrs Hodgson (Chair), Auletta and Peters

Apologies: Cllr Collinson

1. To agree the notes of the last Working Group.

The notes were **AGREED** with the following actions:

- Climate and Ecological Emergency Action Plan – draft plan to be circulated to Cllrs for awareness and the Climate Hub requested to review the content.
- PRD8.B to read 'School speed signs **and other active travel measures**'.
- PRD8.D to read 'Maintain an active travel plan for the town **and promote as appropriate**'.
- EPR06.1 Add reference to the LCWIP consultation in the 'officer comments and updates' column.
- 20s Plenty campaign – clarification on whether the Council supports this. *Post-meeting Officer Note:* In June 2024 Full Council approved Appendix B to the Traffic, Transport and Pedestrian Policy which lists a number of projects, therefore the scheme (and all others listed) have Town Council support.

2. Planter Review (ref PRD2.M) – to consider the findings of the planter review and make recommendations to the Council Matters Committee.

Councillors commented that the planters are high maintenance and easily look messy with the plants getting damaged, being used as litter bins, and the dirt they attract (street and from dogs).

To **RECOMMEND** to the Council Matters Committee that:

- There is a phased removal of the planters over two years (rather than the proposed three) at the locations identified (plus an additional three) this year; and
- The planters are offered to schools and community groups as listed (plus KEVICC and Totnes Gardens) at no charge (for example if The Mansion wish to relocate the planters on the pavement within their front paved area).

It was felt that the budgetary saving on plants, and officer time on maintenance and office admin by removing the planters over two years rather than three will offset any potential costs that may have been raised through onward sale of the planters (and admin that would attract).

3. Grounds Maintenance Specification (ref PRD4.C and PRD4.J) – to consider the draft grounds maintenance specification for Castle Meadow and the cemetery in preparation for tendering.

To **RECOMMEND** to Full Council that:

- The grounds maintenance specification is used in the tender documents as drafted, with an amendment in relation to the wild areas being cut twice yearly in June and late Sumer (rather than annually);

- Town Council Officers are NOT asked to allocate time price up the cost of providing an in-house service to be considered as part of the tender process;
- The initial contract length is increased to two years (previously one) in order to attract more tender submissions;
- The quote to maintain the wild areas is requested separately, as there is concern that not all contractors will have the necessary skills to successfully perform the task and references for this work are requested; and
- TUPE – the contractor is asked whether any persons will be employed solely to fulfil this work.

4. OSSRW Projects – to review and prioritise projects from the agreed OSSRW Plan.

It was **AGREED** to defer any internal prioritisation of projects until the Town Matters Committee has considered the SHDC officer comments in November.

Actions – officer to liaise with SHDC officers about:

- Advice on public versions of the OSSRW not displaying details in the funding column; and
- How does the Town Council influence the allocation of S106 funds for specific projects? For example, improvements to the condition of the paths are needed in Borough Park to the accessible tennis court and future skate park.

5. Mosaic Locations (ref PRD2.K) – to consider a note on the locations for the mosaics and problem with the intended site.

Councillors expressed concerns about the longevity of the mosaics being fixed in locations where they had no protection from the weather (particularly rain).

To **RECOMMEND** to the Town Matters Committee that the mosaics are located at public transport entry points in the town where some overhead protection is afforded:

- 2 x mosaics in Town Council bus shelter on Coronation Road;
- 1 x mosaic in SHDC bus shelter on Coronation Road; and
- 2 x mosaics at the railway station, one on each platform.

6. To continue the review of the Delivery Plan (pages 11-17 in the attached document).

Due to time constraints, it was **AGREED** that a thorough review of the delivery plan would be the focus of the November meeting.

7. Note the date of the next, and future, meetings.

It was **AGREED** that the Working Group would be held bi-monthly and the date of next meeting would be Wednesday 27th November 2024 at 4.30pm. [Suggested dates for future meetings are: Wednesday 29th January (although this is also the date of the Traffic and Transport Forum); 26th March; 28th May.

Meeting ended at 6.05pm

S Halliday
Governance and Projects Manager



ABSENCE MANAGEMENT POLICY

TOTNES TOWN COUNCIL

October 2024

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 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.

1.1 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.

1.2 Responsibilities

It is important that employees read and understand this document. If employees are not sure about any part of it, they should ask their line manager, who will provide the necessary clarification.

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.

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

1.3 Miscellaneous

It is important that employees comply with this procedure 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.

2 Absence Reporting

Employees who are unable to work due to illness/injury must telephone their Town Clerk or Line Manager. This should be done before their expected start time or, if this is not possible, within 30 minutes of this time. Text messages or emails are not sufficient. If the employee is unable to speak to the appropriate person, then they should leave a message for their Town Clerk or Line Manager to phone them back.

When reporting absent, the employee should provide some indication of:

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

If the employee is unable to report themselves absent, they must arrange for someone else to do this on their behalf.

The employee must maintain contact with their Town Clerk or Line Manager during any period of sickness absence lasting longer than one day, so that the Town Clerk or 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.

3 Certification

3.1 Absence Period of up to Seven Days

Where the absence is for a period of up to seven days (including weekends) 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.

3.2 Absence Period Exceeding Seven Days

If the absence exceeds seven days and the employee has not already done so, they must provide medical evidence in the form of a fit note for the remainder of the absence. If the absence continues, the employee will need to ensure that the employer is always provided with a current fit note.

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 doctors, nurses, occupational therapists, pharmacists and physiotherapists. The fit note should state whether or not the employee needs to see a doctor or other healthcare professional again before returning to work.

If the fit note states that the employee "may be fit for work", the employee should inform the Town Clerk immediately. They will refer to the fit note and discuss with the employee whether there are any additional measures that may be needed to facilitate the 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 Town Clerk will set a date to review the situation.

4 Return to Work Meetings

When the employee returns to work after any period of absence, the Line Manager will arrange to meet with them. This meeting will occur on the first day back or as soon as possible.

The Return-to-Work form is shown at Appendix 1.

The purpose of the return-to-work 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
- To fill out the Sickness Declaration Form.

Return to Work interviews should still be carried out following any absences that occur during any formal monitoring periods as set out below.

5 Short-Term Frequent Intermittent Absence

5.1 Absence Triggers

The Council will instigate 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 any period of 12 months.

The number of days of 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 |

5.2 Action When Absence Triggers are Reached

The guidance in the following sections sets out the procedure for addressing short term absence when absence triggers are reached. A flow chart to support the guidance can be found at Appendix 2.

If an employee's level of attendance improves satisfactorily during a period of monitoring, then at the end of the monitoring period they will be informed that no further action will be taken.

There is, however, an expectation that a satisfactory level of attendance will then be sustained. If the employee's absence meets a trigger in situations where absence monitoring has recently ended or where an employee has repeatedly been subject to absence monitoring, consideration can be given to picking up the procedure at the next or most recent stage rather than starting the process from the beginning.

5.3 Stage 1 – Short-Term Absence Review Meeting

The relevant manager will arrange an absence review meeting with any employee whose absence record matches or exceeds the above criteria set out in 5.1 above. The employee will be invited in writing to attend the review meeting and notified of their right to be accompanied by a Trade Union Representative or colleague. The employee should be reminded that the aim of the meeting is to find ways to improve their attendance.

During the meeting, the manager should draw the employee's attention to their poor attendance record and the problems that their absences are causing for the Council and other employees. The manager and the employee should also consider any steps that can be put in place to help the employee to improve their attendance as well as signposting them to any additional support that can be accessed.

During the meeting, if the employee discloses an underlying health condition, then the advice in section 9 should be followed.

At the meeting, the employee will normally be advised that:

- They are being issued with a Stage 1 Short-Term Absence Warning, to inform them that if they are unable to sustain an improved level of absence then this procedure will continue to be followed.
- A 6-month monitoring period will be put in place.
- During that time their absence is not expected to exceed half the annual triggers set out in 5.1 above.
- The manager will meet them at the end of the 6-month period to review their absence levels.
- If they exceed the half-year triggers before the end of the 6-month monitoring period, the review meeting should take place at this point.
- If the half-year triggers are exceeded during the monitoring period, then a decision may be taken to move to Stage 2, as set out below.

This will be confirmed in writing and the employee will be notified of their right to appeal.

5.4 Stage 2 – Further Short-Term Absence Review Meeting

If the employee reaches the absence trigger set for their stage 1 monitoring period, the relevant manager will arrange a further absence review meeting. The employee should be reminded that the aim of the meeting is to find ways to improve their attendance. The employee will be invited in writing to attend the further review meeting and notified of their right to be accompanied by a Trade Union Representative or colleague.

During the meeting, the manager should remind the employee of the problems caused by their absences. The manager and the employee should also review any steps that may have been put in place to help the employee to improve their attendance and consider any further support that may be needed. The employee should also be reminded of any additional support that they can access.

During the meeting, if the employee discloses an underlying health condition which hasn't previously been raised then the advice in section 9 should be followed.

The employee will normally be advised that:

- They are being issued with a Stage 2 Short-Term Absence Warning, to inform them that if they are unable to sustain an improved level of absence then this procedure will continue to be followed and their employment may be terminated.
- A further 6-month monitoring period will be put in place.
- During that time their absence is not expected to exceed half the annual triggers set out in 5.1 above.
- The manager will meet them at the end of the 6-month period to review their absence levels.
- If they exceed the half-year triggers above before the end of the 6-month monitoring period, the review meeting should take place at this point.
- If the half-year triggers are exceeded during the monitoring period, then a decision may be taken to move to Stage 3, as set out below.

This will be confirmed in writing and the employee will be notified of their right to appeal.

5.5 Stage 3 – Final Short-Term Absence Review Meeting

Where an employee's attendance has still not improved to the required level, the relevant manager will arrange a final absence review meeting. The employee should be made aware that the aim of the meeting is to review and discuss their attendance and for the manager to decide whether a Short-Term Attendance Hearing should be held to consider dismissal.

Although there is no statutory right of accompanied at this meeting, the relevant manager may extend this offer to the employee as a supportive measure.

During the meeting, the manager should review the employee's absence record and remind the employee of the problems caused by their absences. The manager and the employee should also review any steps that may have been put in place to help the employee to improve their attendance and consider any further support that may be needed. The employee should also be reminded of any additional support that they can access.

During the meeting, if the employee discloses an underlying health condition which hasn't previously been raised then the advice in section 9 should be followed.

The manager should then inform the employee whether the decision has been made to proceed to an Attendance Hearing or not. Alternative options made include a further period of monitoring or a review of the trigger levels.

5.6 Attendance Hearing for Short-Term Absence

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 normally be comprised of a Personnel Sub-Committee, who will make the decision. The Town Clerk or relevant manager will attend to outline the history of absence; details of absence monitoring carried out; support given; and other relevant information, including, where applicable, any medical 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 the organisation 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:

- 1) The Panel's decision:
 - a) If a stage 3 warning has been issued, the timescale for this (normally 6 months), the level of improvement required and any other measures/support put in place;
 - b) If the decision is to dismiss the employee, inform them of their relevant notice period and provide them with any relevant pension information; and
- 2) The employee's right of appeal.

6 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.

6.1 Long-Term Absence Review 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 regular Absence Review Meetings with the employee during their absence, as appropriate. The purpose of the meetings is to keep the employee up to date, review the ongoing 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 Town Clerk will arrange a Final Absence Review meeting which may lead to an Attendance Hearing to consider dismissal.

6.2 Final Long-Term Absence Review Meeting

Prior to an absence hearing being arranged for an employee on long-term sickness absence, the Town Clerk will normally meet with the individual for a final absence review meeting.

The purpose of the meeting is to provide a final opportunity to review and discuss the employee's current situation and for the Town Clerk to decide whether an Attendance Hearing should be held. Alternative outcomes from the final absence review meeting could include seeking further medical advice or setting a date for a further absence review (e.g. where a medical appointment is due).

In order to decide whether to proceed to an Attendance Hearing, the Town Clerk will make sure that they have fully explored all the relevant information relating to the employee's absence. This would also be provided to the Attendance Hearing Panel if a decision is made to proceed to an Attendance Hearing.

This will depend upon the individual case, but may include:

- Relevant absence history and the date on which the current absence started;
- The reason for the employee's current absence;
- Details of absence review meetings and other communications during this absence;
- Any treatment/investigations being undertaken and the timescales for these to be completed;
- Whether there has been any recent improvement in the employee's condition and whether this is expected to continue;
- Whether there is any prospect of them returning to work within a reasonable timescale;
- Any reasonable adjustments or other support which would enable the employee to return to work within a reasonable timeframe;
- Any vacant roles within the organisation which the employee would be capable of performing and, where applicable, whether they would wish for this to be considered.

It is usually advisable to seek up to date medical reports from an Occupational Health provider or the employee's medical professional prior to an Attendance Hearing.

6.3 Long-Term Absence Hearing

Where the decision is made to proceed to a Long-Term Absence 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 normally be comprised of three members on a Personnel Sub-Committee, who will make the decision. The Town Clerk or relevant manager will attend to outline the history of absence and relevant information described in Section 6.2 above.

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 employees 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 be found;
- The service can no longer support the employee's continued absence for operational/financial reasons.

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

- 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
- If the decision is to dismiss the employee, inform them of their relevant notice period and provide them with any relevant pension information; and
- The employee's right of appeal.

7 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 Town Clerk 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 relevant stage of this procedure.

Appeals will be heard by a separate person/panel. For warnings short of dismissal, the appeal will normally be heard by another manager or the Town Clerk. For warnings issued at a Short-Term Attendance Hearing or Long-Term Absence Hearing, the appeal will normally be heard by members of the Council Matters Committee.

Once the person/panel hearing the appeal has considered both the employee's appeal and the original Hearing Chair's case, and considered all other relevant information, the meeting will be adjourned to make a decision.

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

8 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 may be referred to the Council's Occupational Health Advisor.

Examples of when an employee may be referred to occupational health include to:

- establish when the employee might be able to return to work;
- ask for guidance on an employee's health condition;
- discuss any adjustments that could be consider in order to support the employee.

Where the Occupational Health Advisor makes a recommendation that might affect the employee's continued employment, the relevant manager will discuss the advice and options

going forward at an Absence Review Meeting with the employee. 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.

9 Underlying Medical Conditions

Where an employee and/or their manager identifies that the employee's attendance may be affected by an underlying medical condition, the Town Clerk 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.

10 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, the Chair of the Personnel Committee can be contacted for a confidential interview.

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.

11 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.

12 Welfare

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

13 Monitoring of Absence Records

Monitoring is an important part of sickness absence management. In order for this to take place, it is important that all absence from the workplace is reported and recorded. All signed Sickness Declaration Forms and Return to Work Forms should be returned as soon as possible after the employee's Return to Work Interview has been conducted.

The Town Clerk will ensure that absence records are maintained for all employees. These records will provide the base data for the compilation, as required, of statistics showing the level of sickness absence across the Council.

The absence monitoring system will also enable the Town Clerk to identify individual cases where frequent or lengthy absences have occurred, or where patterns of absence have been identified. However, the manager should not rely on this as a substitute for pro-actively identifying and addressing problems or potential problems.

Managers should ensure that records of contact during and after absence are completed thoroughly and correctly stored on the employee's personnel record. These could include Sickness Absence Declaration forms, return to work meeting records, fit notes, notes of absence review meetings, correspondence and medical reports. These should be treated with sensitivity and confidentiality at all times. Employees will be entitled to access these records on request.

APPENDIX 1 – RETURN TO WORK DISCUSSION

| | | | | |
|-------------------------------|------|--|----|--|
| Name: | | | | |
| Date of Interview: | | | | |
| Time of Interview: | | | | |
| Period of Sickness Absence: | From | | To | |
| Number of Working Days Absent | | | | |

* Self Certificate / fit note provided (*delete as appropriate) – Attached

| |
|---------------------------------------------------------|
| Provide brief details of the content of the discussion: |
| |

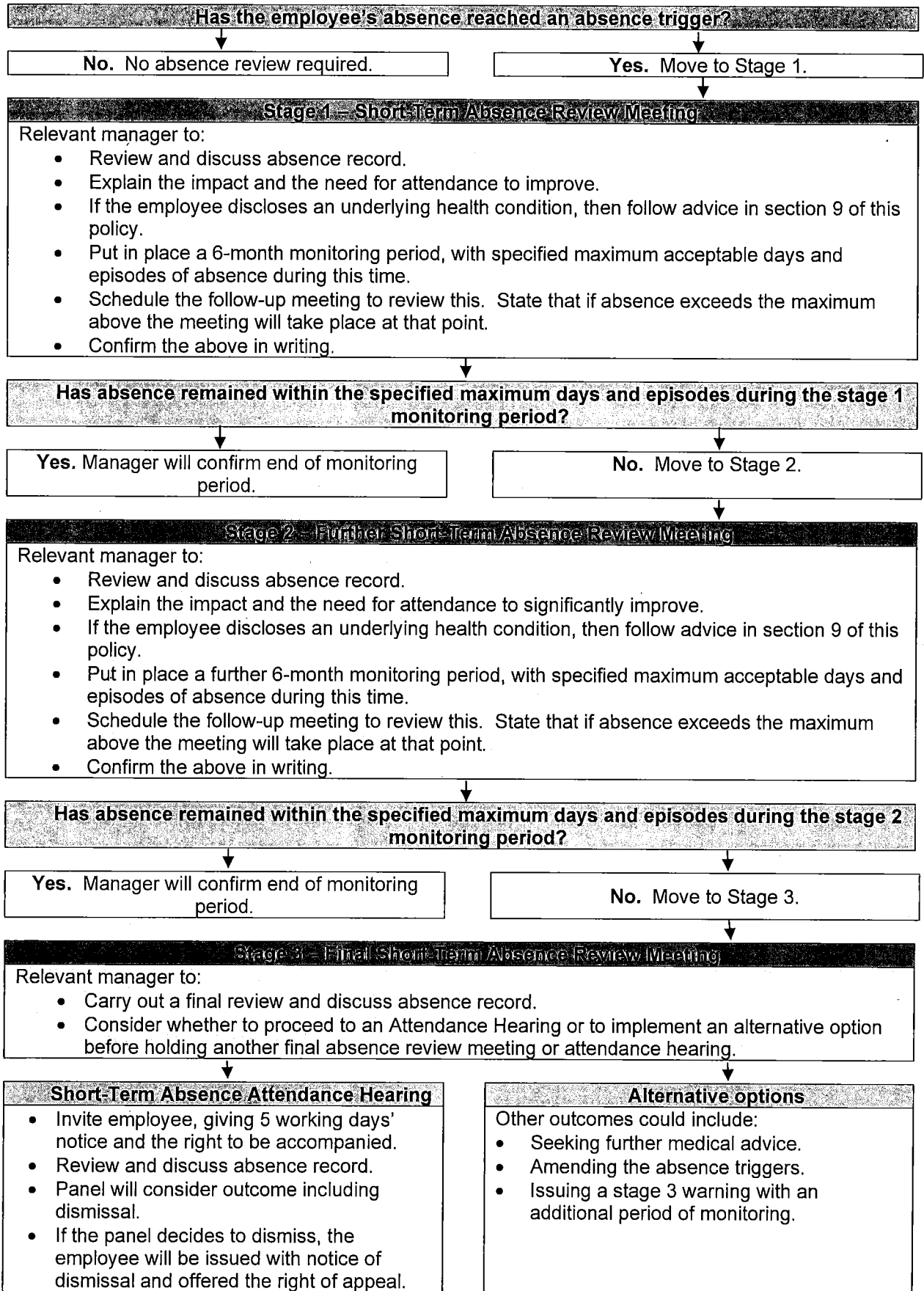
Signed Date.....

(Employee)

Signed Date.....

(Line Manager/Town Clerk)

APPENDIX 2 – MANAGING SHORT-TERM ABSENCE – FLOW CHART





Item 9

WORKING TIME AND LEAVE POLICY

TOTNES TOWN COUNCIL

October 2024

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1 INTRODUCTION

Totnes Town Council is open to the public from 10am to 4pm Monday to Friday (excluding bank holidays and statutory holidays) and the office should be manned by at least two staff during these core hours under normal circumstances.

Whilst every effort will be made to achieve this, there will be times, such as during the Christmas recess, when it will not be possible. The Town Clerk has overall delegated responsibility to manage the staff and office cover. If the office has to close during core hours, then the Chair of Council Matters and/or the Mayor will be informed by the Clerk or in their absence a member of the management team.

2 WORKING TIME

2.1 HOURS OF WORK

Employees hours of work are set out in their contracts of employment and any subsequent change of contract letters.

2.2 OVERTIME

Overtime is time worked beyond the contracted hours. It is preferable for TOIL (time in lieu) to be used but where this is not practical all overtime will be authorized in advance by the Town Clerk. Overtime is paid at standard hourly rate unless the hours are before 7am or after 10pm (with the exclusion of the Town Clerk), and on Sunday or public bank holidays where a double rate is payable (all staff). Amendments to this arrangement may be made contractually, for example with the caretaking hours to ensure staff recruitment and retention.

Procedures relating to overtime are set out in the Staff Handbook.

2.3 TIME OFF IN LIEU (TOIL)

An employee is entitled to take time off in lieu of additional hours worked over and above his/her contracted hours. Any additional hours worked are subject to agreement and recognise the need to provide staff cover, to maintain the necessary deadlines, provide members of the public with the expected service levels and the attendance at Council meetings.

Procedures relating to TOIL are set out in the Staff Handbook.

2.4 FLEXIBLE WORKING

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, Totnes 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.

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 any 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.

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.

Roles and Responsibilities

Normally, the Town Clerk will consider flexible working requests and appeals will be heard by a Panel of the Personnel Sub-Committee.

If the request is being made by the Town Clerk, this should be referred to the Council Matters Committee, who will set up a panel to consider the request and a separate panel to consider any appeal.

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.

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

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 Town Clerk. 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.

Considering 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 Town Clerk (or a Panel of the Council Matters Committee if in relation to the Town Clerk), involving relevant managers where appropriate.

When considering a request, the Town Clerk 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.

Employers 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.

Consultation Meeting to Consider 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 Town Clerk. The employee's Line Manager may 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 . A written record will be made of the meeting.

Making the Decision

After the meeting, the Town Clerk (or Panel of the Council Matters Committee if in relation to the Town Clerk) 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.

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting. The request may be granted in full or in part: for example, the Council may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee will be given the right to appeal the decision if the employee's request is not upheld or is only upheld in part.

If an application is refused, the employee will be notified of the reasons why the request cannot be accommodated at this time. 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 flexible working requests can be made within any twelve month period. Only one request for flexible working may be live at any one time.

Right of Appeal

An employee has the right of appeal against the Council's decision. An Appeal should be submitted in writing to the Town Clerk 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 a Panel of the Personnel Sub-Committee. Following the meeting the employee will be notified of the outcome in writing.

Review

If a trial period has been agreed, then the Town Clerk 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 Town Clerk 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.

3 PAID LEAVE

3.1 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.

Entitlement for Totnes Town Council employees is as follows

| | |
|------------------------------------|-----------------------------------|
| On appointment | 23 days + 5 Statutory + Bank Hols |
| After 5 yrs continuous LG service | 27 days + 5 Statutory + Bank Hols |
| After 10 yrs continuous LG service | 29 days + 5 Statutory + Bank Hols |

When an employee's entitlement changes during the leave year (e.g. a change in hours or completion of 5 or 10 years continuous service), the leave for that year will be re-calculated at the point of change.

Continuous service includes service with one or more of the employers covered by the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999, as amended (the Modification Order).

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.

An employee leaving the Councils' employment should try to take all outstanding accrued annual leave before they leave. Where it has not been possible to take the outstanding accrued leave, a payment in lieu may be made with the agreement of the Council Matters Committee.

All part time and job share employees will have a pro rata entitlement to annual leave, bank holiday and statutory leave, calculated and expressed in hours. Less than 0.5 hours are rounded down and 0.5 or more are rounded up.

Carry Over of Annual Leave

Up to a maximum of 1 working week of annual leave (pro rata for part time employees), may be carried over from one leave year to the next with the agreement of the Clerk.

3.2 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.

3.3 EXTRA STATUTORY LEAVE DAYS

In July 2020 the Town Councillors took the decision to increase employees' entitlement to extra statutory annual leave days from two to five days per year in addition to annual leave and public holidays.

The 5 extra statutory days will be taken over the Christmas period on dates set each year by the Town Clerk.

Part time and job share employees will receive a pro rata entitlement to the set extra statutory days' holidays.

3.4 MATERNITY, PATERNITY AND ADOPTION LEAVE

Please see the Council's Maternity, Paternity and Adoption Policy.

Totnes Town Council is committed to ensuring that all pregnant/adopting employees take the leave that they are entitled to and will follow the requirements of the NJC Green Book in relation to requests for maternity, paternity and adoption leave (National Joint Council Green Book (May 2018) reference: Part 2.11, Page 16)

If you are having or adopting a baby, you are entitled to up to 52 weeks' maternity/adoption leave. This comprises of 26 weeks' ordinary maternity/adoption leave immediately followed by up to a further 26 weeks' additional maternity/adoption leave. Maternity leave must commence no earlier than 11 weeks before the EWC, or from the day following 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.

An employee will continue to accrue annual leave and bank holidays during her maternity/adoption leave. Staff on maternity/adoption leave who, as a result, are unable

to take all their annual leave entitlement in a particular year are allowed to carry forward any untaken annual leave to the following leave year.

Annual leave cannot be taken during a period of maternity/adoption Leave. It must be taken either prior to, or following maternity/adoption leave. Any annual leave taken following the birth/placement of the baby will be deemed to be a 'return to work' for the purposes of maternity regulations. The employee will therefore be expected to resume her normal duties following the period of leave.

All sickness absence prior to starting leave will be administered under the normal sickness absence procedure. The employee will receive contractual or Statutory Sick Pay (SSP), as appropriate. In cases where pregnancy related sickness absence occurs, after the beginning of the fourth week before the EWC, maternity leave will start automatically from the first day of absence. An employee who is unable to return to work at the end of their maternity leave, due to sickness, will be treated as being on sick leave in accordance with the Town Council's Sickness Absence Policy.

Ante-natal care

During your pregnancy, your doctor/midwife will make regular appointments with you for ante-natal checks, scans, tests etc. You are entitled to take reasonable time off work to attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid and you will not be expected to make up the time. You should however give us as much notice as possible of your appointments and, after the first one, should present the appointment card from the hospital or clinic. An expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. The time off is capped at six and a half hours for each appointment. "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her. Employees who are adopting a child are entitled to take time off to attend adoption appointments.

Ordinary Paternity Leave (OPL)

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

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

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

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

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

- When you want your leave to start.

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

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

3.5 COMPASSIONATE LEAVE

Compassionate leave of up to five working days with full pay may be granted to an employee by the Town Clerk upon the death or serious illness of a partner, child, close relative or person of significant connection. In exceptional circumstances, this period may be extended by up to a further five working days with or without pay at the discretion of the Town Clerk. Any further leave will be considered by Council Matters under their delegated authority.

Supported leave of up to five working days **with pay** may be granted to an employee by the line manager in circumstances where a partner, child, close relative or person of a significant relationship has been diagnosed with a serious illness or undergoes a serious medical procedure. In exceptional circumstances, the period may be extended by up to a further five working days with or without pay at the discretion of the Town Clerk. Any further leave will be considered by Council Matters under their delegated authority.

3.6 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.

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.

Notification requirements

If the employee wishes the leave to start within 56 days of the child's death, notice must be given to the Town Clerk 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 Town Clerk 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 Town Clerk:

- 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.

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 Town Clerk 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 Town Clerk at least one week in advance.

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

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.

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 Town Clerk 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.

Continuous Service

Parental Bereavement Leave counts for the purpose of continuous service.

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.

3.7 PUBLIC DUTIES

Up to 5 days' leave with pay per year may be given with the permission of the Town/Parish Clerk 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 and pay the allowance to the Council.

3.8 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 pay the allowance to the Council.

3.9 OTHER AUTHORISED PAID LEAVE

From time to time exceptional circumstances may arise where paid leave is necessary in addition to the types of leave already detailed above.

Totnes Town Council will follow government guidance in relation to circumstances outside the control of the Town Council. Where the NJC has issued guidance in such circumstances this will be applied.

4 UNPAID LEAVE

4.1 PARENTAL LEAVE

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 Maternity, Paternity and Adoption Policy.

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

- The rights are acquired after one year's continuous employment with the Council and applies to both parents.
- 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 Town Clerk 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 Town Clerk 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 Town Clerk.
- 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 Town Clerk 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 Town Clerk 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 Town Clerk 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.

Continuous Service

Parental leave counts for the purpose of continuous service.

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.

4.2 EMERGENCY TIME OFF FOR DEPENDENTS

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.

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

4.3 CARERS 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.

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

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.

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 Town Clerk.

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

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

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'.

4.4 OTHER UNPAID LEAVE

In addition to annual leave staff are entitled to request up to a maximum of one working week off as unpaid leave. This must be taken as a minimum of half a day and will align with the annual leave year (April – March).

The Town Clerk will consider any requested for unpaid time off in relation to the business need and other pre-booked leave within the team.

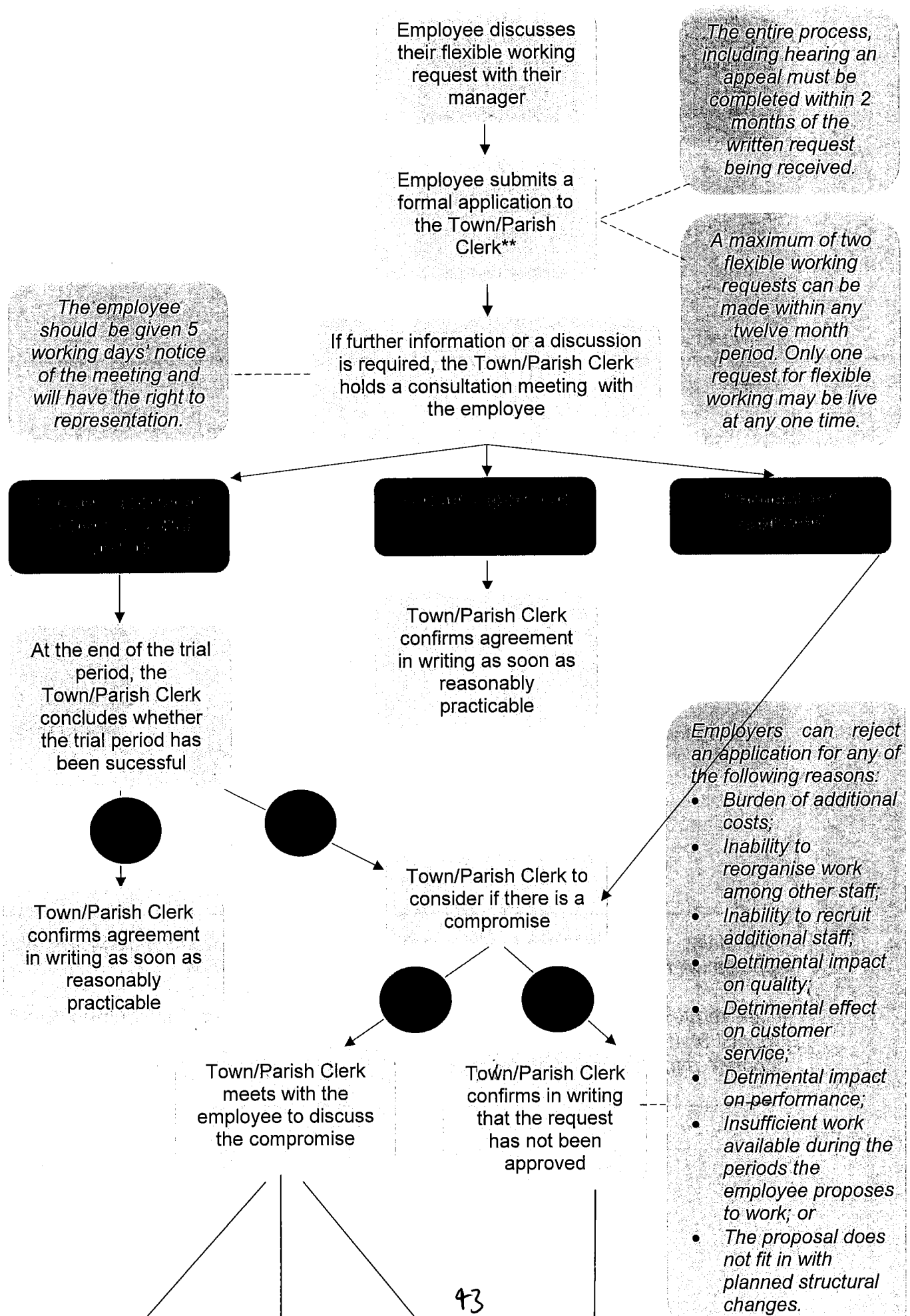
Any unpaid time off taken to deal with emergencies involving a 'dependant' will be included in this unpaid leave entitlement.

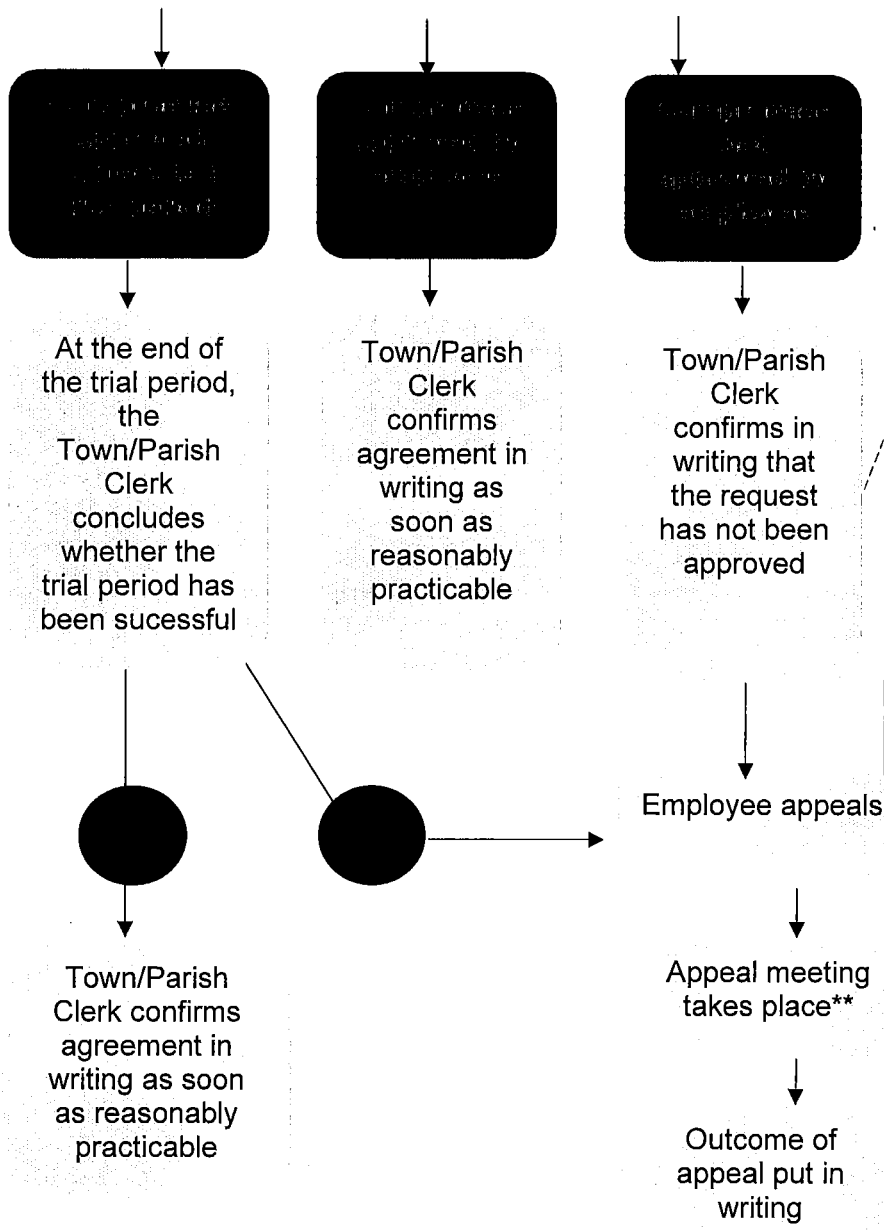
4.5 IMPLICATIONS OF AUTHORISED UNPAID LEAVE AND INDUSTRIAL ACTION FOR LOCAL GOVERNMENT PENSIONABLE SERVICE

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, 2/3rds employer. If the employee wishes to buy back the 'lost' pension they must write to the Town Clerk 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 Town Clerk 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 Town Clerk as above; however there is no time limit and the entire cost will be met by the employee.

FLEXIBLE WORKING PROCESS





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.

****Normally, the Town/Parish Clerk will consider flexible working requests and appeals will be heard by a Panel of the Personnel Sub-Committee.**

If the request is being made by the Town Clerk, this should be referred to the Council Matters Committee, who will set up a panel to consider the request and a separate panel to consider any appeal.



RECRUITMENT AND RETENTION POLICY

TOTNES TOWN COUNCIL
OCTOBER 2024

Overview

The recruitment and retention of staff plays a crucial role in the provision of services and the continued development of Totnes Town Council. It is important that the Council has an effective process for obtaining the best people to fill the vacancies that occur. Selection should be based on merit and suitability for the post alone and the recruitment process must support this.

The Council has an Equal Opportunities Policy that applies throughout the workplace and it is particularly important that it is applied at all stages of recruitment.

Through the recruitment process there is considerable contact with members of the public and therefore the recruitment procedure should enable anyone who becomes involved in it to go away with a positive and professional impression of the Council. Each recruitment campaign should be regarded as a public relations exercise as well as a search for a new employee.

These are the key stages in the recruitment process:

- For every post there should be a job description which accurately describes the tasks and objectives of the job.
- Normally vacancies will be advertised as appropriate.
- Candidates will be assessed by interview and if appropriate other assessment methods relevant to the role, for example presentations, ability tests or in-tray exercises.
- The interview has two main purposes – to find out if the candidate is suitable for the

job, and to give the candidate information about the job and the organisation. All interviews need careful preparation if they are to be successful.

- The decision must be based solely on merit, that is, the candidate's suitability for the job on offer as described in the job description and person specification.

Aims

This policy aims to:

- Enable the Council to recruit the best candidate for the post through making it clear what the post is and what skills, experience and attributes are required.
- Set professional standards for recruitment, whether suitable candidates are easy or difficult to find.
- Ensure candidates are given the opportunity to demonstrate their abilities regardless of their race, religion or religious belief, sex or sexual orientation, age, disability or employment status.
- Help to recruit the best quality candidates.
- Ensure recruitment is seen as a key public relations exercise by all of those involved.

It should always be remembered that choice applies equally both to the recruiter and the applicant. A discerning candidate is more likely to choose an employer who applies a professional approach to recruitment.

Job description

For every post there should be a job description which accurately describes the tasks and objectives of the job. The job description should include the following:

- Identify the main purpose of the job.
- Identify the key areas of responsibility.
- Group the main tasks under logical headings if appropriate.
- Rank the main tasks in order of importance.
- Work out the functional links with people in the Council and with other work being undertaken by the organisation.
- Work out lines of responsibility: to whom is the postholder accountable and who does the postholder supervise?

Application Form

The Council will practice shortlisting as it is good practice: personal information will be kept separate from the application form so that the selection panel is not aware of the names and details of the candidates.

Advertisements

Normally all vacancies will be advertised externally. An exception can be made when a post is re-advertised within 6 months from the date of appointment. At this time applications can be taken from previous candidates and any existing member of staff.

The content of the advert should include:-

- Brief information about the organisation concerned

- Description of the post, including title and grade, role and main responsibilities (reflecting the job description).
- Experience, skills, qualifications and personal qualities required (reflecting the person specification).
- Salary and benefits.
- How to apply – usually application form.
- Closing date (all advertisements should have a closing date usually at least 2/3 weeks from appearance in chosen media).
- Interview dates.

The heading of the advertisement is of paramount importance. People look first for job title/function, location and salary. The sequence of the text should be organised in a logical way, starting with the overview and leading to the specific. The style must be reader friendly and may vary depending on the target audience. Speak as you would be spoken to using “you” and “we.” Make the text concise without repetition, factual and cliché/jargon free. Do not use words such as ‘self-starter,’ ‘change-agent’ etc. The wording of the advertisement should positively encourage all suitably qualified applicants to apply. Sell the job opportunity.

Shortlisting

Longlisting, where applicable, may be undertaken by the Clerk. The interview panel should undertake the short listing wherever possible.

The person specification will be used at the shortlisting stage to record the reasons for selection and non-selection of candidates for interview. It will contain the essential and desirable criteria against which the candidates will be measured. Assess each application against the essential criteria of the person specification using an agreed scoring system and completing a shortlisting form to be completed for each candidate.

Assessment Methods

Candidates will be assessed by interview and if appropriate other assessment methods relevant to the role, for example presentations, ability tests or in-tray exercises. It is useful to use a work-based activity to test the skills in relation to the job duties, (as opposed to just talking about them), and also helps nervous candidates to show their full abilities.

The Interview

The interview has two main purposes – to find out if the candidate is suitable for the job, and to give the candidate information about the job and the organisation. All interviews need careful preparation if they are to be successful. Questions should be prepared in advance of the interview and an interview scoring form prepared with an agreed scoring system. Each candidate should leave with a sense of being treated well and fairly and having had the opportunity to give their best, and to ask the panel questions.

A structured interview designed to cover all relevant information and assess the skills, knowledge and experience of the applicant is an efficient method of focusing on the match between job and candidate. This ensures there is a consistent approach to the interviews, which is particularly important if there are a number of candidates to be seen. The interview process will be held in accordance with Standing Orders.

It is essential to ensure that all candidates are treated equally so it is important to give each candidate an equal chance to show their attributes in each area. For this reason it is important to ensure all candidates are questioned on the same areas of knowledge, experience etc. However, should a candidate require extra assistance due to a disability, or have any special requirements these should be accommodated as much as possible.

The Decision

Having carried out the interview and any other activities, it is time to make the decision. The decision must be based solely on merit, that is, the candidate's suitability for the job on offer as described in the job description. Normally this will be the candidate who has all the essential qualities contained in the person specification and the most important desirable qualities. It would be unlawful to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post.

In order to avoid any possible accusation of bias, employees and councillors should not be involved in an appointment where they are related to the applicant, or have a close personal relationship with them outside of work. It is good practice to ask the applicant to declare this on the application form. In such cases the employee should declare this applies and alternative arrangements/selection panel will be arranged.

The reasons for selection and non-selection must be recorded in writing and kept on file for a period of 6 months. The Town Clerk should be given all interview notes as they will be kept centrally.

If no candidates fulfil all the essential criteria it is important not to appoint to the post. Most appointees will be with the Council for a number of years and although it is sometimes tempting to employ someone who does not reach the standards to cover a short-term shortfall, this can create more problems in the long term. If no suitable candidates are available then the Council Matters Committee will advise on re-assessing the situation to establish whether an alternative solution can be found. This is obviously the most important part of the process and therefore needs to be approached systematically. The panel should utilise all available information. The panel should make decisions in relation to job requirements e.g. if it is essential that somebody has management experience before the interview process, this position should be maintained. Do not simply compare candidates; always assess each candidate against the person specification. Interview assessment forms should be filled in after each interview and not left until the end. Remember biases that can influence, such as first and last impressions. Check the decision to see if it was arrived at

fairly to ensure equality of opportunity. Make notes and a record of why the candidate will be offered the job, who was second etc as this record can demonstrate a fair and competent selection process. It can also assist when providing feedback.

An employer must always be able to justify their decision in recruiting a particular person in case of an application to an employment tribunal. If the issue reached a tribunal, the Chair would have to provide evidence showing how and why you reached your decision.

The Offer

Once a conditional offer has been made and accepted, references will be taken up and a pre-employment medical questionnaire completed. If the candidate has declared a disability or, as a result of the medical questionnaire, adjustments to the post or environment are required, then these should be assessed by Occupational Health. All reasonable adjustments will be made. Totnes Town Council will send an offer letter and a Statement of Particulars. Subject to everything proving satisfactory the candidate can start.

Feedback for Candidates

Many candidates ask for feedback on their applications and interviews. For this reason, and to demonstrate there are fair reasons for the selections made, it is important to document short-listing and interview decisions. Applicants often spend a considerable time filling out applications and giving up time to attend for interview and it is important they get a good impression of the Council through this process. It is therefore only fair to give them the time and respect to explain why they have not been selected.

Probation

All employees joining the Council will be placed on a six-month probationary period with a review with their Line Manager at 3 months.

Retention of Recruitment Documents

All original application forms, references and interview notes/assessments must be returned to the Town Clerk where they will be kept for 6 months. Should a candidate submit a claim of discrimination to a tribunal, such records would be required as evidence. Information relating to employees should be retained on their personal file

Employment Law

When carrying out recruitment and selection you need to be aware of Employment Law, particularly discrimination legislation. It is important to avoid discrimination during the recruitment process. This is not only a legal requirement, but also gives you the best chance of getting the right person for the job. When interviewing people for a job there are certain questions you should not ask, either directly or indirectly, including whether a candidate is married, a partner in a same-sex civil partnership, or plans to have children. You must not attempt to elicit information about a person's sexual orientation or their religion. You could face a claim of unlawful discrimination if - because of their gender, race, etc - you were to

select a man, white person, etc for a job who is less well qualified than other candidates who were female, black, etc.

Rehabilitation of Offenders Act 1974

This Act was passed to prevent discrimination against ex-offenders once their criminal convictions are "spent". It is unlawful for an employer to ask about spent convictions or to let the fact that an applicant has a spent conviction influence a recruitment decision. However, there are a range of occupations, particularly in local government, which are excluded from the provisions of the Act. These primarily include jobs which provide services to people under 18 years of age or vulnerable adults, e.g., teachers, school caretakers, youth workers, social workers and leisure attendants. For these posts, a spent conviction will be a legitimate ground for refusing to employ someone, but the applicants must be informed that the post is not covered by the Rehabilitation of Offenders Act.

Asylum & Immigration Act 1996

Employers commit an offence if they employ a person who has not been granted leave to enter or remain in the UK, or if his or her stay in the UK is subject to a condition that precludes taking up employment. However, if before the employment began the potential employee produced suitable documentation it may then be a defence. Suitable documentation includes:-

- A current passport confirming you are a British citizen or, a national identity card, or Home Office document confirming your right to reside and work in the UK;
- A document from a UK government agency, e.g. National Insurance Card/Inland Revenue P45/P60, confirming your name and National Insurance number together with either a full UK, Ireland, Channel Islands or Isle of Man birth certificate or, a certificate of registration/naturalization confirming British citizenship or, a Home Office document confirming the right to reside and work in the UK;
- A work permit issued by Work Permits UK together with a passport or a Home Office document confirming the right to reside and work in the UK.

Equality Act 2010

The Equality Act came into force on 1 October 2010. The Act harmonises and replaces previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and ensures consistency in what you need to do to make your workplace a fair environment and to comply with the law.

Under the Equality Act 2010 it is unlawful to discriminate against people at work because of:

- Age; Disability; Gender reassignment; Marriage and civil partnership; Pregnancy and maternity; Race; Religion or belief; Sex; Sexual orientation.

Staff Retention

This policy provides the framework within which retention of staff is undertaken within Totnes Town Council.

Induction: All staff will carry out induction training as soon as possible after arrival.

Flexible Working: All staff have the right to request changes in their working patterns but they should take into account the needs of the team when making this request. (See Working time and Leave Policy)

Lone Working: The Trust believes that all of its employees, regardless of where they are located, have a right to work in an environment which is safe and where they are not put at undue risk. (See Lone Working Policy)

Secondments: These provide a valuable opportunity for staff to enhance their skills and broaden their experience and will be supported when possible.

Sabbatical: Members of staff with a minimum of 26 weeks continuous service can apply for a leave of absence. This application must be made in writing to the Town Clerk who will consult the Council Matters Committee for a decision.

Communication: The Town Council recognises the importance of good channels of communication. Staff will be kept informed of events via appropriate committees or line management. The Town Council will reinforce a positive culture of communication and will not endorse gossip.

Grievance: Staff have opportunities to raise issues about which they have concerns, in the first instance through their regular staff meetings. Staff also have the opportunity to take up issues which concern them through the Grievance Policy. Any issues must first be discussed with the line manager and if a satisfactory result is not obtained at this meeting, then an official grievance may be raised as per the policy. For further information please refer to the Grievance Policy.

Continuous Professional Development: The process of education and development enables staff to maintain their competence and increase their proficiency and expertise. CPD covers a wide range of education and development activities and can be undertaken on an individual or team basis, in or away from the workplace, and on a formal or more informal basis, e.g. formal courses/learning programmes; conferences and study days; workplace-based opportunities, e.g. mentorship, secondments, projects; on-the-job learning, e.g. learning from colleagues, supervised /assessed practice, practice experience, feedback and appraisal; personal study, e.g. reading journal articles; and experiences in other areas of life, e.g. volunteering or leadership role within a community group that can be applied to work roles.

Health and Wellbeing: The Town Council will pay for an annual eye test for all members of staff who need to use a computer on a regular basis. Occupational Health services will be provided as required. Workstation self-assessments should also be carried out by staff annually. Full line management support is also provided to all staff. (See Health, Safety and Wellbeing Policy)



BULLYING AND HARASSMENT POLICY

TOTNES TOWN COUNCIL
OCTOBER 2024

Introduction

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

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

Policy

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

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

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

What type of treatment amounts to bullying or harassment?

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

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

Examples of bullying and harassment include:

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

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

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

Reporting concerns

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

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

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

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

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

If you are being bullied or harassed by a councillor, please raise this with the Clerk or the Chair of the Council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or

formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of Code of Conduct breaches will be investigated by the Monitoring Officer.

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

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

Informal resolution

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

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

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

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

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

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

Raising a formal complaint...

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

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

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred
- The names of any witnesses and

- Any action taken by you to resolve the matter informally

... against a colleague or contractor

The alleged perpetrator(s) would need to be told your name and the details of your complaint for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to separate you whilst the matter is being investigated.

... against a member of the public or supplier

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

... against a councillor

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

During the investigation

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

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

Hearing

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

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

Victimisation

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

False allegations

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

Disclosure and confidentiality

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

Use of the disciplinary procedure

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

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

