North Western Inshore Fisheries and Conservation Authority

Employee Handbook

November 2023 v.1

Contents

1. Introduction

This Employee Handbook provides employees of North Western Inshore Fisheries and Conservation Authority (NWIFCA) with a summary of all policies and procedures that operate within the Authority. It should be read in conjunction with employees' own Employment Contract, the Authority's Constitution, and the National Joint Council for Local Government Services (NJC) National Agreement on Pay and Conditions of Services (known as the "Green Book"). Although all these documents form part of employees' employment with the Authority, nothing in this Employee Handbook is designed or intended to give employees any additional contractual rights to those already contained within their Employment Contract or any contractual rights over and above those already contained within any relevant statutes.

This document will be held electronically in a shared digital space that all employees can access and refer to whenever they require. To respond to any changing needs of the Authority and its employees, as well as changes in legislation or the Green Book, the policies and procedures herein may need to be amended from time to time. When such amendments are being considered, the Authority will consult with the trade union(s) recognised by the Authority. Upon agreement of proposed changes to this document, employees will be informed when such changes are implemented, and the document updated.

2. Equal Opportunities

The Authority is committed to encouraging equality, diversity and inclusion amongst its employees, and ensuring that it is free from discrimination (whether direct, arising from, indirect, victimisation or harassment) because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation (together known as "Protected Characteristics"). All employees will be afforded equal opportunities within the Authority irrespective of any Protected Characteristics, or parental status, caring responsibilities, or hours of work.

It is the Authority's policy to operate within the relevant legislation and codes of conduct, which are dealt with under discrimination law and particularly the Equality Act 2010. The Authority will ensure that discriminatory practices are identified and removed, and that non-discriminatory practices are introduced in all areas of employment, including recruitment, training, and promotion. It will oppose and avoid all forms of unlawful discrimination around all the following work areas:

- Pay and benefits
- Terms and conditions of employment
- Handling grievances and disciplinary matters
- Dismissals
- Redundancy
- Leave
- Flexible working
- Recruitment
- Training and development
- Promotion

Lawful positive action will be taken to achieve and maintain a representative workforce.

All employees are to ensure that they are aware of, and apply, this policy on equal opportunities and non-discrimination in all dealings with other employees and the Authority's customers, clients, stakeholders, members, and other contacts. Failure to follow this policy could result in disciplinary action and ultimately dismissal.

In addition, all employees have an obligation to report any act of discrimination known to them to the Authority.

Employees who consider that they are a victim of unlawful discrimination may raise the issue through the grievance procedure referred to in this Employee Handbook.

3. Bullying and Harassment

The Authority is committed to providing a working environment for employees that is free from bullying and harassment. It aims to ensure that all employees are treated, and treat others, with dignity and respect.

Many people in our society are victimised and harassed because, or as a result, of a Protected Characteristic. Personal harassment takes many forms, ranging from tasteless jokes and abusive remarks to inappropriate pestering, threatening behaviour, and actual physical abuse. It is not the intention of the perpetrator but the deed itself, and its impact on the recipient, that determines what constitutes harassment.

It is against the policy of this Authority for any employee to harass another employee in any way. Such conduct will not be tolerated. All employees will be expected to comply with this policy, and appropriate disciplinary action including dismissal for serious offences, will be taken against any employee who violates this policy.

Examples of Bullying and Harassment

Employees may not always realise that their behaviour constitutes bullying or harassment. Personal bullying or harassment is unwanted behaviour by one person towards another. Examples of bullying and harassment can include but are not limited to:

- Insensitive jokes and pranks
- Lewd or abusive comments about appearance
- Mocking someone's accent or other mannerisms
- Deliberate exclusion from conversations
- Displaying abuse or offensive writing on material
- Unwelcome touching
- Abusive, threatening or insulting words or behaviour
- Disrupting, or attempting to disrupt, someone's work
- Unwanted whistles or cat calls
- Excessive pressure to agree to personal meetings or dates
- Visual displays of posters, graffiti, obscene gestures, flags or emblems
- Isolation or non-cooperation at work
- Shouting at other employees
- Blocking promotion or training opportunities
- Making unreasonable requests of an employee (*e.g.* unrealistic deadlines or excessive workloads)
- Exclusion from social activities
- Conduct that degrades or ridicules or is intimidating, or physically abusive, towards an employee because of his or her Protected Characteristic.

Dealing with Bullying and Harassment

Along with the Authority itself, all employees with line management duties have a responsibility to seek to eliminate any bullying or harassment of which they are aware.

Any complaints about personal bullying or harassment should be raised through the Authority's normal grievance procedure below. The Authority accepts that complaints of personal bullying or harassment can sometimes be of a sensitive or intimate nature and that it may not be appropriate for employees to raise the issue through the normal grievance procedure. In those circumstances, employees are encouraged to raise such issues with a senior employee of their choice, regardless of whether that person has a direct supervisory responsibility for the employee.

If an employee brings a complaint of bullying or harassment, they will not be victimised for having done so. However, if the report concludes that the complaint is untrue, the Authority reserves the right to investigate the intent behind the complaint, and if it is determined that the complaint has been brought with malicious intent, disciplinary action may be taken against the employee.

If the report concludes that the allegation of bullying or harassment is well founded, the accused employee will be subject to disciplinary action in accordance with the Authority's disciplinary procedure below. Any employee who receives a formal warning, or who is dismissed for bullying or harassment, may appeal against the disciplinary action by using the disciplinary appeals procedure below.

4. Health and Wellbeing

This policy is intended to be read in conjunction with the Authority's separate Operational Health and Safety Policies and Procedures.

The Authority undertakes to provide the following measures and ways of working to promote mental health and wellbeing:

- Offering flexible working arrangements where practicable
- Working with employees to create a culture where bullying, harassment, discrimination and racism are not accepted
- Providing training for all employees to raise awareness of everyday contributory factors, such as stress and excessive workload, which undermine mental health
- Ensuring that line managers are aware of their obligations to promote a good working environment for their staff and colleagues as defined within this policy
- Implementing training and awareness programmes to create a culture where employees can talk openly about mental health problems and disclose difficulties without fear of discrimination or reprisal
- Providing proactive support for employees who are experiencing mental health problems, inside and outside the workplace, in a positive manner.

Where an employee is experiencing mental health issues, the Authority will provide support in the following ways:

- Proactively making the employee aware of third party organisations that might be able to provide information, advice, and support
- Offering continued employment where practicable, subject to appropriate adaptions to the role
- In situations where the employee experiences a period of absence from work due to mental ill health, working with them to develop a "Return to Work Plan" that provides the best opportunity for the employee to return to work as soon as is reasonably practicable
- Ensuring that the employee is treated fairly and without discrimination
- Encouraging the employee to seek the appropriate help through the NHS or a mental health support organisation
- Identifying and remediating any factors within the workplace that are contributing to the employee's mental ill health
- Dealing with the mental health related issues in a sensitive manner, respecting the employee as an individual and acknowledging their right to confidentiality
- Being mindful of the Authority's responsibilities under The Equality Act 2010.

This policy recognises that reducing stress in the workplace is a key component of supporting mental health and wellbeing. The Authority shall promote the principles and activities below through workforce training and ongoing employee communication:

- Workload demands and expectations placed on employees should be effectively communicated, be achievable and accepted by all parties.

- The Authority will promote an environment where employees are encouraged to feedback to their line managers about factors in their job roles that may induce stress, such as excessive workload or overly stretching performance targets
- The Authority will provide adequate support and training to enable the employees to meet the requirements of their role
- The Authority will provide sufficient communication to keep employees informed about any information that may impact the Authority and their roles
- The Authority will ensure that line managers are aware of their responsibilities towards their staff, including setting and managing performance in a manner that is consistent with this policy.

The CEO will ensure that this policy receives the necessary support and prioritisation to achieve its aim. They will participate in the annual review of this policy and its effectiveness. They will ensure that line managers and supervisors are aware of, and implementing, their responsibilities.

In turn, line managers will ensure that their staff are made aware of this policy at induction and how to access it afterwards. They will actively promote a culture of good mental health and wellbeing through the implementation of this policy and manage and review the effectiveness of this policy on their staff, and feedback to senior management as appropriate.

All employees will support the Authority's aim of providing a culture of good mental health and wellbeing through their activities and when considering others. They will take care of their own mental and physical health and wellbeing and ensure that their actions do not affect the health, safety or general wellbeing of their colleagues. They will raise issues or concerns and seek help from their line manager or the CEO or Chair.

5. Whistleblowing

"Whistleblowing" means the reporting by employees of suspected misconduct, illegal acts, or failures to act within the Authority. The Authority encourages any employees who have serious concerns about any aspect of the Authority's work to come forward and voice those concerns. Employees may often be the first to realise that there may be something seriously wrong within an organisation. Whistleblowing is viewed by the Authority as a positive act that can make a valuable contribution to the Authority's effectiveness and efficiency in the long-term. It is not disloyal to colleagues or the Authority to speak up when an employee knows, or reasonable believes, wrongdoing has occurred, is occurring or is likely to occur. The Authority is committed to delivering the highest possible ethical standards in the fulfilment of its statutory duties, and in helping to achieve these standards, it encourages freedom of speech and the empowerment of its employees.

Employees may, in properly carrying out their duties, have access to, or come into contact with, information of a confidential nature. Except in the proper performance of their duties, employees are forbidden from disclosing, or making use of, in any form whatsoever, such confidential information. However, the law allows employees to make a "protected disclosure" of certain information. In order to be "protected", a disclosure must relate to a specific subject matter (listed below), must be made in an appropriate way and the employee must reasonably believe that the disclosure is in the public interest.

If, in the course of their employment, an employee becomes aware of information which they reasonably believe tends to show one or more of the following, they must use the Authority's disclosure procedure set out below. The nature of the information that may form the basis for a protected disclosure includes anything whereby an employee knows, or reasonably believes, that:

- a criminal offence has been, is being or is likely to be committed;
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- a miscarriage of justice has occurred, is occurring or is likely to occur;
- the health or safety of any individual has been, is being or is likely to be endangered;
- the environment has been, is being, or is likely to be, damaged; or
- information tending to show any of the above has been, is being, or is likely to be, deliberately concealed.

Disclosure Procedure

Information which an employee reasonably believe tends to show one or more of the above should promptly be disclosed to their line manager so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to their line manager, they should speak to the Authority's CEO or Chair. Such a disclosure can initially be made by telephone or in person but should ultimately be made in writing.

Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure. However, failing to follow this procedure may result in the disclosure of information losing its protected status. For further guidance in relation to this matter or concerning the use of the disclosure procedure generally, employees should speak in confidence to the CEO or Chair.

Any employee who is involved in victimising employees who make a protected disclosure, who takes any action to deter employees from disclosing protected information or makes malicious allegations or disclosures in bad faith, will be subject to potential disciplinary action which may result in dismissal.

Failure to report serious matters can also be investigated and potentially lead to disciplinary action which may result in dismissal.

Disclosures may be made anonymously but employees must be aware that if they do choose to remain anonymous, they cannot then be notified of any action taken or outcomes.

Any line manager who deals inappropriately with a whistleblowing issue (*e.g.* failing to react appropriately by not taking action in a timely manner or disclosing confidential information) may be deemed to have engaged in gross misconduct which could lead to dismissal.

Throughout the disclosure procedure, employees will be given full support from the Authority's senior management, their concerns will be taken seriously, and the Authority will do all it can to help the employee whilst any investigation is ongoing. If appropriate, the Authority may consider temporarily redeploying the employee during any period of investigation.

All protected disclosure will be treated in confidence and every effort will be made not to reveal the employee's identity if that is their wish. If disciplinary, or any other, proceedings follow, it may not be possible to take actions as a result of the employee's disclosure without their assistance. In which case, they may be asked to come forward as a witness. Upon agreeing to act as a witness in any proceedings, an employee will be offered advice and support.

Whistleblowers' Legal Rights

This policy takes account of the Public Interest Disclosure Act 1998 which protects employees making disclosures about certain matters of concern, when those disclosures are made in accordance with this Act's provisions and is in the public interest. The Act makes it unlawful for the Authority to dismiss anyone, or allow them to be victimised, on that basis that they have made an appropriate lawful disclosure in accordance with this Act.

6. Maternity and Associated Rights

The Authority recognises that pregnant employees, parents, and those with responsibility for caring for adopted dependents have several statutory rights.

Antenatal Care

All pregnant employees are entitled to paid time off for antenatal care, irrespective of their length of service or the number of hours worked by them; this right applies only to pregnant employees. However, the Authority recognises the importance of employees as partners of pregnant women to be able to attend antenatal care appointments and therefore we will provide paid time off for medical antenatal appointments.

Except in the case of the first antenatal care appointment, the employee must (if requested by the Authority) produce a certificate confirming their, or their partner's, pregnancy and an appointment card or some other document showing that an appointment has been made.

The actual length of absence for antenatal care must be reasonable. It may include time for travelling to and from an appointment.

If an appointment lasts longer than expected, the Authority shall still pay the employee for the whole of the time that was required to attend the appointment. However, employees must not abuse their right by taking more time off than is necessary; otherwise, the employee may be liable to disciplinary proceedings against them.

The Authority shall not require an employee who takes time off for antenatal care to make up the time later.

Ordinary Maternity Leave

An employee who has given birth to a baby shall not return to work for the Authority within two weeks of childbirth.

All employees who are expecting a baby are entitled to take up to 26 weeks' ordinary paid maternity leave, regardless of their length of service, hours of work, whether they are a temporary or a permanent employee or the number of persons employed by the Authority at the time.

Ordinary maternity leave may not commence more than 11 weeks before the baby's due date. Subject to this, maternity leave shall begin on the date the employee tells the Authority they intend to start their leave.

Ordinary maternity leave can begin earlier than the employee chooses if they are absent from work for a reason which is wholly or partly because of their pregnancy.

Notification

An employee is only entitled to maternity leave if they give the required notice. To qualify for ordinary maternity leave, the employee must notify the Authority no later than 15 weeks before the due date, notifying them of:

- the fact that they are pregnant;

- the due date (the Authority may request a medical certificate as evidence of this date) or the date of the birth in the unlikely event that it has already occurred, in which case ordinary maternity leave will start on the day which follows the day on which childbirth occurs; and
- the date in writing they wish their leave to begin (this date cannot be earlier than 11 weeks before the due date).

If it is not reasonably practicable to give the appropriate 15 weeks' notice, the employee must do so as soon as is reasonably practicable.

An employee who wishes to change the start of their maternity leave must give the Authority 28 days' notice in writing.

If the maternity leave period has started before the notified leave date, either due to pregnancy-related absence or the employee giving birth, the employee must notify the Authority in writing as soon as they can that they are to be absent from work for whatever reason.

The Authority will reply within 28 days of receipt of the notified leave date, informing the employee of their expected date of return from maternity leave.

If the employee wishes to return to work after the first two weeks of giving birth on a date that is earlier than their chosen date when their ordinary or additional maternity leave is due to end, then they must give the Authority eight weeks' notice of their intention in writing.

If the baby is born early or is stillborn after 24 weeks, notice requirements are not necessary and maternity leave will commence immediately.

If the employee experiences a pregnancy loss before 24 weeks, the Authority will treat this as a bereavement and afford the employee 20 days' leave as per the bereavement leave policy herein relating to the death of a child.

Additional Maternity Leave

All employees who are expecting a baby are automatically entitled to take up to 26 weeks' additional maternity leave after taking their full 26 weeks ordinary maternity leave, regardless of their length of service, hours of work, whether they are a temporary or a permanent employee or the number of persons employed by the Authority. Additional maternity leave taken must commence immediately following the end of the full 26 weeks' ordinary maternity leave period.

No notice needs to be given by the employee of their intentions to take additional maternity leave. It will be presumed by the Authority that they will take additional maternity leave unless they notify the Authority to the contrary in writing (this includes e-mail) before the end of the period of their requested ordinary maternity leave.

Maternity Pay

Subject to qualifications around statutory maternity pay set out in the next section, the Authority agrees to pay an employee who is expecting a baby the following maternity pay, provided they have been employed by the Authority for at least 12 months from the start of their ordinary maternity leave:

- Their full pay for the entire period of their taken ordinary maternity leave
- 50% of their full pay for the entire period of their taken additional maternity leave

No statutory sick pay is payable during any period of taken ordinary or additional maternity leave.

Any employee who commences ordinary maternity leave prior to having been employed by the Authority for at least 12 months will not be entitled to the maternity pay arrangements laid out in this section and will only be entitled to the statutory maternity pay arrangements in place at the time in question.

Qualification for Payment of Statutory Maternity Pay

An employee shall qualify for statutory maternity pay in the following circumstances:

- They must be an 'employed earner' (*i.e.* their earnings attract a liability for the Authority's Class 1 National Insurance contributions)
- They must have been continuously employed by the Authority (not necessarily working) for a period of 26 weeks by the 15th week before the due date.
- They must satisfy the earnings rule (*i.e.* their average earnings [including overtime and bonuses] must be at or above the lower earnings limit at which Class 1 National Insurance contributions payments are payable). Average earnings will be calculated over a period of eight weeks ending with the last pay day before the 15th week before the expected week of childbirth.
- If they continue to work after the 11th week before the week their baby is due to be born, they can choose when they want their statutory maternity pay to start. Statutory maternity pay will start from any day they choose, once they have stopped work to have their baby. This means that their statutory maternity pay should start from the first day of their maternity leave.
- They have stopped working wholly or partly because of pregnancy or childbirth. Statutory maternity pay is not payable for weeks when they are actually working. There are additional exclusions in respect of employees who are taken into custody or who go outside the European Economic Area, on the death of the employee and if the employee leaves the Authority after their baby is born.

The employee is required to produce a medical certificate stating the due date and is asked to give the Authority 28 days' notice in writing to the Authority of the date when they expect the liability for statutory maternity pay to begin.

Qualification for Maternity Allowance and Duration

An employee who does not qualify for statutory maternity pay may be entitled to maternity allowance paid to them direct by the Department for Work and Pensions. To qualify for maternity allowance, an employee must show that:

- They are pregnant, and have reached the start of the 11th week prior to the due date;
- They have been employed as an employed earner or self-employed earner for at least 26 weeks in the 66 weeks up to and including the week before the due date. This 66-week period is known as the Test Period. Part weeks are counted as full weeks. These weeks do not have to be continuous, nor do they have to be with the same Authority; and
- Their average weekly earnings are not less than the maternity allowance threshold (at the current rate) per week over any 13 weeks in the Test Period. Earnings from more than one job will count if necessary. If they are registered self-employed, they will be treated as having an

amount of earnings if they have paid Class 2 National Insurance contributions or hold a Small Earnings Exemption certificate.

Maternity allowance will be paid for a period of 39 weeks, at a weekly rate of 90% of the employee's normal weekly earnings or the prescribed rate of maternity allowance (*i.e.* the current rate). It is not payable to employees who travel outside the European Economic Area or who are in legal custody.

If the employee continues to be employed (they do not actually have to be at work, they may for example be off sick) after the 11th week before the week their baby is due, they can choose when to start getting their maternity allowance.

Maternity allowance will start from any day after the employee has stopped work to have their baby. This means that their maternity allowance should start from the first day of their maternity leave.

If the employee's baby is born before the start of the 11th week before the week their baby due or before the start of their maternity allowance pay period, then maternity allowance will start from the day following the birth of their baby.

If the employee is off sick from work with a pregnancy-related illness at the start of, or in the four weeks before, their baby is due, then maternity allowance will start from the day following the first complete day the employee was off sick from work for that reason.

Right to Return to Work and Notice of Early Return from Maternity Leave

An employee has a right to return to work after ordinary maternity leave or additional maternity leave without giving notice to the Authority.

If an employee wishes to return to work before the end of their ordinary or additional maternity leave period, they must give three weeks' notice in writing of their intended date of return. If three weeks' notice is not received, the Authority may postpone the start date until the end of the three-week period or the end of maternity leave, whichever is the soonest, but only with good reason.

Under normal circumstances, when an employee returns to work at or before the end of their period of ordinary or additional maternity leave, they are entitled to return to the same job including the same pay, seniority and pension rights. If any pay increments, or other improved remuneration arrangements are agreed during an employee's maternity leave, they will receive these during their maternity leave, unless they are ineligible as per the Maternity Pay policy above.

Additional maternity leave will count towards an employee's contractual service-related benefits (*e.g.* seniority and pension rights) and their statutory period of continuity of service.

If an employee returns to work permanently within the period of their maternity pay or maternity leave, they will not be able to claim further statutory maternity leave or maternity pay.

Risk Assessment on Maternity Grounds

The Authority recognises its responsibility under the Management of Health and Safety at Work Regulations 1999 to carry out a risk assessment designed to ensure the health and safety at work of new parent or pregnant employee who have given birth within the preceding six months, or who are breast feeding.

The Authority also recognises its responsibility to carry out a risk assessment where the workforce includes employees of childbearing age *and* the work is of a kind which could involve risk to the health

or safety (because of pregnancy or maternity) to a new or expectant mother, or to that of their baby, from any processes or working conditions or from physical, biological, or chemical agents.

The Authority shall, where it cannot take action under any relevant statutory provision (*e.g.* by providing protective clothing or equipment *etc.*, which would avoid a health and safety risk to an employee), alter an employee's working conditions or working hours if it reasonable to do so.

The Authority also agrees to provide suitable rest facilities for a pregnant employee in the workforce, or an employee who has given birth within the previous six months, or an employee who is breastfeeding.

No period of continuous employment is required for an employee employed by the Authority to have the above rights.

Keeping in Touch Days

The Authority recognises the right of every employee to return to work for up to ten days in total during either period of their requested maternity leave (but not ten days in both).

Keeping In Touch Days allow the employee and the Authority to agree work that the employee may carry out (such as training or attending conferences or team meetings). The Authority will not compel the employee to undertake such work, nor will the employee suffer any detriment by doing, refusing to or considering undertaking work in respect of any Keeping In Touch Days.

If an employee takes any number of Keeping In Touch Days (up to the maximum of ten) during any additional maternity leave, they will be paid a full day's pay for these Keeping In Touch Days. This will also apply to any employee who is not entitled to full pay during ordinary maternity leave, or 50% pay during additional maternity leave (*i.e.* receiving statutory maternity pay having worked for the Authority for less than one year).

7. Paternity Leave

The policy relating to paternity leave herein caters specifically for paternity on the birth of a child and paternity arising from adoption of a child who is under the age of 18.

Paternity leave is available to all employees with newborn children, or newly placed adopted children, on full pay, providing they have, or expect to have, the responsibility for the upbringing of the child and are the partner of the child's mother or adopter. A partner is a person who lives with the mother in an enduring family relationship but must not be a relative of the mother or adopter[1].

Period of Leave

Paternity leave of up to 20 days' leave (or *pro-rata)* will be provided to employees and must be taken within 56 days of the child's birth or placement as an adopted child. Employees cannot take non-consecutive days of paternity leave.

Paternity leave cannot be taken before the child is born or placed with the adopter.

Qualification for Paternity Leave

Employees will qualify for paternity leave in the following circumstances:

- They have or expect to have the responsibility for the upbringing of the child and are the partner of the child's mother or adopter.
- They have provided a signed declaration that the purpose of their leave from work is for one of the permitted purposes, that they are entitled to take the leave, by reason of their relationship with the mother or adopter, and that they intend to care for the child and / or support the child's mother or adopter.
- They have been continuously employed for a period of not less than 26 weeks ending with the 15th week before child's due date or the week in which the child's adopter is notified of having been matched with the child.

Notice Requirements

If an employee wishes to take paternity leave, they must notify their line manager of the child's due date (or the expected week in which the child's adopter is going to be notified of having been matched with the child), the length of the period of leave that they wish to take and the date upon which they wish to commence leave.

They must give written notice to the Authority on or before the 15th week before the due date (or the expected week in which the child's adopter is going to be notified of having been matched with the child), or as soon as reasonably practicable. This date may be postponed by the Authority, should it cause undue disruption, to a date within, but no later than, 56 days of the child's birth or placement as an adopted child. If a postponement is necessary, the Authority will inform the employee in writing no more than seven days after their written request.

[1] Civil partners come within this definition of a partner.

Return to Work

If an employee returns to work after a period of paternity leave, they are entitled to return to the same job including the same pay, seniority, and pension rights *etc*.

8. Parental Leave

Eligibility

An employee has the right to take unpaid leave for the purposes of caring for a child in the following circumstances:

- They have at least one year's continuous employment; and
- They have, or expect to have, responsibility for a child who is under 18 years of age. The child may be related to the employee or placed with them for adoption.

An employee is deemed to have responsibility for a child in the following circumstances:

- They are the natural mother or father who were married at the time of birth;
- They are the natural mother where the parents are not married at the time of birth;
- They are the natural father where the parents were not married at the time of birth if the father acquires parental responsibility by court order or in agreement with the mother;
- They are a legal guardian;
- They are an adoptive parent; or
- Any other definition as agreed between the Authority and the employee under specific circumstances (*e.g.* grandparent, foster parent)

Parental leave may be taken as soon as the child is born (or adopted) and the right will last until the child reaches the age of 18, or in the case of an adopted child until 18 years from the date of adoption or until the child reaches the age of 18 (whichever is sooner).

Unlike paternity leave, maternity leave and adoption leave, there is no requirement that parental leave shall be with pay, although other social security benefits may be available (income support, housing and council tax benefit *etc*.) as appropriate.

Amount of Leave

Employees are entitled to have parental leave for a period of 18 weeks in respect of each individual child up to their 18th birthday, for the purpose of caring for that child. An employee is entitled to take up to four weeks for each child in any year, the first week of which may be paid at a third of their salary.

Parental leave may be taken by a mother as an extension of their maternity leave period.

The default provisions in Schedule 2 of the Maternity and Parental Leave etc. Regulations 1999 apply to employees of the Authority. This means that leave can only be taken in blocks or multiples of one week (except in respect of disabled children) or unless this is specifically agreed between the employee and the Authority, at the Authority's discretion.

Any fraction of a week will be treated as a whole week except where the child is in receipt of disability living allowance, in which case greater flexibility is allowed and leave may be taken daily so that up to 20 individual days' leave may be taken in a year.

Notice

To avail themselves of the right to parental leave, an employee must give their line manager 21 days' written notice of the dates when the leave will be taken. Notice must be accompanied by reasonable proof of the entitlement to parental leave.

A father who wishes to take leave in respect of a child not yet born can give 21 days' notice of the due date and he may start his leave as soon as the baby is born, even if this is earlier or later than the anticipated date of birth.

Adopted parents must also give 21 days' notice, although if this is not reasonably practicable, notice must be given as soon as is reasonably practicable.

Except in relation to new fathers and adoptive parents, if the date or dates requested provide undue disruption to the Authority, then the Authority may postpone the requested leave to a date within six months of the request. If postponement is necessary, the Authority will inform the employee in writing no more than seven days after the employee's written request.

Right to Return to Work

If an employee returns after a period of parental leave of four weeks or less, they are entitled to return to the same job including the same pay, seniority, and pension rights *etc*.

9. Shared Parental Leave and Pay

The Authority recognises its obligation to offer shared parental leave and shared parental pay to eligible parents of babies due, or children placed for adoption. The policy set out below applies equally to birth parent and adoptive parents but is drafted from the perspective of birth parents. The Authority encourages employees to arrange an informal discussion with their line manager as early as possible regarding shared parental leave to enable discussion around the employee's potential entitlement and their plans.

If an employee is eligible, they might be entitled to take up to 50 weeks shared parental leave during their child's first year. If the mother reduces their maternity leave entitlement, then they, or their partner, may opt into the shared parental leave system and take the remaining weeks as shared parental leave.

Eligibility

Shared parental leave can be used by two people, the mother and one of the following:

- the father of the child; or
- the spouse, civil partner or partner of the child's mother.

Both parents must share the main responsibility for the care of the child at the time of the birth.

An employee must also satisfy each of the following criteria:

- The mother of the child must be entitled to statutory maternity leave, statutory maternity pay or maternity allowance and must have ended, or given notice to reduce, any maternity entitlements.
- They must still be working for the Authority at the start of each period of shared parental leave.
- They must pass the "continuity test" requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date.
- Their partner must meet the "employment and earnings test" requiring them, in the 66 weeks leading up to the child's expected due date, to have worked for at least 26 weeks and earned an average of at least £30 (this is correct at time of publication of this Employee Handbook but may change annually) a week in any 13 of those weeks.

Notification of Entitlement

If an employee considers that they are entitled to take shared parental leave, they must give the Authority notification of their entitlement and intention to take leave at least eight weeks before they intend to start shared parental leave. This notice must be addressed to their line manager and include:

- Their name and the name of the other parent;
- The start and end dates of any maternity leave, maternity pay, or maternity allowance, taken in respect of the child and the total amount of shared parental leave available;
- The date on which the child is expected to be born and the actual date of birth; and
- How much shared parental leave both parents are entitled to take, how much leave each parent intends to take and when they expect to take this leave.

In order that the Authority can facilitate an employee's request for shared parental leave and make the necessary arrangements, employees are asked to give the Authority as much notice as possible, preferably three months in advance.

An employee wishing to take shared parental leave must also provide the Authority with a signed declaration stating:

- That they meet the eligibility conditions (as set out above) and are entitled to take shared parental leave;
- That the information they have given is accurate;
- If they are not the mother, they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother; and
- That if they should cease to be eligible, they will immediately inform the Authority.

In addition to the declaration above, employees must provide the Authority with a separate signed declaration from their partner confirming:

- Their name, address and national insurance number;
- That they are the mother of the child or they are the father of the child or are the spouse, civil partner or partner of the employee;
- That they satisfy the "employment and earnings test" and had at the date of the child's birth the main responsibility for the child, along with the employee;
- That they consent to the amount of shared parental leave that the employee intends to take;
- That they consent to the Authority processing the information contained in the declaration form; and
- (In the case where the partner is the mother), that they will immediately inform the Authority should they cease to satisfy the eligibility conditions.

The Authority may request further information, and the employee must provide this information within 14 days of any such request.

Notification to Take Shared Parental Leave

As well as providing the Authority with notification of their entitlement to shared parental leave, employees must also give the Authority notice to take the leave. Shared parental leave can only be taken in complete weeks and notice must be given at least eight weeks before the date on which they wish to start the leave. They may submit up to three separate notifications for continuous periods of leave.

Upon receipt of a notification for shared parental leave that is discontinuous, the Authority will arrange a meeting to discuss the notification of discontinuous leave and, if an arrangement cannot be met that addresses the needs of both parties, the Authority has the right to refuse it.

Once a shared parental leave notice is received, the Authority will respond to it no later than 14 days after it was submitted. All notices for continuous shared parental leave will be confirmed in writing, and requests for discontinuous leave will be dealt with on a case-by-case basis. If the request for discontinuous leave is refused, the Authority will discuss the employee's remaining options with them.

Varying Arrangements for Shared Parental Leave

If an employee wishes to vary or cancel a booked period of shared parental leave, they must do so within eight weeks of the date of the proposed variation.

Terms and Conditions during Shared Parental Leave

During shared parental leave, an employee's Employment Contract shall remain in force, save that they are not entitled to receive a salary.

Shared Parental Leave Keeping In Touch Days

An employee may agree with the Authority to work for up to 20 days without bringing the shared parental leave to an end. However, the Authority is under no obligation to offer any work during any period of shared parental leave.

Statutory Shared Parental Pay

If an employee is eligible, they may be entitled to take up to 37 weeks statutory shared parental pay whilst taking shared parental leave. In addition to meeting the eligibility requirements for shared parental leave, employees must also satisfy the following criteria:

- The mother must be entitled to statutory maternity pay or maternity allowance and must have reduced their maternity pay period or maternity allowance period;
- The employee must intend to care for the child during the week in which statutory shared parental pay is payable;
- They must have average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date that is no less than the lower earnings limit in force for National Insurance contributions;
- They must remain in continuous employment until the first week of statutory shared parental pay has begun; and
- They must give proper notification to the Authority in accordance with the rules set out below.

If an employee is entitled to receive statutory shared parental pay, they must, at least eight weeks before receiving it, give the Authority written notice advising of their entitlement. In addition to what must be included in the notice of entitlement to take shared parental leave, any notice that advises of an entitlement for statutory shared parental pay must include:

- The start and end dates of any maternity pay or maternity allowance;
- The total amount of statutory shared parental pay available, the amount of pay employee and their partner each intends to claim, and an indication of when they expect to claim statutory shared parental pay; and
- A signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for statutory shared parental pay, and that they will immediately inform the Authority should they cease to be eligible.

The written notice of entitlement to statutory shared parent pay must be accompanied by a signed declaration from the employee's partner confirming:

- Their agreement to the employee claiming statutory shared parental pay and for the Authority to process any payments to the employee;
- In the case where the partner is the mother / adopter, that they have reduced their maternity pay or maternity allowance;
- in the case where the partner is the mother, that they will immediately inform their partner (the employee) should they cease to satisfy the eligibility conditions.

Any statutory shared parental pay due will be paid at a rate set by the Government for the relevant tax year.

10. Carers' Leave

Employees are entitled to take a reasonable amount of unpaid time off work during their working hours in order to take action which is necessary:

- to provide assistance on an occasion when a dependent falls ill, gives birth or is injured;
- to make arrangements for the provision of care for a dependent who is ill or injured;
- in consequence of the death of a dependent;
- because of the unexpected disruption or termination of arrangements for the care of a dependent[2]; or
- to deal with an incident involving their child and which occurs unexpectedly in a period during which an educational establishment which their child attends is responsible for them.

In addition to allowing a reasonable amount of unpaid time off for the purposes set out above, employees will be annually entitled to up to five days' (or *pro-rata*) paid leave (continuous or discontinuous), taken in increments of no less than half days. These five days apply to all employees with carer responsibilities, regardless of the number of dependents they have. This is only for the purposes set out above, and the Authority reserves the right to reject any such carer's leave request if it is not satisfied that one or more of the above circumstances is met.

Employees must inform the Authority the reason for the absence as soon as is reasonably practicable and inform the Authority how long they expect to be absent for.

Definition of Dependent

A dependent is defined as an employee's wife, husband, child, parent or person who lives in the same household (but not an employee, tenant, lodger or boarder). Additionally, a dependent can also be any person who reasonably relies on an employee for assistance on an occasion when they fall ill or is injured or assaulted, or to make arrangements for the provision of care in the event of illness or injury.

Reasonable Time Off

The right does not include taking time off to care personally for a dependent except in an emergency. The right is to deal with an unexpected event and extends to the period reasonably required to deal with that event and / or to organise alternative care for the dependent.

[2] For this purpose, a dependent can also include any person who reasonably relies on the employee to make arrangements for the provision of their care.

11. Bereavement Leave

In the event of the death of an immediate family member (*i.e.* spouse / long-term partner, parent, sibling or child), employees will be granted five days' leave (or *pro-rata*) with pay. They will also be granted one day's leave to attend any associated funeral or other such ceremony. If an employee wishes to request any additional bereavement leave above the five days, this is ultimately at the discretion of the Authority, to be approved by the CEO.

As required under the Parental Bereavement (Leave and Pay) Act 2018, employers must grant employees at least ten days' leave in the event of the death of a child under 18 years of age. However, in such circumstances, the Authority will grant any such employees 20 days' leave. If an employee wishes to request any additional bereavement leave above the 20 days, this is ultimately at the discretion of the Authority, to be approved by the CEO.

In the event of the death of any extended family member (*i.e.* not a spouse / long-term partner, parent, sibling or child), employees will be granted one day's leave to attend any associated funeral or other such ceremony. If an employee wishes to request any additional bereavement leave above the one day, this is ultimately at the discretion of the Authority, to be approved by the CEO.

12. Compassionate Leave

In the event of the critical illness or injury of an immediate family member (*i.e.* spouse / long-term partner, parent, sibling or child), employees will be granted five days' leave (or *pro-rata*) with pay. If an employee wishes to request any additional compassionate leave above the five days, this is ultimately at the discretion of the Authority, to be approved by the CEO.

13. Flexible Working

The Authority aims to make provisions for employees to achieve an optimal balance between their work and other priorities, such as caring responsibilities, managing their personal health issues, leisure activities, further learning, and other interests. As such, the Authority is committed to agreeing any flexible working arrangements, provided that its own needs and objectives can continue to be met.

Employees who believe they may benefit from flexible working are encouraged to contact their line manager to arrange an informal discussion to talk about the options, after which they may submit a flexible working request, as described below. All employees have a statutory, "day one" right to request flexible working.

Flexible Working Definition

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, when and where an employee works. The following flexible working options are considered to be the typical arrangements that employees may request but the Authority recognises that there may be alternatives or a combination of options which are suitable to both the Authority and the employee:

- Compressed hours
- Flexi-time
- Home-working
- Job-sharing
- Part-time working

Types of Flexible Working

- Compressed hours are where an employee works their usual full-time hours in fewer days by working longer blocks meaning that there is no reduction in their pay. For example, a five-day week is compressed into four days, or a ten-day fortnight into nine days.
- Flexi-time allows an employee to choose, within certain limits, when to begin and end work. An employee is required to work during a core time and must work an agreed number of hours per month. Their hours of attendance will be recorded and added up at the end of each month.
- Home-working is when an employee regularly carries out all, or part of, their duties from home rather than one of the Authority's premises. The Authority may consider home-working on the basis of it being an occasional agreed day, a mix of home- and office-based work each week or a permanent home-based arrangement.
- Job-sharing is an arrangement where a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities. Their skills and the hours each wishes to work must be compatible and meet the needs of the Authority. Pay and benefits are shared in proportion to the hours each works. Job sharing can be considered where the creation of a single part-time post is difficult, or where two individuals wish to work part-time. The suitability of posts for job-sharing will be stated in any internal or external advertisements.
- Part-time working covers any arrangement where an employee is contracted to work anything less than typical full-time hours for the type of work in question. For example, an employee who only works Monday to Wednesday. The suitability of posts for part-time working will be

stated in any internal or external advertisements.

Considerations

The Authority is committed to providing a range of appropriate working patterns. However, employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles. Where a flexible working arrangement is proposed, the Authority will need to consider several criteria including, but not limited to, the following:

- the costs associated with the proposed arrangement
- the effect of the proposed arrangement on other staff
- the need for, and effect on, supervision
- the existing structure of the department
- the availability of staff resources
- details of the tasks specific to the role
- the workload of the role
- whether it is a request for a reasonable adjustment related to a disability
- health and safety issues

Making a Flexible Working Request

An employee is entitled to submit one flexible working request in a 12-month period (they are entitled to additional requests if they relate to a statutory entitlement, for example the Equality Act 2010 right to request reasonable adjustments). All requests must be made in writing and must include:

- the date of the request
- the changes that the employee is seeking to their Employment Contract
- the date from when the employee would like the proposed change to come into effect
- what effect the employee thinks the requested change would have on the Authority
- how, in their view, any such effect could be dealt with
- whether it is a statutory or non-statutory request
- whether a previous application for flexible working has been made
- the dates of any previous applications

If the employee is making the request in relation to the Equality Act (*e.g.* as a reasonable adjustment relating to a disability), this should be made clear in the application.

Responding to a Flexible Working Request

Upon receiving a written request for flexible working, the employee's line manager will arrange a meeting with them to:

- discuss the request
- find out more about the proposed working arrangements
- discuss how it could be of benefit to both the employee and Authority

This meeting will be held within 14 days of the Authority receiving the request. This time limit may be extended with the agreement of both parties.

The employee will be given advance notice of the time, date and place of the meeting. If the initial date is problematic, then one further date will be proposed. If a face-to-face meeting is difficult to arrange then, if agreed by the employee and line manager, the meeting may be held over the telephone or video call.

At the meeting, the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.

If the employee fails to attend the meeting and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

Following the meeting, the employee's line manager will consider the proposed flexible working arrangements, looking at the potential benefits and adverse effects to the employee and to the Authority in implementing the proposed changes. Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted the same, or a similar, change to their working pattern.

The employee will be informed in writing of the Authority's decision as soon as is reasonably practicable, but no later than 14 days after the meeting.

The request may be granted in full, in part or refused. The Authority may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. If the request is agreed, the employee will be sent a confirmation letter which will include details of the new arrangements. They should then contact their line manager within seven days if they wish to discuss the new arrangements further or have any concerns.

14. TOIL

The use of time off in lieu (TOIL) is the facility to take time off work when an employee has worked extra hours over-and-above their contracted obligations; it is an important part of the management of the work programme and workloads of the Authority's employees. TOIL is also a significant benefit for employees under their terms of employment.

A balance of accrued TOIL that employees can use to manage their workloads during busy and quiet periods is perfectly acceptable but must be limited to a reasonable amount so that line managers can plan their team's workloads accordingly and, more importantly, risks to employees' health, safety and wellbeing from working excessive hours are minimised. As it is built up in small amounts, it is designed to be taken in relatively small amounts also. It is not meant to be used in the same way as annual leave and accrual should limited to operational priorities.

TOIL Management

The accrual of TOIL will be limited to no more than 37 hours at any one time. In exceptional circumstances, where operational priorities require it, employees *may* be entitled to accrue more than this limit, subject to their line manager's approval[3], and on the basis that their TOIL balance is returned to 37 hours or less within a month of the limit being exceeded. If it is not reduced to 37 hours or less after that period, it will be lost, and the employee's TOIL balance reset to 37 hours regardless. Any TOIL accrued over the 37 hours limit without line manager approval cannot be recorded nor taken.

In accruing TOIL within their 37 hours limit, employees do not need to gain their line manager's approval, although excessive hours should be discussed as appropriate to ensure employees' health, safety and wellbeing are maintained. However, TOIL should only be accrued where operational priorities require it, and not in order to take pre-planned TOIL leave. Periods of TOIL leave of less than four hours do not need to be approved by an employee's line manager, but any periods of over four hours must be approved.

In order to further maximise the benefits that TOIL brings to their flexible working arrangements, employees will be entitled to accrue a small TOIL deficit (*i.e.* negative TOIL). This will be limited to 15 hours, should only be taken in exceptional circumstances and must be approved by the employee's line manager, ideally before it is taken, but if not, as soon as is practicably possible retrospectively. Upon accruing any amount of TOIL deficit up to the 15 hours limit, employees must return their balance to zero or greater within a month.

There are no requirements for employees to reduce their TOIL balance to zero or any other amount below the 37 hours limit at the end of any financial year; TOIL can be carried over into a new financial year.

TOIL Recording

TOIL will be recorded via employees' individual timesheets. It shall be recorded, accrued and taken on a day-by-day basis (*i.e.* in relation to a full-time contracted day of 7.4 hours / 7 hours 24 minutes). Without accurate, up-to-date timesheets approved by their line manager, employees will not be entitled to accrue TOIL nor take TOIL leave.

[3] Any references to line manager's approval herein infer verbal approval only; written approval of any form is not required.

When TOIL is accrued or taken, it should be accounted for via the Authority's leave management function. If employees are unsure as to how to record their TOIL, they should speak to their line manager for further guidance.

Pre-Policy Excesses

Any employee who has a TOIL balance greater than 37 hours upon implementation of this policy will have 12 months to reduce their balance to 37 hours or less, after which, if their balance remains over 37 hours, it will be reduced to 37 hours regardless. Such employees should discuss this with their line manager and agree a plan to bring their TOIL balance down to the stated limit or less within 12 months of the date of this policy. This could include taking off set days in a week or month.

15. Expenses

Employees will be reimbursed by the Authority for fair and reasonable expenses that are incurred in the delivery of their duties and responsibilities on behalf of the Authority. Such reimbursement will be made as soon as practicable upon the employee's submission of an expenses claim via the requisite procedure. Any abuse of the right to claim expenses may be deemed to be gross misconduct which may result in dismissal.

All claims for expenses should be made as soon as it is reasonably practicable to do so after the expense has been incurred and no later than three months after. Line managers / approvers of employees making expense claims reserve the right to reject such claims without the provision of appropriate evidence (*e.g.* receipts and tickets), unless the employee can provide a reasonable explanation as to why no such evidence could be provided.

Travel Expenses

The Authority will reimburse employees for any travel expenses incurred in the delivery of their duties and responsibilities. Such travel includes any and all journeys, within or outside the District, that are required in order for the employee to fulfil their duties and responsibilities. This can include for the delivery of operational activities such as inspections or surveys, or attending meetings, training courses or other relevant events. This will include reimbursement for costs associated with using public transport with the provision of appropriate receipts / copies of tickets. For road travel, employees should, where possible and practicable, use Authority vehicles. However, in the event they need to use their own vehicles, mileage can be claimed at the relevant current HMRC mileage rate. Costs associated with car parking and tolls can also be claimed for with the provision of appropriate receipts. Employees' costs associated with any parking fines, or fines relating to an employee's driving whilst on Authority business will not be reimbursed by the Authority.

For mileage claims, employees can claim from the start of their journey if this begins from home, or from their place of work as defined in their Employment Contract. Normal home to office mileage does not need to be deducted from any mileage claim if an employee's usual place of work / office was not visited as part of the journey in question.

In approving any employees' travel claims, line managers should check the details therein to ensure that the mileage claimed is reasonable in respect of the journey undertaken.

Subsistence Expenses

Employees are entitled to claim costs associated with food purchases whilst delivering their duties and responsibilities. The amount employees are entitled to claim will be based on the amount of continuous time they spend away from their usual place of work during the fulfilment of their duties. This will be as follows:

- Less than 5 hours – no subsistence expenses may be claimed
- 5-10 hours – maximum £10.00
- 10-15 hours – maximum £15.00
- 15-24 hours – maximum £25.00

These subsistence expense claims will be based on actual costs incurred by the employee up to the defined maximum, and therefore, must be evidenced with appropriate receipts as part of the claim.

Accommodation Expenses

Ordinarily, employees will be expected to book accommodation for overnight stays away from their usual place of work via the Authority's internal booking process, whereby the cost of such accommodation is paid for directly by the Authority, at no initial expense to the employee. However, there may be rare occasions in which an employee has to pay for accommodation; in such cases they may then claim these costs back.

As guidance, the maximum eligible costs for one night's accommodation will be £100 per night (or £125 for accommodation in London). If it is impractical or even impossible for an employee to find reasonable accommodation within these limits, they should discuss this with their line manager, after which they may give permission to book accommodation which exceeds these limits.

Miscellaneous Expenses

From time to time, employees may incur other expenses (*i.e.* other than travel, subsistence or accommodation) associated with delivering their duties and responsibilities. When these are necessary / compulsory costs that the employee must pay for themselves at the time, they can then be claimed back from the Authority. Such expenses may include, but are not limited to, costs for cleaning Authority vehicles, minor repairs to any Authority assets, minor purchases of bespoke kit, equipment, stationary or other office supplies or sundries, or catering (*e.g.* tea / coffee and biscuits) for small meetings. Where appropriate to do so, prior approval from line managers should be sought and gained before incurring unique miscellaneous expenses that the employee and the Authority could not have reasonably foreseen.

16. Authority Vehicles

Authority vehicles, property and equipment should be treated with care and protected and stored in a safe place when not in use. Authority vehicles must be kept clean and tidy. Vehicle maintenance duties must be done regularly together with written defect reports as required.

Damage must be reported whether it be to property belonging to the Authority or belonging to a stakeholder of the Authority. Failure to notify damage may result in a claim being successfully laid against the Authority which might have been avoided by early attention.

Authority vehicles may not be used for any purpose other than Authority business.

Drivers of Authority vehicles are employed on the basis of their experience and knowledge, and it is therefore their responsibility to ensure that the vehicle complies with any legal requirements, and to notify the Authority of any non-compliance immediately. A breach of this clause shall also constitute a breach of the Authority's health and safety policy and shall render the employee liable to disciplinary action by the Authority, which may result in the employee's instant dismissal without notice if, in the Authority's reasonable opinion, it is justified.

The Authority require all its employees to produce driving licences and other certificates of qualification or competence for checking from time to time, as dictated by Authority documentation requirements. Such information will be treated in confidence and employees are expected to cooperate in providing such information when requested. Any employee failing to produce the required documents, especially those who drive Authority vehicles, may be subject to disciplinary action, which may result in suspension and/or dismissal if, in the Authority's reasonable opinion, it is justified.

Employees must never carry unauthorised passengers in Authority vehicles. A breach of this clause shall also constitute a breach of the Authority's health and safety policy and shall render the employee liable to disciplinary action by the Authority, which may result in the employee's instant dismissal without notice if, in the Authority's reasonable opinion, it is justified.

17. Email and Internet

This policy covers the use of all computer and telecommunications systems owned and / or used by the Authority and applies to all employees. This includes access to these systems at the Authority's office and all other locations (*e.g.* from stakeholders' / partner agencies' sites, hotels and home). The purpose of the policy is to provide clear guidelines as to what is acceptable and not acceptable in terms of the use of IT resources including:

- email
- internet
- downloads and software

IT resources are integral to the Authority and its employees delivering their professional responsibilities and add significant value to the way we operate. It is recognised that these benefits should be utilised as fully as possible at work and will assist individuals on a personal level both inside and outside work. It must also be recognised that risks come with the use of IT resources and that there is a need for responsibility on the part of both the Authority and its employees. This policy therefore gives guidance with the intention of exercising freedom and respect, with the expectation that individuals exercise integrity in return.

Any actual or suspected breaches of this policy will be fully investigated in accordance with the Authority's Disciplinary Policy. Any employee who suspects that this policy is, or has been, breached should notify their line manager immediately.

Misuse and inappropriate use of the Authority's electronic data devices and systems of communication are subject to disciplinary action.

During office hours, with the exception of break periods, employees may not use the internet, Authority intranet or email system for:

- the use of external social networking sites, media entertainment sites, shopping, sports and betting sites
- the writing of personal blogs
- playing games
- the use of personal email accounts, personal online activities such as banking, auction websites, purchase of goods and services for personal use.

Under no circumstances should employees use the internet or Authority computers or smartphones on or off site to:

- send or receive illegal or offensive materials
- view and / or download illegal or offensive materials
- send out confidential Authority information to unauthorised parties
- send or receive offensive materials to and from internal staff
- use email or the internet to intimidate, humiliate or harass anyone
- intentionally download and install unauthorised web-based software onto Authority owned IT equipment
- intentionally download and store audio and visual files for personal use.

Personal phones should not be used whilst at work, except during breaks.

Use of External and Internal Email

Employees must word all emails appropriately in the same professional manner as if they were composing a letter.

The content of any email message sent must be neither defamatory, abusive nor illegal and must accord with the Authority's Equal Opportunities Policy. Sending and receiving of obscene, pornographic or other offensive material is not only considered to be gross misconduct but may also constitute a criminal offence.

Employees must be careful of what is said in email messages as the content could give rise to both personal liability or create liability for the Authority. Employees must also avoid entering into commitments themselves or on behalf of the Authority over the internet without having received prior and express authorisation to do so or unless this forms part of their normal day-to-day activities and has been so authorised by the Authority.

The Authority reserves the right to monitor the content of emails sent and received and may undertake monitoring of both the content and extent of use of emails. Employees wishing to send confidential non-work related emails should do so on their own equipment in their own time at their own home and should tell personal email contacts never to send any personal emails to them at work.

Employees must ensure that they have the correct email address for the intended recipients. If employees inadvertently misdirect an email, they should contact their line manager immediately on becoming aware of their mistake. Failure to do so may lead to disciplinary action being taken against them.

Employees must not send any information that the Authority considers to be confidential or sensitive over the email.

The email facility is provided for business purposes only. Employees must limit personal usage to a minimum and must abide by the above guidelines concerning the content of emails. Excessive personal usage or abuse of the guidelines concerning the content of emails may lead to the withdrawal of email and internet access and / or disciplinary action which could result in dismissal.

Employees should at all times remember that email messages may have to be disclosed as evidence at any court proceedings or investigations by regulatory bodies and therefore may be prejudicial to both their or the Authority's interests. Employees should consider that hard copies of emails may be taken and backups created in order to retain records of emails even when these have been deleted from the system.

Disciplinary action may be taken against any employee who is found to be in breach of these guidelines and, depending upon the circumstances and seriousness of the breach, this may result in summary dismissal.

Use of Internet

Employees must not use the internet to gain unauthorised access or attempt to gain unauthorised access to computer material or private databases.

Employees must not use the internet for personal purposes during work hours as this puts an unnecessary strain upon the Authority's computer network. Internet access is available purely for business use and it should be used for work-related purposes only.

Internet access may be monitored by the Authority and the Authority may conduct audits of internet usage from time to time. Should any breach of these internet guidelines be discovered, then employees may, in addition to having internet access withdrawn, be the subject of disciplinary action which, in the case of serious breach, may result in dismissal.

Employees must not attempt to download or retrieve illegal, pornographic, liable, sexist, racist, offensive, or unlawful material. Attempts to access such material will constitute a disciplinary offence and, in addition to access to the internet being withdrawn, the member of staff may be subject to disciplinary action which may result in dismissal.

Information on the internet may not have been placed there without the owner's permission. Therefore, employees must obtain the permission of the copyright owner before transmitting, copying, or downloading such information. Where the copyright owner's consent has clearly been given, employees must comply with any terms and conditions stipulated concerning the uploading or downloading of such information.

Information may contain viruses and therefore should not be downloaded from the internet without employees first obtaining the approval of their line manager and / or instructions from their line manager concerning the downloading of such information which must be followed. Employees should only download such information which is required for business purposes. The downloading of information of whatever nature for personal purposes is not permitted.

Blogs and Social Media

The Authority recognises and accepts that its employees may keep personal blogs on the internet and that social media sites are a useful way of interacting with colleagues, family, and friends. While the Authority does not wish to discourage employees from accessing these sites, it expects certain standards of conduct to be observed to protect both its legitimate business interests and employees from the dangers of inappropriate use.

Whilst employees may have their membership on such sites set to friends and family, they are reminded that they can forward the content of their blogs or posts on to others and because employees have no control over this process, they are reminded that none of their online content is truly private.

Befriending or accepting members, partners, or stakeholders' requests on any form of social media is discouraged, unless it is specifically for professional purposes, such as via LinkedIn. This policy applies both inside and outside the workplace.

Employees must not post information on a blog or social media site which is commercially sensitive and / or is confidential to the Authority, its employees, members, partners, or stakeholders.

Employees must not refer on a blog or social media site to the Authority, its employees, its members, partners, or stakeholders. Any of the aforementioned parties must not be identifiable from any comments posted on an employee's personal blog or social media account.

Employees must not post entries on a blog or social media site which are derogatory, defamatory, discriminatory, or offensive in any way, or which could bring the Authority, its employees, members, partners or stakeholders into disrepute or is likely to have a negative impact on the reputation of any of these parties.

Employees should be aware that blogs and social media posts may create documents which the courts can order to be disclosed for use in legal proceedings. Consequently, employees will be assumed to have written any contentious items unless they can prove definitively that have not done so.

Disciplinary Action

Employees whose conduct breaches this policy in any way may be subject to disciplinary action in accordance with the Authority's disciplinary procedure up to, and including, dismissal.

Any blog entries or posts on social media sites made inside or outside the workplace that are defamatory, derogatory, or discriminatory about the Authority, its employees, members, partners, or stakeholders, or which does, or may, damage the interests of the Authority or bring the Authority into disrepute, will be investigated as potential gross misconduct. If substantiated, such conduct may lead to summary dismissal after the due process of the Authority's disciplinary procedure has been followed.

18. Alcohol, Drugs and Smoking

The consumption of alcohol is not allowed on Authority premises at any time except where authorised by the employees' line manager or CEO. No employee should report to work whilst under the influence of alcohol or drugs at any time. Breach of this policy may amount to gross misconduct which may result in dismissal.

Smoking or vaping on Authority premises and whilst travelling in or onboard Authority vehicles / vessels is not permitted under any circumstances. Any employee who fails to comply with the Authority's smoking policy will be subject to disciplinary action which may include summary dismissal.

19. Reservists

The Authority recognises the valuable contribution that Reservists make to the UK's Armed Forces, their communities and workplace. It has pledged its support for employees who are members of the Reserves, and acknowledges that the training they have undertaken enables them to develop skills that benefit both the individual and the Authority. This policy intends to define the Authority's obligations towards all employees who are Reservists.

The Authority will not disadvantage those Reservist employees who notify the Authority of their Reserves status, or those Reservist employees who are made known to the Authority directly by the Ministry of Defence (MoD).

The Authority shall agree to release Reservist employees for attendance at Reserves training events where these take place on their normal working days. The Authority also agrees to the release of all employees mobilised for Reservist duties.

The Authority will continue to treat contracts of employment of employees mobilised for Reserves Service as operable throughout the period of such service and there will be no loss to continuous service or related benefits.

Types of Reservist

There are two main types of reservist:

- Volunteer Reservists – civilians recruited into the Royal Navy Reserves, Royal Marines Reserves, Army Reserves or Royal Auxiliary Air Force
- Regular Reservists – ex-regular servicemen who may retain a liability to be mobilised dependant on length of military service.

The Reserve Forces Act 1996 also provides for other categories:

- Full-Time Reserve Service – Reservists who wish to serve full-time with regulars for a predetermined period in a specific posting
- Additional Duties Commitment – part-time service for a specified period in a specific posting
- Sponsored Reserves – personnel employed by a contractor to provide a service to the MoD
- High Readiness Reserves – Reservists, usually with a particular skill set, that are available at short notice (with written agreement from their employer).

Reservist Status Notification

Employees who are reservists are required to inform the Authority that they are a member of the Reserves and the specific force that they belong to. This is so that the Authority can provide the appropriate level of support to the employee. It also assists with resource planning during periods of leave (*e.g.* training and / or mobilisation). Reservist employees are also required to grant permission for the MoD to write directly to the Authority; this is known as 'Employer Notification' and ensures the Authority is made aware that the employee is a Reservist and the benefits, rights and obligations that apply. The MoD will issue written confirmation to the Authority informing them the employee is a member of the Reserves. The letter will provide detail of mobilisation obligations and the rights of the employee, the rights of the Authority as the employer and details of the financial assistance

available if an employee is mobilised. Where possible, it will also provide details of any annual training commitments. The MoD will also send a follow-up letter each year to confirm that the information held is still accurate. It is the responsibility of the Reservist employee to ensure their personal details are kept up-to-date (*e.g.* if they change employer or leave their respective Reserve Force).

In any circumstances, the Reservist employee will not be disadvantaged as a result of notifying the Authority of their Reservist status.

Training Commitments

Reservists are typically committed to 24-40 days of training per year which includes weekly evening training, weekend training and annual training which is a two-week 'annual camp'. The Authority is committed to granting additional paid leave of two weeks per annum to attend annual training. Additional unpaid leave or annual leave may be granted if adequate notice is provided. Line managers will facilitate working rosters to accommodate the two-week annual training. Reservist employees should give as much notice as is possible of proposed absences. Permission once given will not be rescinded unless there are exceptional circumstances.

Mobilisation

Mobilisation is the process of calling Reservists into full-time service with the Regular Forces, in order to make them available for military operations. The maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no longer than 12 months. The call-out papers for mobilisation will be sent by post to the Authority or sometimes delivered in person by the Reservist employee to their line manager. The documentation will include the call-out date and the anticipated timeline. Whenever possible, the MoD will aim to give at least 28 days' notice of the date that a Reservist employee will be required to report for mobilisation, although there is no statutory requirement for a warning period prior to mobilisation. A period of mobilisation comprises three distinct phases:

1. Medical and pre-deployment training
2. Operational tour
3. Post-operational tour leave

Terms and Conditions During Mobilisation

The Authority will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service-related benefits. Under the Reserve Forces (Safeguarding of Employment) Act 1985 (hereafter 'the Act'), an employee's service is terminated on mobilisation, but providing the employee follows the correct notification procedure under the Act, they can return to employment upon which their continuity of service will be restored.

The MoD will assume responsibility for the Reservist employee's salary for the duration of their mobilisation. They will pay a basic salary according to the Reservist employee's military rank. If this basic element is less than the Reservist employee receives from the Authority, it is the Reservist's responsibility to apply to the MoD for the difference to ensure that they suffer no loss of earnings;

this is known as a Reservist Award. Where mobilisation occurs, the employee will be given special unpaid leave of absence. The Authority is not required to pay the employee's salary during the period of mobilisation.

Benefits

Pension

If the employee is a member of the Authority pension scheme and the Authority suspends the employer contribution, and the employee chooses to remain within it, then the MoD will make the employer contributions for the period of mobilisation, as long as the employee continues to make their personal contributions.

Annual Leave

Employees should be encouraged to take any accrued annual leave before mobilisation. The Authority is not obliged to accrue annual leave for a Reservist employee during the period of mobilisation. Reservists accrue annual leave with the MoD whilst they are in full-time service. When they demobilise, Reservists are entitled to a period of post-operational leave. During this period, they will continue to be paid by the MoD.

Dismissal / Redundancy

A Reservist employee's employment cannot be terminated on the grounds of their military duties or their liability to be mobilised. To do so would be a criminal offence under Section 17 of the Act. Reservist employees can be included in any redundancy pool if this were to become necessary due to a downturn in duties or reduction in statutory funding. However, all employees should be treated consistently, and redundancy criteria should not discriminate against Reservist employees on the grounds of their Reserve service or call-up liability.

Sick Pay

During the period of mobilisation, the Reservist employee will continue to accrue any rights to service-related Authority sick pay. Should a Reservist employee become sick or injured during mobilisation they will be covered by Defence Medical Services and any financial assistance will continue to be received (including pay) until demobilised. If the sickness or injury continues and this results in early demobilisation, the Reservist employee will remain covered by Defence until the last day of paid military leave.

Return to work

Both the Reservist employee and the Authority have obligations under the Act regarding the return to work process.

<u>Reservist</u>

The Reservist employee must write to the Authority by the third Monday after their last day of military service, making their request to return to work and suggesting a date which should fall within six weeks of their last day of full-time service; this letter formally starts the return to work process. They are also encouraged to informally contact the Authority to discuss their return to work at the earliest opportunity, whether via a letter, a meeting or a telephone call. The formal application must be made in writing for it to be valid under the Act. If a Reservist employee is not happy with the offer of alternative employment, they must write to the Authority stating why there is reasonable cause for them not to accept it. If a Reservist employee believes that the Authority's response to their application denies their rights under the Act, an application can be made to a Reinstatement Committee for assessment. This Committee will consider the Reservist employee's application and can make an order for reinstatement and / or compensation.

Authority

The Authority has an obligation under the Act to reinstate the Reservist employee, where possible to their former role, and if not, to a mutually acceptable role on the same terms and conditions prior to mobilisation. The Reservist employee should be reinstated within six weeks of the last day of their full-time service. They must be reinstated for a minimum period of 13, 26 or 52 weeks, depending on their length of service prior to mobilisation. Sometimes Reservist employees may need refresher training when they return to work or be given time to familiarise themselves with processes and procedures in the workplace. Financial assistance may be available for retraining if it is required as a direct result of their mobilisation, although applications cannot be made for training courses that would have taken place anyway. Evidence of costs will be required in addition to evidence that the Reservist employee could not reach the required standard by any other means, such as workplace experience.

20. Code of Conduct

The Authority believes that its activities demand the highest standards of confidence from the public and that this confidence will be derived from the way in which the Authority and its employees conduct themselves in undertaking its business.

It is therefore important for the Authority to provide guidance on standards of conduct which is available to, and understood, by its employees. Where examples are listed in the Code as guidance, they are not intended to be exhaustive.

The Code is additional to appropriate statutes, sections of the National Scheme of Conditions of Service, the Financial Regulations and the Authority's Constitution, in particular the Protocols on Member / Officer Relations.

The Code applies to all employees and is incorporated into, and forms part of, the contractual relationship between the Authority and its employees. As such, it may be used in any proceedings under the Authority's disciplinary and grievance procedures.

The Code of Conduct cannot cover all areas that are likely to arise in practice, but the principles of the Code will apply in order to ensure the Authority's integrity is maintained at all times.

Standards

Employees are expected to give the highest possible standard of service to the public, communities, Authority and fellow employees in a courteous, efficient, and impartial manner. All employees are expected to always treat others with respect.

The Authority is committed to the prevention of fraud and corruption. Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner in accordance with the relevant statutes. All employees should act honestly and with integrity and to safeguard the public resources for which they are responsible.

Employees should deal with all matters with a level of competence appropriate to their role and in line with any professional codes of conduct which apply to them.

Employees should raise any serious and genuine concerns about any wrong doing in the Authority's work or decisions by using the Authority's Whistleblowing Policy. They can do this without fear of harassment or victimisation.

Authority policies relating to equality issues in employment and service delivery must be complied with, in addition to the requirements of the law. All members of the local community, stakeholders and other employees have a right to be treated with fairness and equity in accordance with the Authority's policies and the relevant statutes.

Standards of dress, personal appearance, and hygiene, as well as those required in the interests of health and safety, can be matters affecting public confidence and employees should therefore make themselves aware of and comply with the expected standards for their role.

In the interests of the public and colleagues, employees must adhere to the Authority's Health and Safety Polices and Procedures. Employees must act neither wilfully or unintentionally in a manner liable to place the public, their colleagues, or themselves at risk, and must adhere to the duty of care prescribed in the Authority's Health and Safety Policies and Procedures. This is particularly the case where employees have direct responsibility for the welfare of service users.

Disclosure of Information

Employees must respect the confidentiality of any information they are given. Line managers should make themselves and their staff aware where information they come into contact with in the course of their employment is confidential. Employees should not prevent another person from gaining access to information to which that person is entitled by law.

All information contained in personal data relating to members of the public and employees must be obtained, held and processed fairly and lawfully in accordance with the relevant statutes and must not be used or disclosed in any manner incompatible with said statutes. In addition, employees in the course of their employment with the Authority may have access to, and be entrusted with, information about the business of the Authority and / or its stakeholders which is confidential or commercially sensitive and must abide by any restrictions set down. To protect the confidentiality of this information and without prejudice to other obligations employees may have in handling information, they must not:

- disclose to any person or make use of any such confidential information unless authorised to do so;
- make any copies, abstracts or summaries of the whole or part of any document, computer record or other records belonging to the Authority or a stakeholders, except when required to do so in the course of their employment.

Employees must not use any information obtained in the course of their employment for personal gain of benefit, nor pass it on to others who might use it in such a way.

Intellectual property is a generic term that includes inventions, creative writings and drawings. If any of these are created by employees in the course of their employment with the Authority, then as a general rule, they exclusively belong to the Authority and cannot be sold or lent to any other person or organisation without prior written permission of the Authority.

Upon the termination of their employment with the Authority for whatever reason or otherwise at the Authority's request, employees must immediately return all property belonging to the Authority or third party held in connection with their employment which may be in their possession or control.

Employees must not contact the media or disclose information relating to the work of the Authority to the media, other than as an official spokesperson of the Authority. This includes employees having due regard to the Authority's policy on social media.

Appointment and Other Employment Matters

Employees involved in appointments and promotions should ensure that any decisions are made in accordance with the Authority's Equal Opportunities Policy on the basis of merit.

In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with them, or seek to influence an appointment or promotion for any purpose.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay for an employee who is a relative, partner or close friend.

Employees must not approach Authority members on matters relating to reorganisations, terms and conditions of employment or other employment matters that affect them individually, except through procedures laid down herein or agreed by the CEO and Chair.

Outside Commitments

Employees should not engage in any other business or take outside employment which conflicts with the Authority's interests, for example, working with or for someone who does business or seeks to do business with the Authority or obtain grants, consents or permits from the Authority.

Employees must not engage in any other business, such as any paid or unpaid employment or running a business, or take up any other additional appointment, without first receiving the express consent in writing from the CEO. Consent is not, however, required for:

- work in connection with religious bodies
- work in connection with the social and charitable life
- work in connection with friendly societies, trade unions, staff organisations *etc.*
- contributions to professional and trade periodicals or societies and other literary and recreational and artistic pursuits
- part-time teaching in technical colleges, evening schools, and tutorial work outside normal working hours, providing the content of said teaching is seen and approved by the employee's line manager and the CEO.

Employees may not undertake outside work for payment by a member of the public on any matter connected with their official duties.

The Authority will not attempt to preclude any of its employees from engaging in any other businesses or from undertaking additional employment, but any such employment must not conflict with, or be detrimental to, the Authority's interests, or in any way weaken public confidence in the conduct of the Authority's business.

Employees should not use the Authority's premises, facilities and other resources in connection with their outside commitments.

Personal Interests

Employees must declare in writing to the Authority if they have any personal interests or involvement which might conflict with their employment or with the interests of the Authority. For example:

- membership of any voluntary organisation, club or society that regularly seeks assistance from the Authority or to which the Authority appoints representatives
- membership of any organisation (other than a political party or a trade union) which seeks to influence the Authority's policies and decisions
- any land in which they have an interest which is to be, or likely to be, the subject of an Authority decision.

Involvement in Contracts

Orders and contracts must be awarded on merit by fair competition against other tenders. No special favour should be shown to businesses run, for example, by friends, partners or relatives in the tendering process and the process should fully comply with the Authority's Equal Opportunities policies.

Employees who have access to confidential information on tenders or costs for contractors must not disclose that information to any unauthorised party or organisation.

Employees who engage with, or supervise, contractors, or have any other official relationships with contractors, and have previously had, or currently have, a relationship in a business or personal capacity with contractors or potential contractors, must declare that relationship in writing to the Authority.

Employees in their official relationships with contractors and potential contractors must not conduct themselves in such a manner so as to imply that they are in a position of giving special favour. Nor shall they canvass directly or indirectly or infer that they seek a gift, loan, fee, reward or advantage, or any offer of such.

Gifts and Hospitality

Employees should be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. Employees should advise their line manager at the earliest opportunity of any such approach which is made to them. Any allegation of wrongdoing will be investigated under the Authority's Disciplinary Procedure.

Employees should only accept offers of hospitality if there is a genuine need to represent the Authority. Offers to attend purely social or sporting functions must not be accepted unless there is a reasonable expectation for the Authority to be represented. The acceptance of hospitality should be properly authorised in advance, formally accepted and registered, by informing the employee's line manager. Hospitality should be registered within 28 days of its acceptance.

When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality. Employees should not accept hospitality, entertainment or working lunches from contractors and outside suppliers or people or organisations subject to decisions by the Authority, such as environmental health, licensing and development control. Where visits to suppliers are required, employees should ensure that the Authority meets employees' costs of such visits rather than accept hospitality from suppliers.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal and where the Authority is satisfied that any purchasing decision is not compromised. In those circumstances, employees are not required to register the hospitality.

Employees should not accept personal gifts from contractors and outside suppliers, people or organisations subject to decisions by the Authority, with the exception of items of nominal value (*e.g.* pens, mugs or diaries).

Each employee is personally responsible for decisions regarding the acceptance of hospitality or gift items. If there is any doubt on the employee's part, such items should be refused, and employees should seek advice from their line manager.

Employees must register any gift other than of nominal value, which cannot be reasonably refused, by completing the appropriate form and submitting this to their line manager within 28 days of receipt. Guidance written on this subject matter is intended so that employees can make their own

decisions about what should be declared. However, as a rule any gift that has an estimated value of over £25 must be declared.

Where an outside organisation wishes to sponsor an Authority activity, whether by invitation, tender, negotiation or voluntarily, the requirements of this Code concerning the acceptance of gifts or hospitality apply. Care must be taken when contractors or potential contractors are potential sponsors to avoid the appearance that providing sponsorship is linked to the awarding of any contract.

Compliance with the Code

The Code of Conduct is part of every employee's contract. Failure to comply with the Code of Conduct for employees may result in disciplinary action being taken under the Disciplinary Policy. The Authority reserves the right to take legal action against employees where breaches of the Code warrant such action.

The CEO and Chair and are jointly responsible for the implementation of the Code of Conduct and for ensuring it is regularly reviewed.

21. Disciplinary Procedure

The Authority will use this procedure to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for all in the Authority.

A disciplinary process can be stressful for everyone involved. Different people might respond differently to stressful situations. The Authority understands the prospect of disciplinary action might cause distress and affect employees' mental health. The Authority will support employees throughout to help avoid this happening to them. Employees are encouraged to talk to their line manager, the CEO, Chair or another colleague about how we the Authority support their wellbeing during any disciplinary procedure of which they are part. All employees have free access to a counselling service, details can be found on BreatheHR.

Principles

The Authority will consider informal action, where appropriate, to resolve problems. It will not take disciplinary action against an employee until the case has been fully investigated. For formal action, the Authority will advise the employee of the nature of the complaint against them and will give the employee the opportunity to state their own case before any decision is made at a disciplinary meeting.

The Authority will provide an employee, where appropriate, with written copies of evidence and relevant witness statements before a disciplinary meeting.

An employee will not be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty is dismissal without notice and without payment in lieu of notice.

An employee has the right to appeal against any disciplinary action.

The procedure may be used at any stage if their alleged misconduct needs this.

Right to be Accompanied

Employees have a statutory right to be accompanied by a companion where a disciplinary meeting could result in:

- a formal warning
- some other disciplinary action
- confirmation of a formal warning or other disciplinary action (for example, at an appeal hearing).

The right is to be accompanied by:

- a colleague
- a trade union representative who is certified or trained in acting as a companion
- an official employed by a trade union
- person of the employee's choice

Employees should tell the Authority as soon as possible if they would like a companion and who they will be so that the Authority can make arrangements in good time.

Procedure

First Stage of Formal Procedure

This will normally be either:

- an improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The Authority will advise the employee that this is the first stage of the formal procedure and will keep a record of the improvement note for six months, after which time it will then be considered spent, providing the employee has achieved and maintained satisfactory performance; or
- a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct, the change in behaviour required and the right of appeal. The warning will also tell the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. The Authority will keep a record of the warning for 12 months, after which time it will be disregarded for disciplinary purposes.

Final Written Warning

The Authority may issue an employee with a final written warning might if:

- the offence is sufficiently serious
- there is further misconduct
- there is failure of the employee to improve performance whilst they are still under a prior warning

This final written warning will confirm the full details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal.

The Authority will keep a copy of this written warning but it will be disregarded for disciplinary purposes after 12 months, as long as the employee achieves and maintains satisfactory conduct or performance.

Dismissal or Other Action

If there is still further misconduct or failure to improve performance, the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or transfer as allowed in the contract of employment.

Dismissal decisions can only be taken by the appropriate senior manager.

The employee will be provided in writing with the:

- reasons for dismissal

- date their employment will end
- confirmation of all final payments they are owed, including holiday pay and notice pay
- right of appeal

If an action short of dismissal has been decided on, they employee will:

- receive confirmation of the full details of the complaint
- be warned that dismissal could result if there is no satisfactory improvement
- be advised of the right of appeal

The Authority will keep a copy of the written warning but it will be disregarded for disciplinary purposes after 12 months as long as they achieve and maintain satisfactory conduct or performance.

Gross Misconduct

The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence
- bullying
- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- discrimination, harassment or victimisation
- bringing the organisation into serious disrepute
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence

The Authority may consider suspending an employee whilst it carries out a disciplinary investigation if there is a serious issue or situation. In such circumstances, the Authority will instruct the employee to temporarily stop working; they would be on full pay throughout any suspension period.

The Authority will consider each situation carefully before deciding whether to suspend an employee. Suspension will not be needed for most investigations. Suspension does not mean an employee has done anything wrong and will not be used to discipline them.

The Authority understands that being suspended might be stressful for an employee. Therefore it will:

- only suspend an employee if there is no other option
- support them throughout the suspension period, always considering their mental health and wellbeing.

If a decision is reached to dismiss an employee, this will take immediate effect

Appeals

If an employee wishes to appeal against a disciplinary decision, they must do so within seven days of being notified of the decision. An appeals panel composed of members of the relevant sub-committee will hear all appeals and their decision is final. At the appeal hearing, any disciplinary penalty imposed will be reviewed.

Should the appeal be successful, they shall be reinstated with payment of the appropriate salary to cover the intervening period from date of dismissal to reinstatement.

22. Grievance Procedure

If an employee has a grievance or complaint about their work or someone with whom they work they should start by speaking with their line manager wherever possible, from which a resolution may be agreed without the need for a formal procedure.

If the matter is serious, or the employee wishes to raise a grievance formally, they should put the grievance in writing to their line manager setting out the basis for their grievance and any suggested forms of resolution they might have.

If an employee's grievance is against their line manager and they feel unable to approach them directly, they should raise it with the CEO or the Chair of the Authority.

The employee's line manager will call them to a meeting within five working days of receipt of the written grievance. In this meeting, the employee and line manager will discuss the employee's grievance. The employee has the right to be accompanied by a colleague or trade union representative. After the meeting the line manager will give the employee a decision in writing, within five working days.

If the line manager needs more information before making a decision, they will inform the employee of this and the timescale.

Appeal

If the employee is not satisfied with the decision of their line manager, they are entitled to raise an appeal. The employee should notify their line manager in writing of their wish to appeal.

The employee will then be invited to an appeal meeting with the CEO or Chair within ten working days of submission of their written appeal. The employee has the right to be accompanied by a colleague or trade union representative. If required, third party mediation can be made available.

The CEO or Chair will inform the employee of their decision within five working days of the appeal meeting; their decision is final.