

CHAPEL-EN-LE-FRITH PARISH COUNCIL

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POLICY & PROCEDURE HANDBOOK

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1. RECRUITMENT & SELECTION POLICY

1. Introduction

The intention of the recruitment policy is to ensure that the Council can attract and retain high calibre Employees into its job vacancies. It aims to attract the widest possible response to any employment vacancy. The Council will take positive steps to advise minority groups of all vacancies and of its Equal Opportunity Policy. The Council recognises the advantages of recruiting individuals with specialist knowledge and experience of local needs.

The selection process is of crucial importance in this policy and must, therefore, be carried out according to objective, job-related criteria. The Council will ensure that, through appropriate training, people making selection decisions will not discriminate, whether consciously or unconsciously, in making these selection decisions.

2. Core Principles of the Recruitment and Selection Policy

The Clerk is responsible for Employee recruitment in conjunction with the Members.

The Recruitment and Selection Policy will be implemented with regard at all stages to the Council Equal Opportunities Policy, the Equality Act 2010 and subsequent legislation. All persons involved in the recruitment process will be made aware, through training, of the above legislation and its implications.

All stages of the selection process will focus on the needs of the job and the skills needed to perform effectively.

The Clerk and Elected Members will ensure that questions they ask job applicants are not in any way discriminatory or unnecessarily intrusive.

All candidates with a disability that meet the minimum selection criteria will be invited to an interview.

It is the Council's practice to seek the successful candidate's consent to seek two written references and to ask for documentary proof of qualifications.

3. Recruitment and Selection Process

Before embarking upon the selection process, the Clerk should have recruitment authority from the Council, an updated job description and an accurate person specification. Advertisements will be placed appropriately to allow maximum exposure to all sectors of the community.

Candidates invited to interview where possible will be given at least one week's notice. All letters sent to unsuccessful candidates will be issued as soon as practicably possible after the decision has been made. Reserve candidates may be kept 'on hold' for a period of time, and should be notified of the delay in finalising the outcome of their application.

Job Description

- Each job will have an up to date job description that accurately reflects the job requirements;

- Job descriptions should be written in a clear and concise manner in the agreed Council format;
- Job descriptions should be reviewed and discussed prior to the commencement of the recruitment action;
- Where appropriate the equal rights dimension of service provision should be included;

Person Specification

- A person specification will be prepared for every job description reflecting the skills and qualities required to undertake the job;
- Personnel specifications should be reviewed prior to the recruitment action. A standard format together with guidance on usage will be issued separately;
- Criteria contained in the specification should be strictly relevant to the requirements of the job. The criteria should not be unnecessarily restrictive so as to exclude particular disadvantaged groups, since this may be viewed as indirect discrimination and therefore unlawful;
- All stated requirements must be clearly justifiable in terms of the principal function of the job vacancy, literacy, numeracy, qualifications, age and educational level achieved;
- If the job is to work directly with members of ethnic minorities in promoting their welfare or providing personal services, it may be considered a genuine occupational qualification for a post.

4. Attracting a Field of Applicants

- Publicity material must reflect the Equal Opportunity Policy;
- Advertisements should be approved by the Council prior to being circulated in the public domain;
- Publicity material should, where thought desirable, be translated into ethnic minority languages;
- All posts which are either permanent or fixed term for a period of two or more years should be advertised externally. Where necessary, use should be made of the local press.
- Where necessary, use should be made of the ethnic minority press;
- Advertisements must be clear and unambiguous, so that applicants will be able to determine their own suitability.

Application Forms

- Only Council application forms should be used for recruitment purposes which should include a section on equality monitoring
- Assistance should be offered to candidates to complete any sections of the form if required;
- Information on application forms must be transferred to the recruitment monitoring forms;

5. Short listing

- Short listing must only be based on the information contained in the application form and any covering letter using the job person specification and the job description elements as the criteria;
- The criteria for short listing must be consistently applied to all applicants;

- The application form should not be used as a test of literacy unless a high standard of literacy is required as a genuine requirement of the job;
- If academic qualifications are one of the criteria for initial selection they should not be unnecessarily high for the particular job. Assumptions must not be made about the standard of overseas qualifications;
- There should be no unnecessary or unreasonable restrictions on the numbers to be short-listed;
- Any disabled applicant that meets the minimum requirements for the job should be short-listed;
- Reasons for not meeting the shortlist must be recorded for incorporation within the monitoring process;
- Original copies of educational/academic/qualification certificates or documents should be brought to interview.

6. Selection Interview

- All people responsible for short listing and interviewing should receive training in the appropriate techniques, and such training should include the equal opportunities dimension. No selection interview shall take place without someone that has received such training and is aware of the relevant legislation, in attendance;
- At least three people should sit on an interview panel;
- Interviewers must keep adequate notes of the interview in order to be able to make a fair comparison between candidates. This will be recorded on an interview report form;
- In determining whether or not a candidate is to be progressed to the next stage, interviewers may only consider factors relevant to the job requirements. If for any reason a candidate does not possess a certain requirement for a job, but is nevertheless short listed for interview, the candidate should not be subsequently declined solely on the grounds of not possessing that requirement. Reasons for unsuccessful candidates should be recorded for incorporation into the recruitment monitoring process;
- All application forms and interview notes should be kept for six months after the end of recruitment action. Monitoring forms should be kept indefinitely;
- If any member of an interview panel feels that discrimination has occurred in the selection process, the matter must be reported immediately to the Chair of the Panel/Council. No selection decision should be made until the issue is resolved;
- Candidates of all ethnicities/ethnic backgrounds should not be asked questions that could be seen as directly or indirectly discriminatory, e.g. questions which test their understanding of 'U.K. Customs'. Neither should their fluency in the English language be used as a selection criterion unless it is a bona fide requirement of the job;
- Selection decisions must not be influenced either by the traditional racial or sexual profile of the previous post-holder;
- Informal interviews must not take place unless they are clearly part of the approved or agreed selection process for all short listed candidates.

7. Letters of Appointment

- Appointment letters should contain the following statement: "As an Employee of the Council you will be required actively to pursue the Council's policies on Equal Opportunities and Race Relations and to undergo any training associated with this";
- The appointment letter should also be accompanied by a copy, which the applicant is required to sign and return to indicate acceptance of the job offered, and which is retained in the personal record. This should include the following: "I have read and understood the Council's Equal Opportunity Policy, and acknowledge that the offer of employment is made subject to my agreement actively to pursue that policy during the course of my employment and to undergo any training associated with this";
- If letters to unsuccessful candidates state reasons for non-selection, then these must be valid. Unsuccessful candidate letters should also indicate to candidates the name and telephone number of the person to contact if further information or feedback is required;
- Reasons for non-selection should be given to candidates if requested. The reasons will be those stated on the recruitment monitoring form;
- All appointments will be subject to receiving two satisfactory references, one of which must be from the most recent Employer or educational institution. If satisfactory references are not received, the Council may terminate the employment relationship.

8. Records

All records of job applicants and interview notes should be kept for a minimum of 12 months. These must be held in accordance with the Data Protection Act 1998, which requires records to be accurate and stored confidentially.

9. Retention and Development

The Council's strategy is to ensure all staff remain motivated in the working environment. This is done by way of regular meetings where everyone has their input listened to and they are clearly informed of business updates. Staff development is enhanced by the way of regular internal/external training courses on subjects that are relevant to the business and also to personally develop their own working skills.

Every individual receives regular reviews where personal progress is discussed along with the individual's requirements to further enhance their work and working environment.

Every individual who decides to leave the Council will receive an exit interview. The results of the interview can be used as feedback into the business to enhance staff retention.

10. Monitoring

The Clerk is accountable for the Recruitment and Selection Policy. The Clerk will monitor the implementation and effectiveness of the policy, and provide regular monitoring reports to the Council.

2. REFERENCE POLICY & PROCEDURE

References

- Engagement is subject to satisfactory References and Disclosure and Barring Service disclosure checks as appropriate.

Employment References

- Please note the Council is under no statutory, or other form, of obligation to provide a reference to any current or ex-Employee of the Council.
- In the event that a reference is provided, it is the Council's duty to ensure that the Council provides an honest, true and factual Employment References, given in an objective, impartial and un-biased manner.
- Whilst every effort is made to ensure that a reference is provided in an objective, factual and accurate manner, the Council does not accept liability for a perceived omissions, faults or inaccuracies which an Employee may feel are contained within a reference concerning themselves, which has been provided by the Council.
- Employees who request a reference from the Council's Management can also request to view the response before it is sent to any third party, to ensure that inaccuracies can be corrected. This does not however, entitle the Employee to request that the information contained within a reference is altered or amended to create what is believed by the Management of the Council, to be a false and misleading reference. Should the Council and the Employee disagree on the contents of a reference, the Council's Management reserves the right to withhold providing the reference.
- The Council will only respond to References requested in writing, and will only respond following confirmation with the Employee concerned. All References will be treated with confidentiality.
- The Council will comply with all its statutory obligations under the Data Protection Act 1998, and all other relevant legislation concerned with the storage, processing and distribution of personal data concerning any current or previous Employee. Personal Data will only be released following receipt of written confirmation from an Employee that they are happy and willing to waive their statutory rights under the Data Protection Act 1998, to allow the Council to provide personal data to third parties.
- Information regarding attendance, sickness record, disciplinary record, domestic arrangements, or interpersonal skills of an individual will not be provided in a reference, unless specifically requested by the individual to whom such data concerns.
- The Council does not supply open References for departing Employees, or give any References by telephone.

3. EQUAL OPPORTUNITIES POLICY STATEMENT & PROCEDURE

The Equal Opportunities Policy is the responsibility of the Parish Council, and everybody working for the Council.

All Employees and applicants will be given Equal Opportunities in employment regardless of gender, age, race, disabilities, caring responsibilities, ethnic origin, sexual orientation, religious beliefs and / or trade union membership.

All persons will be treated with dignity and respect in an environment free from discrimination, harassment and victimisation. Any complaints of this nature will be fully investigated and treated with the strictest confidence.

Any individual found to be responsible for such behaviour, following a thorough investigation, will be subject to disciplinary action.

All Employees, job applicants and contractors working for the Council will be made aware of this policy.

The policy will be regularly reviewed and updated to ensure it conforms to all relevant legislation.

Policy Aims

To select, recruit, develop and promote the very best people through objective assessment based solely upon suitability for the job.

Ensure that all Employees and job applicants receive fair and Equal treatment.

Create a balanced work force, reflecting the diversity of the local working population.

Cultivating a working environment that is free from harassment.

Definitions

Direct Discrimination:- To treat someone less favourably on the basis of race, gender or disability; i.e. Not to recruit
Refuse Opportunities
Discipline
Dismissal
Provide less favourable terms and conditions.

Indirect Discrimination Fewer females / ethnic minorities / disabled persons are able to fulfil a requirement of a job than other members of society, and the requirement cannot be justified.

Harassment Creating a threatening, hostile or intimidating environment based upon sex or race of the victim. The decision as to whether actions constitute harassment lies with the person who is being subject to this behaviour and one single incident is sufficient to constitute a charge.

The Employer's Responsibility

The Parish Council is directly responsible for the actions of all its Employees and agents of the Council, as well as for their protection from harassment and discrimination. As such, the Council takes an active role in protecting those for whom it is responsible.

Implementing The Policy

Recruitment and Selection

All positions are open to all individuals who have the required level of skill, knowledge and / or experience.

All job adverts are to be Council approved and placed in publications which have a diverse circulation.

All job applicants should receive a copy of the Equal policy and procedures, as well as a full job description to enable them to assess their suitability for the position.

Training

Appropriate training on and off the job will be accessible to all Employees. All Employees will be encouraged to take advantage of all relevant training Opportunities.

Where an individual is returning to a job following a prolonged absence, additional training and support will be offered.

Where a position changes due to technology and / or reorganisation, appropriate training and support will be offered to the affected individuals.

All induction trainees will be made aware of the Council's Equal Opportunities policy and procedure.

Health and Safety

Discrimination, intimidation and harassment can seriously compromise the Health and Safety of the work environment. As such it is the responsibility of all Employees who are aware of such activity to bring it to the attention of the Council's Management, quickly and discreetly (although the Council accepts that this may not always be easy for the victim). All reported incidents will be treated in confidence by Management.

Management will work with disabled Employees to ensure their Health and Safety in the workplace, through conducting through objective assessments of the safety of their working environment and where appropriate offering alterations / adaptations to the position, or examining the possibility of alternative work.

Development and Promotion.

Ability, motivation, commitment, past experience and qualifications are the qualities used to determine an individual's promotion potential.

Development and training will be offered to all suitably motivated individuals where Opportunities exist.

Length of service will not determine suitability for promotion as it can indirectly discriminate against those who may have had long term illnesses or career breaks or are employed on a fixed term basis.

Terms and Conditions

All individuals within a post will receive the same terms and conditions.

Redundancy

The Council will select individuals for redundancy based on a points scheme, whose criteria will be determined with affected staff during the redundancy consultation period.

Discipline and Termination of Employment

Race, gender, age and disability will have no bearing upon any disciplinary actions taken by the Council.

How The Procedure Works

If you have a grievance relating to Equal Opportunities your Employment Contract explains how to make a Formal Complaint to the Council's Management.

If you are accused of behaviour which is in breach of the Council's Equal Opportunities policy and procedure, a relevant line Manager will initially conduct an informal investigation to determine if there is a case worth investigating. Should the initial, informal investigation find that action needs to be taken, the Council will act in accordance with its formal disciplinary procedure, as detailed in your Employment Contract

4. TRAINING POLICY FOR EMPLOYEES

Appropriate training on and off the job will be accessible to all employees. They will be encouraged to take advantage of all relevant training opportunities.

Where an individual is returning to the Council following a prolonged absence, additional training and support will be offered.

Where a position changes due to technology and / or re-organisation, appropriate training and support will be offered to the affected individuals.

1. Procedure

The following terms and conditions apply to all Employees of the Council.

- a) The Council will discuss with you the method of study which is most appropriate for your job needs.
- b) You are required to attend all courses that you are enrolled on, if necessary to sit examinations set on these courses, and to attend all examinations that you have entered. If you encounter difficulties with your studies, you must discuss the problem as soon as possible with the Clerk or Chair of the Council so that the problem can be resolved. The Council may require you to defer an examination attempt if a satisfactory standard is not maintained.
- c) Following an unsuccessful attempt at an examination, you are required to discuss the results and your performance with the Council, prior to agreeing if and when the next attempt should be made.

2. Financial support

The Council expressly reserves the right to recover from you all costs and fees incurred in accordance with section 2 of the Staff Handbook (Green Book)

a) Examination/Exemption Fees

The Council will pay the examination entry fee for your first attempt at an examination paper. You will pay the examination entry fee for any subsequent attempt at an examination paper.

b) Course fees/college fees/books/study materials

- i. All reasonable approved course fees/college fees/books/study materials in respect of your first attempt at an examination paper will be paid for by the Council.
- ii. You will pay the reasonable approved course fees/college fees/books/study materials for your second attempt at the examination paper.
- iii. The Council may, at its absolute discretion, pay all reasonable approved course fees/college fees/books/study materials in respect of a subsequent attempt at an examination paper, and the said costs will be taken into account at your next salary review.

c) Travel and accommodation costs

The Council will pay all reasonable approved travel costs including attending the approved courses and examinations associated with your first attempt at an examination paper, only to the extent that the cost exceeds the normal costs of travelling between home and your place of work.

d) General

During any academic year, you are entitled to a maximum of £500 financial support towards a Course Fee, travel and subsistence.

3. Study Leave

The Council expressly reserves the right to recover from you all salary paid to you as paid study leave in accordance with its Study Leave Policy as set out in paragraph 3a below within the previous 12 months if you have since given notice to cease employment with The Council prior to or within 12 months of admission to membership of a professional body.

- a) In the event of my failure to refund my study leave salary I agree that my employer has the right as an express term of my Contract of Employment to deduct any outstanding amount due under this agreement from my salary or any other payments due to me on the termination of my employment in accordance with the legislation currently in force. Any debt still outstanding after this will still be due and will be pursued.

Without prejudice to the foregoing, the terms and following terms and conditions shall apply:

- i. First Attempt
The Council will grant paid study leave to sit the examinations and a further 2 days per paper in respect of your first attempt at an examination paper. Dates when study leave is taken must be agreed in advance.
- ii. Referred Attempt
The Council will grant paid study leave to sit the examinations and 2 days in respect of a referred attempt at an examination paper. Dates when study leave is taken must be agreed in advance.
- iii. Subsequent attempts
The Council will grant study leave of 2 days per paper in respect of a subsequent attempt at an examination paper, which will be deducted from your annual holiday entitlement. Dates when study leave is taken must be agreed in advance.

Any additional study leave which is granted that is not covered by your annual holiday entitlement must be taken unpaid. Dates when study leave is taken must be agreed in advance.

In exceptional circumstances, if you fail an examination and The Council is satisfied that you were adequately prepared for it, The Council may, in its absolute discretion, grant paid study leave for a subsequent attempt. Dates when study leave is taken must be agreed in advance.

b) General

During the academic year period, you are entitled to a maximum of 15 days paid study leave including exam days. Dates when study leave is taken must be agreed in advance.

4. Practical experience and training records

The Council will ensure that you obtain practical experience covering a wide range of situations. This will introduce you to a variety of tasks and enable you to use appropriate processes and procedures.

You are required to maintain a Student's Training Record, or any other training record specified by the Council.

You must make your Student's Training Record, or any other training record specified by The Council, available to The Council when requested.

5. APPRAISAL SYSTEM

The Council undertakes appraisals with all staff on a regular basis. The purpose of appraisals is to monitor and evaluate staff performance and development at an individual level as part of the Council's normal managerial function. The review enables the Council to:

- Consistently measure individual performance against departmental/organisational objectives
- Focus staff performance on organisational objectives
- Encourage continuous improvement

The Council's policy is that each member of staff will attend a 12 monthly review meeting to evaluate his/her performance and development, based on an exchange of views between the individual and their Immediate Manager. At the end of the review meeting, staff should have an agreed individual action plan (with targets and timescales), and where appropriate an individual training plan (with objectives and resources). The plans will be referred to as working documents throughout the year and will be updated accordingly.

The Appraisal System has been designed to meet the following specific objectives:

- To ensure all job descriptions are current and accurate and that they align to the Council's objectives.
- To ensure staff have clear targets aligned to the objectives, which are time bound, and such targets are able to be revised/updated as required.
- To ensure that staff have the opportunity to know what performance is expected of them at an individual level and to receive feedback.
- To ensure that staff are able to discuss training, development and support within their role, in order to fulfil their maximum potential.
- To assist staff in understanding the contribution their role makes in meeting the Council's overall objectives.
- To assist staff in their involvement and participation in the Council's commitment to continuous improvement.

Procedure

Appraisals take place annually in March. Appraisals follow a standard format and a report is produced to reflect an accurate summary of the discussion.

New members of staff will be briefed on the Appraisal System as part of their Induction. The Clerk will agree the timings with you for Appraisal meetings and ensure that an interim action plan and a training plan are completed during your probationary period.

At Appraisal meetings, a standard reporting format is followed as the basis for discussion. The duties within your job description will be thoroughly assessed, and potential areas for development may be identified and addressed through training and/or supervision. Your training needs will be identified and agreed and included in your individual 'Training Plan'. Training undertaken in the 12 months prior to each review meeting, as detailed in your 'Training Record' will be evaluated to ascertain effectiveness and value.

The Appraisal will highlight the Council's objectives along with your team objectives and therefore provides the opportunity to agree your individual objectives on a short term and long term basis.

Immediately after the meeting, the Clerk will produce the summary report and you will receive a copy of the document to agree and sign. A copy will also be kept on your personnel file for reference and future review meetings.

6. MANAGING STRESS IN THE WORKPLACE POLICY

The Health & Safety Executive definition of stress is "*the adverse reaction people have to excessive pressure or other types of demand placed on them*". Whilst some people thrive on pressure and a fast working environment, others can find this to be very stressful, especially when coupled with external stressors such as births, deaths and moving house etc. The purpose of this policy is to identify who is responsible and what they must do, in order to minimise any exposure to situations that may result in stress. This supplements the information given in the Staff Employment Handbook.

Clerk/Council Responsibilities:

- The Council must ensure that, in the work areas for which they have responsibility, stress is avoided, so far as is reasonably practicable. Where it cannot be avoided, they must assess the level of risk, which may involve carrying out a risk assessment.
- The Council must monitor workloads and working hours to ensure that Employees are not overworking. Also they should monitor holidays to ensure that Employees are taking their full entitlement.
- The Council must ensure good communication between Management and Employees so that if there are organisational changes, Employees feel they are kept fully informed.
- All Employees must be fully trained to carry out their duties and have the appropriate Management support.
- The Council must ensure that bullying/harassment is not tolerated within the work area.
- The Council must look out for changes in the behaviour of Employees, as this may be an indication that they are suffering from stress.

- The Council should be supportive and treat any Employee who says they are suffering from stress compassionately.
- Be prepared to offer additional support, whenever necessary.

Employee Responsibilities:

- You must inform the Clerk if you feel you may be suffering from workplace stress. Be as open as possible so that the Clerk has the full facts. Work with Management to agree realistic and workable solutions;
- You must co-operate with the Clerk when she/he carries out any risk assessments. Take an active part in any opportunities for discussion when the risk assessment is carried out so that you feel involved in any decisions that are made;
- Read/listen carefully to all communications from Management to make sure you fully understand the reasons for any change. If you do not understand or would like to discuss any concerns, speak to the Clerk.
- To provide consent, if asked, to be referred to an Independent Occupational Health Doctor to fully assess the problems, and to provide the Council with advice as to how to address it.
- You must give full consideration to attending any counselling or stress management courses your Employer may suggest.

7. SAFEGUARDING POLICY & GUIDANCE FOR STAFF SAFEGUARDING AND PROTECTING YOUNG PEOPLE AND VULNERABLE ADULTS

With reference to:

Children Act 1989 & 2004

Safeguarding Vulnerable Groups Act 2006 (Sect59)

Introduction

The purpose of any Safeguarding, Young People and Vulnerable Adults policy is:

- To ensure that all children and young people accessing our services are kept safe: that concerns are followed up in the right way and to ensure that everyone including carers, staff, and service users know what should happen and what is expected of them.

For those who are suffering, or at risk of suffering significant harm, joint working is essential, to safeguard and promote their welfare and, where necessary, to help bring to justice the perpetrators of crimes.

All agencies and professionals should:

- be alert to potential indicators of abuse or neglect;
- be alert to the risks which individual abusers, or potential abusers, may pose;
- share information so that an assessment can be made of the individual's needs and circumstances;
- contribute to whatever actions are needed to safeguard and promote welfare,
- To ensure that all vulnerable adults accessing our service is kept safe; that concerns about a vulnerable adult are followed up in the right way and to ensure that anyone including parents / carers, staff, volunteers and the vulnerable adult know what should happen and what is expected of them.

A person is a vulnerable adult if he / she is 18 years or over and is:

- In a residential accommodation
- Is in sheltered housing
- Receives domiciliary care
- Receives any form of health care
- Is detained in lawful custody
- Is by virtue of a court under supervision by a person exercising functions for the purpose of Part 1 of the Criminal Justice and Court Services Act 2000 (c.43)
- Receives a welfare service of a prescribed description
- Receives any service or participates in any activity provided specifically for persons who fall within subsection 9 of the Safeguarding Vulnerable Groups Act 2006.
- Has payments made to them (or to another on their behalf) in pursuance of arrangements under section 57 of the Health and Social Care Act 2001 (c. 150), or
- Requires assistance in the conduct of their affairs.

Roles & Responsibilities

It is the role of Social Services and/or the Police to investigate allegations or concerns, not staff, whose role is to help identify concerns and pass them onto the relevant agency.

It is the responsibility of the Line Manager to consider the information and to decide what action needs to be taken. This should be clearly recorded and, if the manager needs help in making a decision, they should speak with a senior manager or with the Customer Service Centre in Social Services.

If the concern has arisen as the result of a criminal offence (e.g. assault, sexual abuse) the **police** should be involved at the earliest opportunity.

The **Customer Services Centre** (Adult Social Care) is responsible for collating information from agencies or members of the public regarding concerns. The Single Assessment Form is a format which should be used by all agencies to record and submit this information.

The professional who identifies that a young person may have/has additional unmet need/s calls Customer Service Centre (CSC) to log concerns. This professional is now referred to as the “Initiator”.

The Single Assessment can now go ahead with just verbal consent – no longer need to have written consent from the parent/young person. Single Assessment form then sent to TAC co-ordinator electronically, details are logged onto the ICS system.

The Initiator has to convene the first meeting within 15 days and send out invites to the family and appropriate agencies with a copy of the Single Assessment Form.

The Initiator chairs the first meeting and records who is present and completes the Action Plan – in consultation with family and young person a Lead Professional is appointed.

The TAC group will continue to meet to review the plan on a minimum of 8 weekly basis. Review date set within 8 weeks and TAC Co-ordinator informed of the date and who Lead Professional is.

The TAC Co-ordinator is The Clerk of the Council

It is not anticipated that staff would be involved in this type of referral but would instead signpost young people to relevant agencies who could address these needs. However, if a member of staff is concerned about the family accessing services, these concerns should be referred to a line manager.

Following an enquiry or referral, **Adult Services staff** will either:

- Decide no further action is required
- Offer the family help or advice to resolve any difficulties
- Call a meeting to decide whether the child is in need of a protection plan

Procedure

If a worker or volunteer has a concern about a vulnerable adult they should:

- Take appropriate action if the vulnerable adult is in need of urgent attention.
- Collect as much information as possible about the situation – this may be from the carer or other workers and should include date and time of the incident or disclosure, parties who were involved, what was said or done and by whom and any further actions. It may also be helpful to record perception of emotional and physical presentation. The worker should not seek to investigate the incident, only gather sufficient information to assess whether there is a legitimate concern.
- Be open about the concern and make it clear that the member of staff/volunteer will have to tell others. However, remember that confidentiality is critically important to safeguard all parties including the potential perpetrator. Staff/Volunteers should inform only those people identified within this policy.
- Take their concerns to their line manager as soon as possible and within the same working day. The Customer Services Centre which is the point of contact for Adult Social Care will also be able to offer support and advice on individual circumstances.
- Complete the appropriate form after discussion with the manager to ensure a record of the concern is maintained.

Referral to Children's or Adult Social Care

- If the manager decides that a referral to Social Care is appropriate, Single Assessment Form should be completed as far as possible; this will ensure that all the information is to hand when making the referral. The worker should not delay if all information is not available.
- SAF form should be completed and signed and sent to the customer service centre and a copy should be placed in the relevant organisation file.
- The manager should support the worker in making decisions and be available to give advice and guidance, as necessary.

Recruitment

All new employees who are required to undertake unsupervised work with young people and vulnerable adults must undertake a DBS check prior to commencement of employment, to the satisfaction of the appropriate Manager.

All volunteers working under the direct control and supervision of employees in an environment, which may include unsupervised responsibility and/or access to vulnerable adults, must undertake an Enhanced DBS check.

Furthermore, all employees and volunteers must be re-checked through the DBS system every **three** years.

Any member of staff currently working in an area not requiring DBS clearance, will be required to complete an Enhanced DBS check should it be deemed appropriate to do so by Senior Management, should their job requirements change and they subsequently have access to children. In such cases job descriptions will be amended accordingly to reflect the need for a DBS check.

All existing members of staff that are deemed to require an Enhanced DBS check will be **required** to undertake one.

All **contractors** providing services to Chapel-en-le-Frith Parish Council that have **unsupervised** access to young people and vulnerable adults in their working environment must provide evidence that they have enhanced DBS clearance (within the previous three years) to work in such environments.

Procedures for Dealing with Allegations Against Staff

All allegations against staff will be taken seriously. Procedures for dealing with allegations against staff will comply with Derbyshire County Council Safeguarding Children Board Policies and guidance issued by the Department for Education.

Suspension will not be an automatic response to an allegation, but consideration will be given to the seriousness and plausibility of the allegation, the risk of harm and the possibility of tampering with evidence, as well as the interests of the person concerned and the organisation.

The manager will contact the Local Authority Designated Officer (LADO) for managing allegations through Adult Social Services Customer Service Centre and will act on their advice.

In the event of the allegation being made against the manager this will be dealt with by the Chair of the Board of Trustees or in their absence the Vice Chair.

NSPCC Child Protection Helpline (freefone) 0800 800 500 Email: help@nspcc.org.uk

Vulnerable Adults **01629 533910**

Adult Social Care **01629 533910**

Social Care – Emergency Duty Team **01629 533910**

8. SICKNESS ABSENCE POLICY (INCLUDING GUIDANCE FOR MANAGERS)

This policy applies to sickness and unplanned absences. The Council recognises that there are occasions when an Employee will need support and guidance to help with their reasons for absence. The Council also needs to ensure that the high quality service to the Parish is not affected by absence, and it will therefore manage absence to ensure fair and equal treatment to all Employees.

Scope

This policy applies to all Employees of the Council.

Purpose

Our sickness absence control procedure is there to provide a fair and consistent framework for handling staff sickness. It makes the Employees' responsibilities clear and gives guidance to Members.

These are our core principles:

- To ensure that all Employees appreciate the effect of sickness and unplanned absence on the Council, in terms of efficiency and additional pressure placed on Colleagues
- To ensure that all Employees are aware of their sickness entitlements
- All Employees have a responsibility to attend work and to keep unplanned absence to a minimum
- Members and the Clerk are responsible for monitoring absence levels amongst staff, including welfare support, and are the first and key point of contact on attendance issues
- To encourage open and honest communication between Members, Employees and the Council.
- To support and encourage people with disabilities to comply with the requirements of the Equality Act 2010.

Absence Definition

This policy refers to sickness absence that may or may not be paid. Sickness can be defined as:

Incapacity to carry out the duties and responsibilities which the Employee is contractually obliged to do because of their own illness or accident.

Reporting Sickness

The general procedure for reporting sickness is:

The Employee must notify the Clerk, that they are absent due to sickness and that they are unable to get to work.

Do not use email, text, if Employees have to leave a message on the answer machine, the Clerk may contact them to discuss expected return dates.

When contacting the Council Employees must provide the following information:

- When you became ill
- The broad nature of your illness (e.g. sickness, diarrhoea, Chest infection)
- Whether the illness is due to an accident or injury at work
- Whether you will be seeking medical attention
- The likely date of return (if known)

The Employee should always report sickness themselves. Reporting by other people does not allow the Clerk to discuss when the sickness started, the nature of the illness, work to be covered and how long the sickness is expected to last. It is only acceptable for others to notify on the Employees behalf if they are not able to get to a phone themselves.

If an Employee is off work due to sickness, they are expected to provide or give an indication of work that needs to be covered via email or over the phone.

The Employee should remain in regular contact during their illness so that the Council knows what is going on – and can plan accordingly. Should the reason for the Employee's sickness absence change or they expect to be absent longer than originally expected the Employee will need to inform the Clerk as soon as possible. Regular contact will vary in individual circumstances but would normally be at least weekly.

After the Employee has notified the Council of the absence, the Clerk will record the Employee's absence in their personnel file.

On the Employee's return from sickness of less than 7 days a Self-Certification Form must be completed, signed by their Manager as soon as practically possible.

If the Employee's sickness exceeds 7 days a Fit Note must be provided no later than the eighth day of absence. If subsequent fit notes are required these should be with continuous dates and forwarded to Management no later than the previous fit note expired otherwise pay may be affected.

Please note that failure to comply with the sickness reporting requirements may result in the Employee losing their Sick pay for the period in question.

Notification and Certification of Sickness Absence

An Employee returning to work after a period of sickness absence of four days or longer, is required to complete a Self-Certification form, giving the reasons for the absence. Failure to complete a Self-Certification form may result in reduction or loss of sick pay.

The Self-Certification Form must contain detail of reason for absence with precise descriptions of illness. Stating sick, not well or ill is not acceptable and the Self-Certification form will be returned for further completion.

For periods of sickness that exceed 7 calendar days (including weekends and Bank Holidays) a Fit Note completed by a qualified medical practitioner must be submitted to the Clerk.

Fit Notes

Fit notes are about removing the challenges to returning to work. This involves both the Council and the Employee working together, being open and honest to find suitable arrangements that provides benefits to both.

If the Fit Note advises that the Employee is 'not fit for work', this means they have a health condition that prevents them from working between the dates specified.

If the Fit Note advises that the Employee 'may be fit for work' a meeting between the Clerk and Employee will be held to discuss the information by the Doctor in the way of a phased return to work, amended duties, altered hours, workplace adaptations, support available and realistic timescales. If the Council cannot make the adaptations or adjustments indicated by the Doctor to help a return to work an explanation as to the reasons will be given and the fit note will be used as if the doctor had advised 'not fit for work'.

Subsequent Fit Notes must be submitted if the absence continues beyond the period covered by the initial statement, and forwarded to the Clerk no later than the day after which the previous certificate expired. If this is not possible for any reason, the member of staff must contact the Clerk to provide an update of the situation.

An Employee who goes into hospital or other similar institutions is required to submit a doctor's statement on discharge.

If an Employee is absent from work due to sickness, they must not work for any other organisation at the same time, unless that other work could be considered therapeutic, for example in cases such as stress and depression.

If an Employee arrives at work and has to leave due to sickness, a day's absence will be recorded unless half or more of the normal hours have been worked in which case only half day will be recorded.

Misleading or false statements may be dealt with under the Council's disciplinary procedure. Where the Council requires an Employee to obtain a doctor's statement solely for the purpose of qualifying for sick pay under the sickness leave scheme, the Council will normally refund any charge made for such a statement.

The Council may require an Employee who is unable to work for an extended period of time as a consequence of illness, or whose health is a cause for concern to the Council's management, to submit to examination by a medical practitioner nominated by the Council, or by the Occupational Health Doctor used by the Council. In such cases, the provisions of the Access to Medical Reports Act 1988 will apply. Any costs incurred in connection with such an examination will be met by the Council. The Employee will be asked to give their consent to this examination. The Employee is not obliged to consent, however failure to provide it may be treated as a deliberate attempt to frustrate the Council's investigation into the problem. Failure to give consent may also result in the withdrawal of the Statutory Sick Pay element of the Employee's Sick Pay, as allowed under HMRC Rules.

Every absence must be certified and recorded to ensure correct payment of sick pay and to ensure that accurate records are maintained. Failure to comply with the certification and reporting procedures may result in loss of sick pay.

Non-reporting of Sickness Absence

If the Employee fails to comply with the notification and certification requirements, the Clerk will be responsible for contacting them at home. Firstly to check on the Employees well-being and secondly to remind them of the correct procedures for reporting absence.

If the Employees fit note runs out but continue to be ill they must report this to the Clerk and indicate a likely return. The Employee will need to continue to obtain further fit notes which must run consecutively otherwise this will affect their pay.

If the Employee fails to attend work on a second consecutive day the Clerk will contact the Employee asking them to make contact with the Council within 48 hours. Failure to comply may lead to disciplinary action for unauthorised absence.

Failure to notify the Clerk of the absence could result in disciplinary action being taken against the Employee, and/or loss of Sick Pay.

Maintaining Contact

When an Employee is absent from work due to sickness it is important that regular contact is maintained between the Clerk and Employee in order to ensure that the Employee does not feel isolated, vulnerable or out of touch. The Clerk may contact the Employee by phone to find out about work allocations and request information to ensure that service delivery is maintained.

The form of the contact will be agreed with the Employee as appropriate.

The Employee should keep the Clerk informed throughout the period of absence, initially on a daily basis unless their expected date of return is known.

In cases of long term sickness absence, review meetings will be arranged to visit the Employee at home, or in another location in agreement with the Employee.

In exceptional circumstances it may be necessary for the Clerk to make an unannounced visit to an absent Employee in which case no prior arrangements will be made. Such visits would only occur in situations where circumstances had indicated a necessity for the Council to authenticate a claim for absence or confirm the whereabouts of the Employee when all other attempts of contact have failed.

Return to Work Interviews

Best practice in absence management shows that return to work interviews are a crucial part of supporting Employees back to work and dealing with repeat absences.

The Council's Management will arrange a return to work interview with an Employee exceeding 2 days sick leave to investigate whether the problem is likely to recur, and whether steps can be taken to improve the situation. These interviews are to monitor absence levels and where an Employee's absence reaches the trigger points for either short term or long term sickness as defined within the policy. This is to be recorded on the reverse of the Self-Certification form for future reference (I have already developed a Return to Work form that is in place using trigger points).

If the Employee appears to have a health problem, the Council may ask for the Employee's permission to obtain a medical report from their GP or specialist, or to arrange a consultation with an Occupational Health Consultant.

If there is no identifiable reason for so many absences, the Employee will be advised that disciplinary procedure may result if attendance does not improve.

Disability

If an Employee has become disabled the Council will consider all reasonable adjustments which could be made to where and how the Employee works (please see section below on Access to Work). The Council would need a report from the GP (with consent) to confirm that these adjustments are necessary.

The definition of disability under the Equality Act 2010 is “if you have a physical or mental impairment, which has a substantial long term impact on your day to day activities”.

Access to Work

Access to Work can help the Employees if health or disability affects the way they do their job. It gives the Employee and the Council advice and support with extra costs which may arise because of the disability.

If an Employee feels that the type of work done is affected by a disability or health condition that is likely to last for 12 months or more, the Employee should contact the regional Access to Work contact centre to check eligibility.

Withholding Sick Pay

If the Council’s Management has legitimate doubts about whether or not an Employee is genuinely off work due to sickness, a decision may be taken to suspend or stop Sick Pay altogether.

Reasons which would give rise to such doubts could include, but are not limited to:

1. An Employee refusing to give their consent to either attending a medical examination, or allowing the Council to contact their doctor to get a medical report.
2. Evidence of the Employee working elsewhere whilst on sick leave
3. Evidence that the Employee is not unable to work.

Should an Employee have their Sick Pay either suspended or stopped, they are entitled to ask HMRC for a formal decision regarding the Council’s actions.

Grounds for Formal Disciplinary Action

The following will be addressed as potential misconduct and addressed through the formal disciplinary procedure:

1. Providing false and misleading information to the Council’s Management regarding sick leave.
2. Unauthorised absence
3. Unacceptable levels of sick leave for reasons not associated with a chronic health problem, and which are higher than the average number of sick days for other staff.

Any member of staff who is accused of one or more of the above will:

- Have an informal meeting with a member of the management team, during which they will be given an opportunity to provide their account of the alleged misconduct.
- If the Manager feels that the allegation needs to be pursued further, the Employee will be invited to a formal disciplinary hearing.
- The invitation letter will provide details of the allegation, the evidence to be used to support it, and inform the Employee of their right to be accompanied by a colleague or Union Representative. The letter will also provide a minimum of two days prior notice.
- During the Disciplinary Hearing, the Employee will be given an opportunity to respond in full to the allegation, and also provide any witnesses or other evidence they feel may help their defence.
- If the Manager conducting the Hearing believes that the allegation is proven against the Employee, they may issue a Formal Written Warning as a first course of action.

- If the Employee's misconduct continues, or fails to improve during the live period of the Written Warning, further disciplinary action may be taken which could result in a Final Written Warning and ultimately dismissal.

9. CAPABILITY PROCEDURE

The Council recognises that from time to time staff may experience difficulties, which impact on their ability to carry out their work. The Council recognises that poor job performance due to incapability cannot be treated as a disciplinary offence.

There can be reasons for poor job performance other than misconduct. In the interests of dealing with such problems fairly and consistently, the Council has set out the following procedures, which are not part of the disciplinary procedures that apply to misconduct.

The Council recognises its responsibilities for Employees and duties under the Health and Safety at Work Act 1974 and the Equality Act 2010, to manage issues relating to staff capability sensitively, in so far as is reasonable and able to do so. These procedures will be adopted in the interests of fairness for the Management and support of Employees who, due to capability are unable to attend work. Such systems should assist the Employee in making a return to work, in so far as it is practicable.

Capability is dealt with by the Council under 2 headings:

- Managing Performance
- Managing Attendance – long-term sickness absences

Procedures

Managing Performance - Investigation

The procedure for managing performance will apply where an Employee is clearly making every effort to fulfil the requirements of the post, but is unable to do so due to reasons such as, changes in the role; loss of skills, ability and/or knowledge, impact of physical or mental impairment.

The cause of poor performance will be investigated and established by the Council. You will be asked to provide an explanation as to the reasons for poor performance and the explanation will be checked.

Incapability/poor performance will arise where you have been set realistic targets and objectives and cannot achieve them through no fault of your own. (An example of capability is failure due to medical conditions).

If realistic targets and objectives have been set out but you fail to take action of which you are capable, your performance may be treated as misconduct under the Disciplinary Procedure.

At each stage of the procedure and as specified below you will normally be interviewed by the Clerk to review the relevant factors.

At any interview or an appeal meeting, you will have the opportunity to state your case and will be encouraged to do so. You also have the right to be accompanied by a work colleague,

or recognised Trade Union Representative. Legal representation will not be permitted; the Council Capability Procedure is an internal process and will be conducted as such.

All warnings will be confirmed to you in writing.

Stage One: Training and Supervision

Where the reason for poor performance is lack of capability, you will be invited to comment and to contribute to a discussion about steps to assist you to reach the required standards.

These may include:

- Appropriate training in-house and/or externally sourced, if this has not already been done.
- More frequent supervision and support
- Assessment of the post to ensure the role is not inconsistent with your selection for the appointment.

Arrangements will be made to carry out any remedial measures and to review progress and performance at the end of an appropriate period of time. You will be advised that failure to meet the specified standard of improvement will result in the next stage of the procedure being implemented.

Stage Two: First Written Warning

If, despite following the agreed measures and at the end of the review period, the required improvement in performance is not forthcoming, you will be given a First Written Warning by the Council. This will state:

- The reason for the warning;
- The level and improvements in performance required;
- A realistic time limit for achieving that performance;
- The form in which monitoring will take place;
- That the consequence of failure to achieve and maintain the improvement would result in a final written warning being given;
- The duration of the warning held on your personnel file;

First written warnings will have a time limit of 12 months.

Stage Three: Final Written Warning

If there is no improvement or not sufficient improvement or it is not maintained for the period stated, you will be given a Final Written Warning setting out the details as above with a written warning that failure to improve may result in dismissal. Final written warnings will have a time limit of 12 months.

Stage Four: Dismissal

If there is still no improvement or not sufficient improvement or it has not been maintained for the period stated above, you will normally be dismissed with notice.

Appeals

If you wish to appeal against stages 2,3 or 4, your appeal must be made to the Council. You must put your request in writing, setting out the grounds of appeal, within 7 working days of the decision being communicated to you. The appeal will be heard by an Appeal Panel made up from the Council. The appeal hearing will be conducted within a reasonable period of the appeal being lodged. The outcome will be either:

- a) to reject the appeal and confirm the original disciplinary action, or;
- b) to uphold the appeal and reduce or revoke the original disciplinary action.

The result of the appeal will be confirmed in writing within 10 working days of the hearing. The decision at the appeal stage is final of this internal policy.

Managing Attendance:

The Council should ensure that they have taken into consideration fully the following aspects before coming to a decision on the management of sickness absence:

- The nature of the illness
- The likelihood of it recurring or some other illness arising
- The length of the absences and the periods of good health between them
- The need for the work done by the Employee
- The impact of the absence on other workers
- The policy and how well it has been carried out, and in particular the need for medical assessment when considering dismissal
- The extent to which the difficulty of the situation and the position of Chapel-en-le-Frith Parish Council has been made clear to the Employee, so that the Employee realises the full implications of action being considered.

In the application of the following procedure, the Council should ensure:

- Following each stage, a letter is sent to the Employee confirming the key points and actions.
- All correspondence should be marked 'confidential' when writing to the Employee
- Reasonable adjustments have been considered throughout the process
- Where there is a difference of opinion regarding the medical advice received, an independent assessment is sought.
- Advice is sought and other specialist resources are appropriately involved.

Short Term Sickness Absence

Where your sickness record shows that there has been a series of short term absences, from 1 to 5 days, frequent in nature and in excess of those for either their team or the Council as a whole, when assessed over a period of 3, 6 and 12 months, the Council will arrange to review the matter with you under the 'Return to Work Meeting' procedure.

Long Term Sickness Absences

Where your sickness absence is in excess of 30 days and the nature of the sickness either indicates that there is an underlying problem or is one which suggests it may be long term, the Council will consider the following throughout the process, to the extent that is reasonably practicable:

- The need to make reasonable adjustments and look at alternative work arrangements.
- The need to initiate support, counselling or rehabilitation.

It is recognised that all long-term sickness cases are different and therefore the reason for the absence will determine the action to be taken.

Stage One:

The Council will:

- a) Ensure they are aware of the reason for your absence
- b) Maintain regular contact with you including home visits where appropriate

- c) Try to determine the likelihood of your return to work

Stage Two:

If the reason for your absence indicates that a return to work is highly probably, e.g. a broken limb or a minor back injury, the Council will maintain contact and establish a return to work date with you. It may not be necessary to seek medical advice during the absence.

If the reason for your absence is unclear as to a likely return to work, medical advice must be sought.

Chapel-en-le-Frith Parish Council will:

- a) Write to you to seek your written consent for the Council to obtain a medical report from your doctor or alternatively to refer you to an independent Occupational Health Practitioner for a medical examination or report. This will be done in line with your rights under the 'Access to Medical Reports Act, 1988'.
- b) Agree to review the progress, either following the receipt of appropriate advice, or earlier, where this is appropriate.

The medical advice will indicate whether or not you are fit to return to full duties, or alternative duties, and the prospect for the future.

Note: Where an Employee refuses to give their consent as outlined in a) above, the Council will base their decisions on the facts available.

Stage Three:

The Council will:

- a) Obtain all the necessary internal and external advice
- b) Review any medical reports
- c) Look at all available options
- d) Establish a way forward

At each stage, in conjunction with you and having established the appropriate level of support required, the Council will assist you in making a return to work.

Stage Four:

If the medical advice indicates you are not yet fit enough to return to full duties, but could undertake light/alternative duties in the meantime, every effort should be made to accommodate this.

If the medical advice indicates that you are not able to return to full duties in the future, but could undertake alternative duties, this should be considered but cannot be guaranteed. If this is possible, full discussions will take place with you. If this is not possible, you will be informed that your employment will be terminated with notice.

If the medical advice indicates that you are not able to return to work in the future, including alternative duties, or are unable to return within a time span which is operationally acceptable, provided all aspects, including your needs, have been considered, you will be informed that your employment will be terminated with notice.

10. PROTOCOL ON COUNCILLOR/OFFICER RELATIONSHIPS

An effective working relationship between Councillors and Employees is vital to the successful operation of the Council's business. The main aim of the Council is to deliver efficient and effective services to the residents of the Parish. It is important that both Councillors and Employees work together to achieve this aim, and maintain confidence in the workings of the Council.

- a) Councillors are responsible to the Electorate as a whole, whilst Employees are responsible to the Council. The role of Employees is to give advice to Councillors and help them carry out work under direction of the Council and its committees.
- b) Council business will be conducted more effectively if there is mutual respect and courtesy in all meetings and contacts, both formal and informal, between Councillors and Employees. Where Councillors have concerns about individual Employees, or Employees have concerns relating to individual Councillors, these should be pursued in accordance with Standing Order 19
- c) Any formal disciplinary action will only be initiated by the Clerk or the Full Council / appropriate committee with delegated powers. No individual Elected Member has the ability to unilaterally initiate formal disciplinary action.
- d) Employee concerns regarding their employment with the Council should either be raised with the Clerk or Full Council / appropriate committee with delegated powers. This should initially be done on an informal basis, however if that does not achieve a mutually acceptable result, the Employee must use the Council's Formal Grievance procedure.
- e) Councillors and Employees of the Council have a duty to conduct themselves in a professional and impartial manner, in accordance with the stated aims and requirements of the Council.
- f) No individual should conduct themselves in a manner which is unfavourable to the stated interests of the Council, or could be interpreted as favouring individual interests against those of the Council.
- g) Councillors' concerns regarding procedural matters relating to any Council business should be taken up, in the first instance, with the Clerk. Employees concerns may be taken up through the Clerk and / or the Chair of the Council, initially on an informal basis.
- h) Employees are employed by the Council as a whole, and are directed by the Full Council, committees and working groups alone, not by individual Councillors.
- i) Employees shall take the necessary action to implement resolutions made at meetings or the Clerk acting under delegated powers. No Employee shall take action upon the instruction of an individual Councillor. If an Employee has a grievance or wishes to comment on Council policy so far as it affects him or her as an Employee, he or she will take the matter up with his or her immediate line Manager.
- j) Should an Elected Member be called upon to discuss or debate any aspects of an Employee's employment with the Council, and they genuinely believe that they have an interest in that Employee, such as an involvement with them outside of the Council, they should declare the matter in accordance with the Council's Standing Orders.
- k) All Councillors have a right of access to the Clerk, during normal working hours. Where a member requires information, it will be provided if it is readily available. The Clerk is free to give advice on a confidential basis about procedural matters to any Councillor. In doubtful cases the Clerk may seek advice and instruction from the Chair or other appropriate Councillor before responding.

- l) Councillors should not raise matters relating to the conduct or capability of Employees at meetings held in public or before the Press, as Employees have no means of responding to the same in public, and such conduct could breach the trust and confidence the Employee is entitled to expect from the Council as their Employer.
- m) If any Councillor feels that he/she has not been treated with the proper mutual trust, respect or courtesy or has any concerns about the conduct or capability of an Employee, he/she should raise the matter, in private, with the Clerk. Should the Employee in question be the Clerk, the matter should be confidentially brought to the attention of the Chair of the Council.
- n) Councillors should be aware that Employees are constrained in the response they may make to public comment from Councillors and should not abuse officers in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule. In meetings, individual Chairmen should be aware of discussions which may become abusive towards an Employee and must protect that Employee
- o) Councillors and Employees should work together in a healthy environment for engendering mutual trust, openness, honesty, fairness, transparency, respect or courtesy.

Conclusion

It is the duty of the Clerk to arrange matters so that Employees properly understand the roles of Councillors, and the Council's required approaches to the relations between them.

They are also entitled to expect Councillors to respect the level of responsibility of Employees with whom they have dealings, and the fact that whilst those Employees owe duties to the Council as their Employer, such duties do not relate to any individual Councillor.

The intention of this code is to provide a framework within which relationships can be continued in a proper manner with respect for different roles of the participants, as well as recognising the statutory requirements and the constitution of the Council.

11. DATA PROTECTION POLICY & PROCEDURE

The current Data Protection Act 1998 and subsequent amendments, govern the way in which personal information and data concerning you is held and processed. The following are the principles that the Council operates under:

- 1 Personal data should be processed fairly and lawfully.
- 2 Personal data shall be obtained only for one or more specific and lawful purposes, and shall not be processed in any manner incompatible with those purposes.
- 3 Personal data shall be adequate, relevant and not excessive in relation to the purposes for which they are processed.
- 4 Personal data shall be accurate and, where necessary, kept up to date.
- 5 Personal data shall not be kept for longer than is necessary.
- 6 Personal data shall be processed in accordance with the individual's rights under the Act.
- 7 Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction or damage to personal data.
- 8 Personal data shall not be transferred to a country or territory outside of the European Economic Community Area unless that country or territory ensures adequate levels of

protection for the rights and freedom of individuals in relation to the processing of their personal data.

In order to administer the Council's business, we will use and process personal information relating to you which we have obtained during the course of your involvement or any other legitimate relationship with the Council. Such information includes:

- 1 Employment history
- 2 Academic history
- 3 Personal circumstances.
- 4 Qualifications.
- 5 Sickness record.
- 6 Medical records.
- 7 Accident records.
- 8 Attendance records.
- 9 Convictions.
- 10 Performance appraisals.
- 11 Disciplinary records.
- 12 Ethnic or racial origins.
- 13 Salary and income.
- 14 Benefits.

In most cases you will have provided this information. In other the information may have been provided by third parties. The personal data is held in a confidential manner and we will only disclose it to others where there is a need to do so; e.g. income data to HMRC.

No sensitive personal data will be released to a third party without your written consent.

It is important that the data we hold is accurate. You are required to inform the Council if you believe that your personal data is inaccurate, untrue or you are dissatisfied with it.

Under current legislation you are entitled to have access to certain personal data. If you require access you should contact the Council directly. Requests need to be in writing and specify what information is required. An administration fee of £10 will be charged for the provision of the information.

12. DRUG & ALCOHOL ABUSE POLICY

Introduction

The Council recognises that alcohol and drug abuse related problems are an area of health and social concern. It also recognises that a member of staff with such problems needs help and support from his/her Employer. The Council recognises that alcohol and drug abuse problems can have a detrimental effect on work performance and behaviour. The Council has a responsibility to its Employees to ensure that this risk is minimised. Accordingly, Council policy involves two approaches:

1. Providing reasonable assistance to the member of staff with an alcohol or drug abuse problem who is willing to co-operate in treatment for that problem; and
2. Disciplinary rules, enforced through disciplinary procedures, where use of alcohol or drugs (other than on prescription) affects performance or behaviour at work, and where either (1) an alcohol or drug dependency problem does not exist, or (2) where treatment is not possible or has not succeeded.

The Council has not the internal resources to provide or arrange treatment or other forms of specialist assistance. Such services are provided by GPs, hospitals and other agencies. Through this policy the Council will seek both to assist a member of staff in obtaining such specialist help, and to protect his/her employment.

Assistance For A Member Of Staff

The Council will, where possible, provide the following assistance to a member of staff:

- Helping the member of staff to recognise the nature of the problem, through referral to a qualified diagnostic or counselling service;
- Support during a period of treatment. This may include a period of sick leave or approved other leave, continuation in post or transfer to other work, depending upon what is appropriate in terms of the staff member's condition and needs of the Council,
- The opportunity to remain or return to work following the completion of a course of treatment, as far as is practicable, in either the Employee's own post or an alternative post.

The Council's assistance will depend upon the following conditions being met:

- A Council appointed Occupational Health Service provider or Council Approved Doctor diagnoses an alcohol or drug dependency related problem,
- The member of staff recognises that he/she is suffering from an alcohol or drug abuse problem and is prepared to co-operate fully in referral and treatment from appropriate sources.

The Council and its Employees must recognise the following limits to the assistance the Council can provide:

- Where a member of staff fails to co-operate in referral or treatment arrangements, no special assistance will be given and any failure in work performance and behaviour will be dealt with through the Disciplinary Procedure;
- If the process of referral and treatment is completed but is not successful, and failure in work performance or behaviour occurs, these will be dealt with through the Disciplinary Procedure; and
- A member of staff's continuation in his/her post or an alternative post during or after treatment will depend upon the needs of the Council at that time.

Procedures

The procedures define management responsibilities and provide guidelines on:

- Where assistance to a member of staff should be provided and the nature of and limits to such assistance; and
- The application of the Council's Disciplinary Procedure.

Use of External Agencies by the Council

The Council where it deems appropriate may utilise the services of external agencies such as an Occupational Health Service provider or Approved Doctor, to provide the following:

- Advice and support to the Clerk and Members:
 - On whether an alcohol or drug related problem exists;
 - Progress in treatment; and
 - Re-establishment or continuation at work of a member of staff or other

appropriate arrangements.

- Assistance to members of staff with alcohol or drug abuse related problems.

This does not include directly providing treatment or specialist help, which is the responsibility of GPs, hospitals and other agencies working in the field. The Occupational Health Service provider / Council Approved Doctor, in close liaison with these persons and agencies, will assist staff referred in the following ways:

- Through counselling encourage them to come to a better understanding of their problem and the benefits of seeking treatment or help;
- Providing advice and direction regarding obtaining treatment and specialist help; and
- Assisting in continuing at or achieving a return to work.

Disciplinary Action

In line with the Council's disciplinary rules, the following will be regarded as serious misconduct:

- Attending work and/or carrying out duties under the influence of alcohol or drugs; and
- Consumption of alcohol or drugs whilst on duty (other than where prescribed or approval has been given).

Breach of these rules will normally result in a formal disciplinary investigation into Gross Misconduct, (only in exceptional cases will either notice or the reduced disciplinary action of a final written warning be applied). Where a breach of these rules occurs, but it is established that an alcohol or drug abuse related problem exists, and the member of staff is willing to co-operate in referral to an appropriate service and subsequent treatment, the Council will suspend application of the Disciplinary Procedure and provide assistance as described above. Staff who do not comply with the treatment suggested or continue to abuse alcohol or drugs will be subjected to the application of the Disciplinary Policy.

Situations Where Use Of The Disciplinary Procedure Is Appropriate

Recognition of the existence of a possible alcohol or drug abuse problem

Abuse of alcohol or drugs can affect performance and behaviour at work, i.e. either through serious misconduct at work, (where there is a direct and demonstrable breach of the disciplinary rules regarding alcohol or drug abuse at work), or where there is a falling off of standards of work performance or behaviour, and abuse of alcohol or drugs is a possible cause; also by other means, where a member of staff seeks or agrees to accept assistance on a voluntary basis.

The Clerk will be responsible for responding to such situations, carrying out either counselling or disciplinary investigations and interviews, supported as appropriate by the Elected Members. In such interviews the possible existence of an alcohol or drug abuse problem should be explored. The Clerk is not required to diagnose the existence of an alcohol or drug abuse problem, merely to assess whether such abuse is a possible factor. Any requirements of the Disciplinary Procedure regarding allowing the member of staff representation will be observed.

Diagnosing the existence of an alcohol or drug abuse problem

Should the interviews lead to the conclusion that an alcohol or drug abuse problem might exist and the member of staff accepts referral, the Clerk should refer the matter to Members,

who may authorise contacting an Occupational Health Service provider or Council Approved Doctor, who will be responsible for establishing whether or not a diagnosis of alcoholism or drug dependence can be made.

The Employee must accept that attending work under the influence of Drugs and / or Alcohol, following their interview with the Clerk, they potentially render themselves liable for formal disciplinary action for Gross Misconduct.

However under normal circumstances disciplinary action should be suspended until diagnostic advice is obtained. Where appropriate, suspension arrangements in the Disciplinary Procedure should be followed. If the interview fails to lead to the conclusion that an alcohol or drug abuse problem exists, or the member of staff rejects, or fails to co-operate in referral, disciplinary action should be continued, where and as the situation justifies.

Confirmation that an alcohol or drug abuse problem exists and treatment arrangements

If a positive diagnosis of an alcohol or drug abuse problem is made, and the member of staff agrees to co-operate in treatment, treatment arrangements should commence. Where necessary, the Occupational Health Service provider / Council Approved Doctor will advise the member of staff regarding treatment and will be responsible for monitoring progress with treatment and advising the Council. This advice should be available at least monthly following commencement of treatment and thereafter as appropriate. (Disciplinary action should be discontinued unless the member of staff fails to co-operate on the treatment arranged.) Should a diagnosis of alcoholism or drug dependence not be confirmed or should the member of staff refuse to co-operate in treatment, disciplinary action should be continued.

The Occupational Health Service provider / Council Approved Doctor will advise on whether a situation has been reached where there is a lack of progress with treatment or lack of co-operation by the member of staff. Members must review the facts and consider whether or not there needs to be a return to the use of Disciplinary Procedures.

Where medical certificates are submitted, sick leave should be given. Should the Employee continue to be fit for work during the period of treatment, he/she should be permitted to continue in his/her post or alternative work unless such an arrangement would have an adverse effect on Council services. In such circumstances, annual or unpaid leave should be approved or, exceptionally, suspension arranged.

If a member of staff has been off work during the period of treatment, before returning to duty, he/she will be seen by the Occupational Health Service provider / Council Approved Doctor who will advise the Council regarding capability for continuation in his/her own post and whether any special supervision or other arrangements are required.

Every effort should be made to comply with the advice provided by the Occupational Health Service provider / Council Approved Doctor. If it is not reasonably practicable to do so, and as a result, the member of staff is not able to resume duty, employment may be terminated on the grounds of incapacity (ill health).

If a member of staff is again involved in disciplinary situations resulting from alcohol or drug abuse related problems, a second referral to the Occupational Health Service provider / Council Approved Doctor and suspension of the disciplinary procedure may be appropriate.

If they advise positively on the possibilities of further treatment or help and the willingness of the member of staff to co-operate, the disciplinary procedure may be suspended again to permit treatment and help to be undertaken. This second referral will not apply if the further disciplinary problems involve serious misconduct. Third and subsequent referrals are not permissible.

Situations where a Disciplinary Situation does not exist

There may be situations where the possible existence of alcohol or drug abuse problems affecting a member of staff comes to the Council's attention, although there is, or has been, no discernible effect on work performance or behaviour. This could arise if a member of staff confides in the Clerk about an alcohol or drug abuse problem, or the Clerk could see a need to approach a member of staff after observing possible "indicators" of an alcohol or drug abuse problem, i.e. an absence pattern or information provided by the member of staff's colleagues etc. In such situations, the Council would wish staff to feel they could seek help from their Employer (in complete confidence) without worry that their job security would be in jeopardy. Accordingly if the Clerk should be faced with a situation of this type they should:

- Counsel the member of staff and, if appropriate, arrange for the member of staff to be interviewed by the Occupational Health Service provider / Council Approved Doctor on the authority of the Council; and
- As in the procedure described above, the Occupational Health Service provider / Council Approved Doctor will play a facilitating role, i.e. seeking to establish whether a problem exists, advising and directing the member of staff towards appropriate forms of treatment and help.

These steps cannot be taken without the co-operation of the member of staff. If the member of staff does not wish to co-operate, no further action should be taken. Should a member of staff take up the opportunity of assistance on this voluntary basis there need be no further formal involvement of Management in terms of action or the right to learn of progress with treatment. It may be however that the member of staff would wish, or agree to, further involvement of Management as a means of assisting progress with treatment.

Use of the disciplinary procedures and/or the application of the approach described above would only be appropriate if subsequently, the member of staff is involved in a breach of disciplinary rules. Should the problems of the member of staff develop to an extent that his/her continuation in post or employment became impossible, it may be necessary to identify alternative work or arrange for termination, on the same basis as the Council operates for staff with problems of incapacity due to ill health.

13. SMOKING POLICY

Chapel-en-le-Frith Parish Council operates a strict no smoking policy in all buildings we occupy and any vehicles we may operate. This no smoking policy is for the comfort, health and safety of all employees and visitors, and complies with smoking legislation that became law on 1st July 2007. Visitors should be asked politely to refrain from smoking and staff must leave the building if they wish to smoke.

14. MOBILE PHONE POLICY

Policy

Mobile telephones are often an essential part of the daily working lives of staff, particularly those workers who spend most of their day away from the office.

The guidelines in the policy are designed to help achieve a safe system of working for each employee/volunteer who uses a mobile telephone in connection with the business of Chapel-en-le-Frith Parish Council.

All staff are required to abide by these guidelines wherever possible as they minimise the risk to you when carrying out your daily duties.

Health and safety is a responsibility shared by the Council, the manager and the Employee and best practice in the use of mobile phones would be that it is applied to personal mobiles phones also.

Scope

This policy applies to all Employees of the Council.

Responsibilities Under The Mobile Phone Policy

Safety at work is a dual responsibility for both the Council and the Employee. If Employees ignore the Mobile Phone Policy and Procedure, they may be considered **personally** negligent should an incident occur and may also be subject to a criminal prosecution.

Line managers will be responsible for enforcing practical application of the policy. They must ensure that Employees have received sufficient information on the use of mobile phones to enable them to work without risk, so far as is reasonably practicable.

Mobile Phone Procedures - Users

Company mobile phones are provided to Employees for the purpose of conducting business for the Council and must be used solely by those Employees. Private use of a company mobile phone is not permitted.

It is illegal to use a hand-held mobile telephone whilst driving.

Do not make a call, receive a call, send or look at a text message whilst driving a vehicle or operating any mechanical device.

Do not make or accept any telephone calls whilst driving (even when on hands-free).

Do find a safe place to pull over and switch off your car engine if you wish to make or receive a call, pick up messages or read and/or respond to text messages.

Do switch your phone off in sensitive areas or areas where you are asked to do so, i.e., hospitals, communications rooms etc.

Do make your manager aware if you are receiving unwelcome or persistent calls where this inhibits your ability to do your job or causes a health and safety risk to you.

If you are driving, then **do not** leave your mobile phone in the vehicle. If for any reason you have to, please ensure that it is out of sight.

Do not leave your mobile phone in any vehicle overnight.

Do be extremely careful when using your mobile phone in exposed or sensitive environments. It is advisable not to 'show' your phone in public places such as when walking along the street. Your safety is of paramount importance and so care must be taken to reduce the risk of physical personal attack as far as reasonably possible.

Do make sure that your mobile phone battery is sufficiently charged to enable full use at all times whilst on business for the Council.

Mobile Phone Procedures –Office Based Staff / Line Managers

Do ensure that the person to whom the phone has been allocated is aware of the safety procedures.

Do ask the person to whom you are making the call if it is convenient and safe for them to speak to you.

Do respond quickly to concerns from a member of staff about their safety when using their mobile.

Chapel-en-le-Frith Parish Council

Town Hall, Market Street, Chapel-en-le-Frith, High Peak, SK23 0HP

POLICIES & PROCEDURES HANDBOOK

Acknowledgement of Receipt - I acknowledge that I have received an up to date copy of the Policies & Procedures Handbook, containing the following details concerned with my employment:

1. Recruitment & Selection Policy
2. Reference Policy
3. Equal Opportunities Policy
4. Training Policy
5. Appraisal System Policy
6. Managing Stress in the Workplace Policy
7. Safeguarding Policy
8. Sickness Absence Policy
9. Capability Procedure
10. Protocol on Councillor/Officer Relationships Policy
11. Data Protection Policy
12. Drug & Alcohol Abuse Policy
13. Smoking Policy
14. Mobile Phone Policy

Employee's Signature: _____

Print Name: _____

Date Handbook Received: _____

This Policy incorporates the previous Council Policies:

- Capability Policy
- Attendance Policy
- Equality Policy
- Data Protection Policy

Agreed 3 December 2019

Reviewed 18 May 2021