

## **Swaffham Prior Parish Council**

### **Employment Policies and Procedures.**

#### **1. Introduction.**

- 1.1 The purpose of this document is to provide information regarding all aspects of employment including roles and responsibilities of the Parish Council as an employer and for all employees.
- 1.2 Some sections are also relevant to volunteers who can assist the PC in various activities.
- 1.3 The PC will adhere to all employment laws including Employment Rights Act 1996, Equality Act 2010 and Health and Safety at Work Act 1974. Further advice will be utilised from National Joint Council (NJC) for Local Government Services (The Green Book), NALC's Good Councillor Guide, NALC's Being a Good Employer Guide, ACAS's Code of Practice on Disciplinary and Grievance Procedures and the PC's Standing Orders and Code of Conduct for members.

#### **2. Recruitment and selection procedure**

- 2.1 The recruitment and selection of staff is of prime importance to ensure that the PC employs the best possible person-to-job fit. This will contribute significantly to the PC's effectiveness.
- 2.2 The recruitment and selection procedure will be fair and consistent, will not discriminate on grounds of protected characteristics (Equality Act 2010), will conform to statutory regulations.

#### **3. Contract of employment**

- 3.1 All employees will be issued with a Contract of Employment within 3 months of commencing employment. The Contract of Employment will cover all terms and conditions of employment, including: job title, duties as per job description, place of work, salary and pensions, hours of work, re-imbursement of operational expenses including mileage and those incurred due to working from home, holiday leave, jury service, parental and maternity leave and adoption rights, sickness absence and notice periods. The PC offer the statutory provisions for leave and pay.

#### **4. Training and development**

- 4.1 The PC expects all employees to attend regular, relevant training events where required. The PC shall be responsible for the costs associated with training and development that it considers necessary. Employees are to notify the PC of a request to attend training and to report back on the courses attended. Appropriate training will be provided for all identified training needs necessary for any role. For further detail see the Training and Development Policy.

## **5. Appraisals**

- 5.1 The job description of each employee will be reviewed annually by the Chair and Treasurer.
- 5.2 An annual appraisal of the Clerk will be carried out by the Chair and Treasurer. This will be reported to the next PC meeting in confidence. This appraisal will provide an opportunity for employee and employer to discuss how the role is working; hours and other contractual conditions will be reviewed and a report with any recommendations made to the PC at the next meeting. Should there be any concern about performance, other than matters of a disciplinary nature, the PC undertakes to work with the employee to ensure the necessary training, mentoring and support is provided to enable the employee to meet agreed standards of performance are reached in a reasonable agreed timeframe.
- 5.3 Matters relating to employees will be discussed in strictest confidence. The Public and Press will be excluded from the meeting as well as the employee and minutes recorded as confidential.

## **6. Unacceptable behaviour, bullying and harassment**

- 6.1 The PC believes its employees have the right to be treated with dignity and respect and are not subject to behaviour that is abusive, offensive or threatening. Those acting unacceptably must be asked to stop, but if the behaviour continues, it will be reported to the Chair of the PC. Restrictions may be imposed on those whose conduct is unacceptable. In the case of formal complaints, the PC will write to inform the individual/s of actions taken against them and why. If the behaviour is extreme and threatens safety, other options will be taken such as reporting to the Police or taking legal action.
- 6.2 Any form of bullying is unacceptable. The PC will deal effectively with any form of harassment or bullying and take the steps it sees fit to stop and/or prevent it. If an employee considers they are being harassed or bullied, they should start by talking it over with the Chair of the PC (or another member of the PC if the complaint concerns the Chair and they feel unable to approach them). If the matter cannot be resolved informally, it may be raised as a grievance.

## **7. Whistleblowing**

The PC is committed to the highest standards of openness, integrity and accountability. If anyone has serious concerns about any aspects of the PC's work, it expects them to come forward and voice those concerns. The PC commits that people can report, in a confidential manner, any concerns without fear of victimisation, subsequent discrimination or disadvantage.

## **8. Disciplinary procedures**

- 8.1 The PC aim that all employees achieve and maintain high standards of conduct whilst at work or representing the PC. This procedure sets out the actions that will be taken in response to disciplinary situations. Disciplinary situations include misconduct, poor performance, disruptive behaviour and failure to follow procedure.

- 8.2 Disciplinary procedure is designed to ensure that matters are dealt with promptly, consistently and in a timely manner. Investigations to establish the facts will be carried out where necessary and no disciplinary action will be undertaken without full investigation. An investigation will not in itself result in disciplinary action.
- 8.3 If it is found that there is a case to answer, employees will be informed of any problem in writing and will have time to prepare a response. A time and venue for a formal disciplinary meeting will be given, attended by the Chair of the PC and 2 councillors, or the Vice-Chair and 2 councillors if the Chair is not available. Employees can be accompanied to any formal disciplinary meeting and are allowed to appeal against any formal decision reached.
- 8.4 At the disciplinary meeting, the PC representatives will explain the complaint and the evidence supporting it. The employee can respond, ask questions and present evidence.
- 8.5 After the disciplinary meeting, the PC will decide what, if any, appropriate actions will be taken and the employee will be informed in writing. These could be:
- a) Stage 1 – first warning. If conduct or performance is unsatisfactory, or a minor issue, a verbal warning will be issued. Such a warning will be recorded but after 12 months of satisfactory service, it will be disregarded.
  - b) Stage 2 – first written warning – for a second minor or ongoing occurrence or first serious occurrence. This will set out the nature of the problem, the improvement/change required and the timescale that change/improvement must take place in. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. If the first offence is sufficiently serious (e.g. having or likely to have a serious harmful effect on the PC) it may be justifiable to move directly to a final written warning.
  - c) Stage 3 – final written warning. If the offence is serious or improvement/change is not satisfactory or if a further offence of a similar kind occurs, a final written warning will be given, including the reason for the warning, the improvement/change required and the timescale they are required in. If sufficient improvement/change is not made or if the offence comes under the category of gross misconduct, the employee may face dismissal.
  - d) Stage 4 – dismissal. If the employee fails to address the issue in a final written warning within a reasonable timescale or if the employee has committed gross misconduct, they will be dismissed. The PC will write to inform them the reason for dismissal, the date the contract of employment will be terminated, the period of notice undertaken and the employee's right of appeal. The decision to dismiss will be taken by the PC only after a full investigation.
  - e) Gross misconduct. Gross misconduct includes offences of the following nature: theft, misuse of PC property, fraud, incapacity to work due to being under the influence of alcohol or illegal drugs, physical violence, bullying, harassment, gross insubordination, gross negligence. This list is not exhaustive. Gross misconduct can lead to any employee being dismissed without notice, but a fair disciplinary process will be followed. While alleged gross misconduct is being investigated, an employee may be suspended, during which period they will receive a normal rate of pay. Suspension will be for as short a period as possible and will not be taken as evidence of guilt.
  - f) If an employee is persistently unable or unwilling to attend disciplinary meetings without good cause, the PC may make decisions based in the evidence available.

- g) Appeals. An employee may appeal decisions at any stage of the disciplinary process. An appeal will be heard without unreasonable delay at an agreed time and venue. The appeal will be heard by 2 members of the PC not previously involved in the process. The employee has a statutory right to be accompanied. The employee will be informed of the result of the appeal in writing within 5 working days.
- h) Written records of disciplinary cases will be kept confidentially, no longer than necessary and in accordance with the Data Protection Act 2018. Copies of meeting records will be supplied to the employee.

## **9. Grievance procedures**

- 9.1 The PC aims to ensure that there are good working relationships between Council members and employees, and that all employees are treated fairly and consistently. Grievances should be dealt with and settled promptly. A work-related grievance should, where possible, be raised with the Chair of the PC (or other councillor if more appropriate), where it may be possible to agree a solution informally.
- 9.2 Formal grievance. If the employee wishes to raise a grievance formally, they should write to the Chair of the PC (or the Vice-Chair if the grievance involves the Chair), setting out the nature of the grievance and how they would like it to be resolved. A formal grievance meeting will be held as soon as reasonable, at which the employee can explain the nature of the grievance and the desired resolution. The meeting will be attended by the Chair of the Parish Council and 2 councillors, or the Vice-Chair and 2 councillors if the grievance is against the Chair. The meeting may then be adjourned to allow further investigation and/or time to consider a decision. Once an action has been decided (be it a resolution or no case to answer) the result will be communicated to the employee in writing within 5 working days. The employee may be accompanied to the meeting by a colleague or trade union representative and will be informed of their right of appeal if not content with the conclusion.
- 9.3 Appeals. If the employee is unhappy with the outcome of a grievance meeting, they may appeal in writing to the Chair of the PC (or another councillor if the grievance involves the Chair) within 5 working days of receiving the outcome. The employee will then be invited to an appeals meeting within a reasonable timeframe where a councillor not previously involved will hear the appeal. The outcome of the appeals meeting will be communicated to the employee in writing, within 5 working days.
- 9.4 Overlapping grievance and disciplinary cases. A disciplinary case can be suspended in order to deal with a grievance issue, or where the cases are related, they can be run concurrently.
- 9.5 Written records of grievance cases will be kept confidentially, no longer than necessary and in accordance with the Data Protection Act 2018. Copies of the meeting records will be supplied to the employee.

## **10. Working conditions**

- 10.1 Annual leave must be taken with approval of the Chair of the PC. At least two weeks notice should be given.
- 10.2 Appropriate equipment will be provided to ensure that employees can carry out their roles efficiently and safely.
- 10.3 Employees expenses such as lighting, heating, computer usage and travel will be reviewed annually at the budget meeting.

- 10.4 Lone working. The PC appreciates that employees often have to work on their own and as such, both parties should ensure a good system of communication and take such precautions for their safety and well-being.
- 10.5 Sickness procedures. If an employee is absent from work on account of sickness or injury, they or someone on their behalf should inform the Chair of the Council and the Deputy Clerk of the reason for absence as soon as possible. The Chair will wish to know the nature of the absence, the expected duration of the absence and whether there are immediate work commitments that need reassigning during the absence.
- 10.6 All employees are expected to work in a safe manner, act in a professional manner and ensure good working relationships between themselves, councillors, contractors and the public.

## **11. Health and Safety policy**

- 11.1 Swaffham Prior Parish Council is committed to ensure the health, safety and welfare of all employees, volunteers and others involved in Council activities. The PC will comply with the statutory obligations to manage health, safety and welfare of those affected by Council activities and will promote awareness and best practice of health and safety culture. Council activities will be managed so that people do not face unacceptable risks. This policy and the General Risk assessment will be reviewed at appropriate intervals and at least annually to ensure that the PC continue to provide high standards of health and safety.
- 11.2 As an employer, the PC have a duty to ensure that employees are aware of and understand their legal responsibilities under health and safety legislation. The PC will:
  - a) provide information training to those involved in PC activities to ensure a safe and healthy working environment;
  - b) identify and assess hazards and risks to ensure suitable measures are in place to minimise risk to an acceptable level,
  - c) ensure that working practices are safe for employees, volunteers, contractor and any other affected by PC activities
  - d) provide and maintain a safe place of work, safe equipment and a safe and healthy working environment
  - e) ensure that health and safety are considered when changing activities
  - f) undertake risk assessments for all new activities and review on-going activities on a regular basis
  - g) keep a record of all risk assessments conducted and ensure adequate insurance is in place
  - h) record all accidents and report to relevant bodies such as Health and Safety Executive if required.
- 11.3 All individuals, whether employees, volunteers or contractors are responsible for taking reasonable care for the health and safety of themselves and others who may be affected by their activities. They must:
  - a) follow all safe working procedures as instructed.
  - b) Use all personal and protective equipment as provided and intentionally or recklessly misuse or interfere with any equipment.
  - c) If using their own equipment, ensure it is safe, in good working order and complies with British Standards, and they must also be suitably trained.
  - d) Report any previously unidentified risks or hazards not notified in the risk assessments to the project leader/PC immediately.

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- e) Report and record any accidents, near misses, damage to equipment or property to the project leader/PC as soon as possible
- f) Report any medical condition or use of medication which may affect their safety at work.
- g) Not undertake any work under the influence of alcohol and/or illegal drugs.
- h) Ensure a safe working environment by keeping all work areas tidy. Spillages or tripping hazards must be cleared as soon as possible. Rubbish, waste and any hazardous substances must be disposed of in an appropriate manner.

Adopted:

To be reviewed annually at the Annual Meeting of the Parish Council or as required.