



Wendover Parish Council

**EMPLOYEE  
POLICY  
MANUAL**

↑ RAF Halton



## EMPLOYEE POLICY MANUAL

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## SUMMARY OF POLICIES

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### WORK CONDITIONS AND SAFETY

#### *Employee Code of Conduct*

Sets out standards of behaviour expected from employees regarding their personal conduct and interactions with colleagues, Councillors and members of the public.

#### *Sickness*

Sets out the entitlement of sickness pay and how the Council will treat sickness absence.

#### *Smoking, Alcohol and Drugs*

Sets out the expectations for smoking and vaping on the premises and how working under the influence of drugs and alcohol will be dealt with.

#### *Driving and Employer Business*

Sets out the expectations for anyone who has to drive on Council business

#### *Expenses*

Sets out when and how employees and Councillors can claim expenses.

#### *Gifts and hospitality*

Sets out the expectation that employees will not normally accept gifts from clients, suppliers or any other contact. With an obligation to declare any gift over £20

#### *Health and Safety*

Sets out a summary of the health and safety manual and links to the Health and Safety Manual

#### *Scheme of delegation*

Sets out the agreement by Council that authorises committees and staff to undertake duties and authorise expenditure

### (FLP) FAMILY LEAVE AND PAY

These policies set out entitlements for leave under different circumstances and pay.

#### *Annual leave*

Sets out how much annual leave staff are entitled to, how time off in lieu (TOIL), dependents leave, disability leave, compassionate leave is dealt with and other miscellaneous leave requirements.

#### *Maternity Leave*

Sets out the entitlement to Maternity Leave, pay for the leave, provisions for pregnant employees. Further it specifies return to work, breastfeeding and flexible working arrangements.

#### *Adoption Leave*

Sets out entitlement to adoption leave and surrogacy arrangements with process to follow and pay.



#### *Parental Leave*

Sets out the entitlement to parental leave for new children. It covers paternity pay, shared parental leave and the process followed when taking parental leave.

#### *Parental Leave Policy*

Sets out entitlement to take leave to care for a child's welfare.

#### *Flexible Working Policy*

Sets out the rights to request a flexible working arrangement and the process followed by the Council when considering the request

### **(RDW) RESPECT AND DIGNITY AT WORK**

These policies set out the Council's expectation that all stakeholders will treat each other with respect and outlines processes to deal with any issues arising.

#### *Equality, Diversity and Dignity at Work*

Sets out the commitment to provide equal opportunities to all employees and how to deal with issues around bullying and harassment.

### **(PAE) PERFORMANCE AND EFFECTIVENESS**

These policies set out how the Council will deal with performance issues and support staff in their development

#### *Disciplinary Matters*

Sets out the principles that Council will follow in disciplinary issues

#### *Disciplinary Procedure*

Sets out examples of disciplinary issues and the process that the Council will follow in dealing with disciplinary actions.

#### *Performance Improvement*

Sets out how the Council will deal with staff who are not performing and the support staff will receive to be able to progress.

#### *Training and Development*

Sets out the commitment to training and development of staff and Councillors

### **(DSI) DATA AND SENSITIVE INFORMATION**

These policies set out how the Council deals with personal information IT systems and the protection of personal data.

#### *Data protection policy*

Sets out the principles of data protection, what the Council does with personal data and the rights of individuals with regards to their own data.

#### *Use of IT*

Sets out acceptable use of the Council's IT systems.



*Information Security Policy*

Sets out how the Council protects its data and ensures the IT systems are safe.

## **(GEP) GRIEVANCE AND EMPLOYEE PROTECTIONS**

These policies set out how the Council deals with personal information IT systems and the protection of personal data.

*Grievance Procedure*

Sets out how employees can raise concerns, problems and complaints about their employment with the Council.

*Disclosure and Whistleblowing*

Sets out expectations with regards confidential information, further the protections that a member of staff has if they disclose information that shows malpractice or wrongdoing.



## 1 (WCS) WORK CONDITIONS AND SAFETY

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These policies set out expectations for a safe workplace in which employees understand their roles and responsibilities. This section contains the following policies:

### *Employee Code of Conduct*

Sets out standards of behaviour expected from employees regarding their personal conduct and interactions with colleagues, Councillors and members of the public.

### *Sickness*

Sets out the entitlement of sickness pay and how the Council will treat sickness absence.

### *Smoking, Alcohol and Drugs*

Sets out the expectations for smoking and vaping on the premises and how working under the influence of drugs and alcohol will be dealt with.

### *Driving and Employer Business*

Sets out the expectations for anyone who has to drive on Council business

### *Expenses*

Sets out when and how employees and Councillors can claim expenses.

### *Gifts and hospitality*

Sets out the expectation that employees will not normally accept gifts from clients, suppliers or any other contact. With an obligation to declare any gift over £20

### *Health and Safety*

Sets out a summary of the health and safety manual and links to the Health and Safety Manual

### *Scheme of delegation*

Sets out the agreement by Council that authorises committees and staff to undertake duties and authorise expenditure

## Employee code of conduct

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This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

- Employee Code of Conduct

***The behaviour of employees is central to the continued success of the Council. This Code of Conduct sets out what is expected of all employees in terms of their personal conduct when at work and their behaviour towards colleagues.***

### Misconduct

Behaviour which is disruptive, disrespectful to colleagues, councillors or members of the public or which falls short of the requirements set out in this Code of Conduct will be treated as misconduct under the disciplinary procedure. A failure to remedy the behaviour or to adhere to required standards may ultimately lead to dismissal once appropriate warnings have been given.

### Gross Misconduct

Gross misconduct is behaviour which is fundamentally at odds with an employee’s duty to the Council and their colleagues. In accordance with the disciplinary procedure, gross misconduct will usually result in dismissal without notice or payment in lieu even in cases of a first offence.

It is not possible to list every example of gross misconduct which may arise, but the following provides an illustration of the sort of conduct that will fall into this category – some of which are then explained in more detail below:

- Theft
- Dishonesty
- Deliberate acts of discrimination or harassment
- Refusal to carry out reasonable instructions
- Violent, intimidating or bullying behaviour
- Wilful damage to property
- Reckless behaviour posing a risk to health and safety
- Any illegal act during working time or on Council premises

### Dishonesty

It is important to stress that any form of dishonesty, however minor, will be regarded as gross misconduct. This includes theft of property, whether belonging to the Council, colleagues or any third party. However, it also includes an employee seeking to gain any advantage through deception - such as making a false claim for expenses or hours worked, falsely claiming to be sick or falsely claiming to have completed a particular task. Even if any amount of money at issue is small, the Council regards any dishonesty by employees as gross misconduct which may result in dismissal.

### Refusal to carry out instructions

The Council expects employees to work in a spirit of cooperation with their colleagues and manager for the good of the organisation as a whole. Employees are required to carry out their manager’s instructions and a deliberate and wilful refusal to do so will be gross misconduct.

If you believe that you have been instructed to do something that does not fall within your duties or which is in some other way unreasonable then the appropriate way of dealing with this is to raise a grievance under the Council’s grievance procedure. However, doing so will not prevent a refusal to carry out an instruction from amounting to gross misconduct if it is found to have been a reasonable one in all the circumstances.



## Allegations of misconduct and gross misconduct

The Council is committed to treating all employees fairly and allegations of misconduct and gross misconduct will be dealt with in accordance with the Council’s disciplinary procedure.

	<b>Person/Group responsible</b>	<b>Version</b>	<b>Date completed</b>
Report written by	Ellis Whittam	1.0	24/04/2018
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Reviewed by	Ellis Whittam	2.0	01/08/2019
Agreed	Staffing Committee		08/08/2019
Reviewed by	Ellis Whittam	2.0	02/09/2021
Agreed	Staffing Committee	2.0	7/11/2023
Reviewed by	Supportis	2.0	March 2025





## Sickness

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This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

Wendover Parish Council has dispensations from HMRC for certain expenses that may be accrued by Councillors and employees. The Council will reimburse expenses to employees and Councillors only via claims on an expenses claim form and via the standard process for payments. This means payment of expenses will be made via cheque or BACS where HMRC dispensations allow and will only be paid once signed off in a meeting.

All other expenses will be paid via payroll and must be included on a P11D at the end of the tax year. Employees should avoid accruing expenses where other provisions are provided such as petty cash or a Council charge, credit or debit card. Payments using these methods can be authorised or undertaken by the Clerk within the delegated limit under Financial Regulations and the Scheme of Delegation.

Elected Councillors can claim an allowance if a resolution is passed by the full Council. Where allowances are paid it is expected that the allowance will cover expenses and further expenses claims may not be honoured.

### Eligibility

Types of Flexible Working

Requesting Flexible Working

Withdrawing an application

Decision to approve the request

Decision to deny the request

Appeal

### Background

All employees of Wendover Parish Council are entitled to sickness pay and the purpose of this policy/procedure is to outline out what you can expect from the Council if you suffer sickness or injury or if you are absent from work for other reasons.

Your attendance is important to the Council and is monitored. If you are unable to attend work due to ill-health, including as a result of an injury/accident at work, you, or a nominated party (next of kin) must notify your Line Manager at the earliest opportunity and in any event no later than within one hour of your start time on the first day of absence.

The overriding aim of the Council is to ensure a healthy, productive workforce and not to punish you for being unwell. However, the Council cannot ignore the effects on other employees of lateness or absence from work, whatever the cause.

In addition to the pre-employment health check you may be asked to undergo a health assessment at any time during your employment.

### Statutory Sick Pay

Your entitlement to SSP is dependent on certain criteria:

- You must be an employee of Wendover Parish Council
- You must be too ill to undertake work on any day for which you intend to claim for SSP
- You must be absent from work for at least 4 consecutive days (including Saturdays, Sundays and Bank Holidays). This period of 4 consecutive days is known as a period of incapacity for work
- You must supply evidence of your incapacity and for the first seven days this can be in the form of a self-certificate. For periods of incapacity of 8 days or more the evidence must be in the form of a GP fit note.



The above criteria, inter alia, are correct as at November 2013, please check SSP entitlement at the HRMC site <http://www.hmrc.gov.uk> for updates.

### Sickness whilst on Annual Leave

If you are sick whilst on annual leave the Council will consider any requests to change arrangements. If you wish to cancel any booked leave and use the entitlement at another time then you should inform your Line Manager as soon as possible. The Council will then decide whether to allow the change and will inform you of the decision as soon as possible.

### Short-term absence

Your Line Manager will formally review your absence record if in any three-month period there are three separate periods of absence (whether these are certificated or not), or if there is an unacceptable pattern of absence, for example, regular time off.

An employee who the Council considers to have an excessive sickness absence record will be spoken to informally and usually have specific attendance targets set and be advised if these are breached, they will be invited to a meeting to discuss their attendance. The meeting will usually be conducted by the employee's line manager and the employee will have a right to be accompanied by a fellow employee or a trade union official on the same basis as set out in the performance management procedure.

At the meeting the employee will be asked to explain the level of their absence. Where there is any indication that the absences are caused by an underlying medical condition then the matter may be dealt with under the procedure for long-term absence set out below. The Council may also seek medical evidence from either the employee's doctor or an occupational health specialist in which case the meeting will be adjourned for a report to be obtained

Subject to any medical evidence, the manager conducting this first-stage meeting may decide to issue a warning to the employee setting out the Council's expectations regarding attendance and indicating the level of improvement needed. A review period will normally be set which may range from one month to 12 months depending on the circumstances.

If the employee's attendance does not improve to the extent required they may at any stage in the review period be invited to attend a second-stage meeting to discuss the matter. The meeting will again be conducted by the line manager and the employee will be entitled to be accompanied by a fellow employee or trade union official. This meeting may result in an extension of the review period or the issuing of a final written warning requiring the employee's attendance to improve and setting out the level of improvement required over a specified period of up to one year.

If the employee does not meet this standard and there is no underlying condition where reasonable adjustments would assist the employee to attend then they may be dismissed. A final meeting will be convened which shall be conducted by a manager with appropriate authority to dismiss and will consider any representations made by or on behalf of the employee who will once again have the right to be accompanied by a fellow employee or trade union official.

Any dismissal arising out of this meeting will be with notice.

There is a right of appeal against a decision to dismiss which must be exercised within five working days of the decision being communicated.

### Long-term absence

'Long-term absence' is a period of sickness which lasts longer than two calendar weeks.



The Council takes a sympathetic view about genuine ill-health problems and will provide a supportive approach to employees in such circumstances.

Your Line Manager will monitor your absence and will continue to support you through a period of sickness absence.

If, after discussion, it appears that you are likely to be away from work for more than four weeks, your Line Manager will telephone you to arrange a visit to your home. These arrangements may be varied by agreement. Home visits will be arranged with you and will not be made without your consent.

Note: Home visits will always be made by two members of Line Management. Where the employee is female one of the Council representatives will also be female where possible.

The Council will make contact with you determine the reason for your sickness (including requesting medical information where appropriate), the expected duration of your sickness and if there are any steps that you or the Council can take to hasten your return to work.



Ultimately, if absence does reach problematic levels then the Council may have no choice but to dismiss you on ill health capability grounds. Dismissal will be regarded as a last resort and the Council will try to ensure that the following criteria are fulfilled:

- Relevant medical information is sought and considered.
- Options for alternative duties or working arrangements are examined.
- Your views regarding the situation.

Before any dismissal the Council will comply with any applicable statutory dismissal procedure.

The Council will take into consideration any reasonable recommendations outlined within a medical assessment report compiled by the Councils occupational health provider or a GP Fit Note, but it is not obliged to do so. However, If the fit note states that the employee is only fit for work provided the reasonable adjustments are in place, unless these adjustments are made, the employee is deemed unfit for work and will remain off sick and remain entitled to receive sick pay.

Any medical capability dismissal which the Council undertakes without having first attempted to make adjustments and facilitate an employee’s return to work may be deemed unfair and the employee may have a claim for disability discrimination so any recommended reasonable adjustments should be taken into consideration.

Provided the employee complies with the Council’s Sickness Policy their entitlement is as follows:

during 1 <sup>st</sup> year of service	<ul style="list-style-type: none"> <li>• one month’s full pay and (after completing 4 months’ service) 2 months’ half pay</li> </ul>
during 2 <sup>nd</sup> year of service	<ul style="list-style-type: none"> <li>• 2 months’ full pay and 2 months’ half pay</li> </ul>
during 3 <sup>rd</sup> year of service	<ul style="list-style-type: none"> <li>• 4 months’ full pay and 4 months’ half pay</li> </ul>
during 4 <sup>th</sup> & 5 <sup>th</sup> - year of service	<ul style="list-style-type: none"> <li>• 5 months’ full pay and 5 months’ half pay</li> </ul>
after 5 years’ service	<ul style="list-style-type: none"> <li>• 6 months’ full pay and 6 months’ half pay</li> </ul>

Sickness is managed and calculated on a twelve-month rolling basis and scored using the Bradford Factor.

### Return to work interviews

When you return to work from any absence (excluding holidays) your line manager will interview you on the first day you return or as soon as reasonably practicable after that. They will check that you are fit to return, update you on any important matters you have missed and may discuss your absence record if appropriate.

The Council is not obliged to carry out the recommendations outlined by a GP Fit Note, but careful consideration will be made for any reasonable adjustment suggested and the impact the adjustment will make on the Council and its staff.

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Agreed by	Staffing Committee	3.0	7/11/2023
Reviewed by	Supportis	3.0	March 2025



## Smoking, alcohol & drugs policy

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### Smoking

Smoking (which includes the use of e-cigarettes and personal vaporisers) on Council premises and in Council vehicles is prohibited. Employees who do not comply with the 'no smoking' policy will be subject to disciplinary action.

The Clerk must be informed if you are taking prescribed medicines which may impair your job performance, or which indicate that you should not operate machinery (where operation of such items is part of your job description).

The Council's approach to the consumption of alcohol and drugs is based on the need to ensure a safe and productive working environment. Because of the serious nature of the risks posed by the abuse of alcohol and drugs in the workplace, any breach of the rules in this area will be treated as gross misconduct which will usually result in dismissal.

An employee will be regarded as 'under the influence' of alcohol or drugs if their behaviour, speech, ability to concentrate or otherwise perform their duties is in any way affected. An employee will also be regarded as under the influence if they fail a drug or alcohol test.

### Dependency

Employees who have a dependency on alcohol or drugs may be offered support and encouraged to seek appropriate counselling or medical help. Absence arising from treatment or counselling related to drug and alcohol abuse will be treated as sickness absence under the Council's absence management policy. However, while the Council will always try to be supportive toward employees with a drug or alcohol problem, this will not prevent disciplinary action being taken when employees act in breach of the rules laid out in this policy.

Wherever an employee informs the Council that they have a drug or alcohol problem this will, as far as possible, be treated in the utmost confidence. However, the Council may need to disclose particular circumstances to managers, regulatory authorities or others should this be necessary to ensure safety or compliance with legal requirements.

### Drugs

The consumption, storage, distribution or sale of illegal drugs or any other behaviour-altering substance on Council premises or during working time is strictly prohibited. The Council will report any illegal activities to the police or other relevant authorities.

You must not present yourself for work under the influence of illegal drugs or any other substance taken for non-medical purposes.

### Alcohol

Consumption of even a small amount of alcohol may be sufficient to adversely affect the work of an employee and could pose a risk to health and safety. Remember that alcohol remains in the bloodstream for up to 24 hours following consumption and that the consumption of a significant amount of alcohol in the evening may leave you unfit to work in the morning.

You must not present yourself for work under the influence of alcohol.

You must not consume any alcohol during working time, lunchtime or during any break unless this has been specifically authorised by your manager.

Where alcohol is available at Council organised events or occasions when you are representing the Council – even outside working hours - it is important to behave responsibly and not drink to excess. Behaviour that reflects badly on the Council will be a disciplinary matter and in serious cases may amount to gross misconduct.



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Reviewed by	Ellis Whittam	3.0	02/09/2021
Agreed	Staffing Committee	3.0	7/11/2023
Reviewed by	Supportis	3.0	March 2025



## Driving and employer business

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Wendover Parish Council (“the Employer”) want to ensure that employees who drive on Employer business operate as safely as possible and do not put themselves at risk. Driving on Employer business includes using your own vehicle for delivery or collection of paperwork or goods on behalf of the Employer; driving to attend training or meetings off site all of which must be sanctioned prior to the journey by your Line Manager in the first instance or the Clerk.

In addition, the employer has a duty of care and must observe Health & Safety Legislation as well as HMRC requirements for reimbursement of a business mileage allowance.

### Driving an Employer Allocated Vehicle

If you have been allocated an employer vehicle (usually a vehicle on a lease arrangement), please ensure you are aware of the lease Employer’s own terms and rules for the care and maintenance of the vehicle. An Employer allocated vehicle will be insured by the Employer and they will normally provide breakdown service cover. As a minimum, you will be required to do the normal regular safety checks – oil, water, tyres. It is your responsibility to ensure you drive the car safely and legally and park it securely and safely. An Employer allocated vehicle is deemed a taxable benefit and you will be informed of the value of this benefit and the tax payable.

You will be required to provide to the Employer when you start and at any time upon request subsequently: -

Your original driving licence which must be current and valid

Any driving offence or endorsement on your driving licence must be reported to the Employer, wherever possible, within one week of its occurrence.

The vehicle must be returned in a good state of repair at any time requested by the Employer (with reasonable notice) if you are unable to drive for a period of time or you lose your licence or you or the employer terminate your employment.

Accidents must be reported immediately to your Line Manager and the Vehicle Leasing Employer if applicable.

### Guidance & Requirements of Driving Own Vehicle on Employer Business

If you are required, from time to time, to drive on Employer business using your own vehicle, you will be expected to drive safely, carefully and courteously and observe the rules of the Highway Code. Driving on Employer business includes using your own vehicle for delivery or collection of paperwork or goods on behalf of the Employer; driving to attend training or meetings off site all of which must be sanctioned prior to the journey by your Line Manager.

The Employer requires that if you use your own vehicle to drive on employer business you must supply the documents below to the employer either when you start and on an annual basis and you may also be required to provide proof on demand if there are any safety concerns: -

Proof that you are insured to drive on occasional employer business

A valid MOT and proof that the vehicle is maintained regularly as well as

Sight of your original driving licence which must be current and valid – any driving offence or endorsement on your driving licence must be reported to the employer, wherever possible, within one week of its occurrence.

Licences will go through the Council’s inspection procedure which requires us to check individual licences once a year with the DVLA, or as otherwise requested. The Council will require you to share your driving licence information by supplying it with your driving licence number and a check code provided by the DVLA.

Accidents occurring whilst driving on Employer business must be reported immediately to your Line Manager.





You must inform the Employer if there are any changes to the information on the above documents during the year.

In order to claim the rate for business miles from the Employer, you have to provide a copy of your current insurance certificate that shows you are able to use your own car for business purposes related to your job. This does not normally incur any extra cost from your insurers to provide.

## Driving Any Vehicle on Employer Business

The Employer requires that: -

- Under no circumstance should you drive any vehicle on Employer business when you are under the influence of alcohol, or drugs that affect your safety.
- When driving on Employer business you must not take or make any calls or text messages on a mobile phone or other mobile device (whether or not you have a hands-free system). Calls, text messages or e-mails may only be made or taken when you are not driving and you have parked the vehicle. Although it is not illegal to make/accept calls when you have a hands-free device, research indicates that a driver’s concentration is affected whilst doing so and could put you and others in danger which is why the employer requires employees to observe the above safety rule whilst driving on their business.
- If the journey is more than 2 hours, please take a 10-15 minute break at 2 hours intervals as soon as it is safe to do so.
- Should you incur a parking or speeding fine as a result of an offence whilst driving on Employer business, you will be liable for paying the fine.
- You must declare to the Employer any medical condition or illness that could affect your safety when driving.

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Agreed	Staffing Committee	3	7/11/2023
Reviewed by	Supportis	3	March 2025

## Expenses

This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

- Expenses

Wendover Parish Council has dispensations from HMRC for certain expenses that may be accrued by Councillors and employees. The Council will reimburse expenses to employees and Councillors only via claims on an expenses claim form and via the standard process for payments. This means payment of expenses will be made via cheque or BACS where HMRC dispensations allow and will only be paid once signed off in a meeting.

All other expenses will be paid via payroll and must be included on a P11D at the end of the tax year.

Employees should avoid accruing expenses where other provisions are provided such as petty cash or a Council charge, credit or debit card. Payments using these methods can be authorised or undertaken by the Clerk within the delegated limit under Financial Regulations and the Scheme of Delegation.

Elected Councillors can claim an allowance if a resolution is passed by the full Council. Where allowances are paid it is expected that the allowance will cover expenses and further expenses claims may not be honoured.

### Eligibility

Types of Flexible Working

Requesting Flexible Working

Withdrawing an application

Decision to approve the request

Decision to deny the request

Appeal

## Employees and Councillors Expenses

Wendover Parish Council has dispensations from HMRC for certain expenses that may be accrued by Councillors and employees. The Council will reimburse expenses to employees and Councillors only via claims on an expenses claim form and via the standard process for payments. This means payment of expenses will be made via cheque or BACS where HMRC dispensations allow and will only be paid once signed off in a meeting.

All other expenses will be paid via payroll and must be included on a P11D at the end of the tax year.

Employees should avoid accruing expenses where other provisions are provided such as petty cash or a Council charge, credit or debit card. Payments using these methods can be authorised or undertaken by the Clerk within the delegated limit under Financial Regulations and the Scheme of Delegation.

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Agreed	Staffing Committee		08/08/2017
Reviewed by	Ellis Whittam	2.0	01/08/2019
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Agreed	Staffing Committee	2	7/11/2023



Reviewed by	Supportis	2	March 2025
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## Gifts and hospitality

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This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

- Gifts & Hospitality (Anti Bribery) Policy

In general, Wendover Parish Council (“the employer”) does not believe that it is appropriate for employees to accept gifts from clients, suppliers or any other person or organisation with which the employer has business connections. It is important to ensure that no employee acts in any way that is inconsistent with the Employer’s objectives or with the integrity of the business by accepting or giving a gift in circumstance where it could influence, or be seen to influence, that employee’s business actions or decisions.

### Guidance

The Council’s Anti-Bribery procedures apply to all employees, as well as agency workers, consultants and contractors.

Any employee who receives a gift of any kind from an existing or potential client or business contractor /supplier must disclose the fact of the gift, its nature and the identity of the sender to your Line Manager. A gift can include hospitality of any sort including tickets for an event. Unless the gift is anything other than a small token of appreciation having little substantial financial value (no more than £20), the employee will be required to return the gift to the sender with a polite note thanking him/her and explain that it is the Employer’s policy that employees should not receive gifts.

This policy does not apply to small promotional gifts with a value of £20 or less i.e. items such as stationery, calendars or pens that bear the logo or company name of another organisation or a bottle of wine or box of chocolates. However, once it is likely that such gifts will be received by only a limited number of employees, they are encouraged to share them with other members of staff where appropriate.

Under normal circumstances employees will **not** be authorised to give clients or other business contacts any form of hospitality or gifts without the knowledge of and express prior permission of their Line Manager.

### Non-compliance

Failure to comply with this policy may constitute a serious disciplinary matter as well as a breach of the Anti-Bribery legislation and the Employer reserves the right to take disciplinary action against employees where their actions are deemed to be in breach of this policy. In particular, deliberate or reckless disregard of this policy may be treated as an act of gross misconduct and could lead to your dismissal.

- Employees should also be aware that breach may also render you liable to criminal prosecution under the Anti-Bribery Act 2010.
- The Council will not conduct business with third parties including clients, suppliers, agents or representatives who are not prepared to support its anti-bribery objectives.
- The Council depends on all employees, and those acting on its behalf, to assist in the prevention of bribery. Therefore, all employees and others acting for, or on behalf of, the Council are expected to report any suspected bribery to the Council following the Council’s Whistle Blowing procedures.
- All employees will receive the support of the Council if they report of suspected bribery in good faith even if, following an investigation, it is found that no bribery took place.



	<b>Person/Group responsible</b>	<b>Version</b>	<b>Date completed</b>
Report written by	Ella Jones	1.0	02/08/2017
Reviewed by	Staffing Committee		08/08/2017
Agreed	Staffing Committee		08/08/2017
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Reviewed by	Ellis Whittam	2.0	02/09/2021
Agreed	Staffing Committee	2.0	7/11/2023
Reviewed by	Supportis	2	March 2025

## Health and Safety Summary

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This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

- All health and safety related issues
- Environmental policy

The Council has a Health and Safety manual and policy, which has been prepared by Worknest on our behalf and with our involvement. This is a separate document which contains our Health and Safety Policy as required by the Health and Safety at Work Act 1974 and it defines the way we manage the health and safety hazards and risks associated with our business, premises and activities.

### Health and Safety Policy

The management of Wendover Parish Council recognises that it has a legal duty of care towards protecting the health and safety of its employees and others who may be affected by the Parish Council’s activities, and that managing health and safety is a business critical function.

In order to discharge its responsibilities, the management will:

- Bring this Policy Statement to the attention of all employees
- Carry out and regularly review risk assessments to identify proportionate and pragmatic solutions to reducing risk
- Communicate and consult with our employees on matters affecting their health and safety
- Comply fully with all relevant legal requirements, codes of practice and regulations at International, National and Local levels
- Eliminate risks to health and safety, where possible, through selection and design of materials, buildings, facilities, equipment and processes
- Encourage staff to identify and report hazards so that we can all contribute towards improving safety
- Ensure that emergency procedures are in place at all locations for dealing with health and safety issues
- Maintain our premises, provide and maintain safe plant and equipment
- Only engage contractors who are able to demonstrate due regard to health & safety matters
- Provide adequate resources to control the health and safety risks arising from our work activities
- Provide adequate training and ensure that all employees are competent to do their tasks
- Provide an organisational structure that defines the responsibilities for health and safety
- Provide information, instruction and supervision for employees
- Regularly monitor performance and revise policies and procedures to pursue a programme of continuous improvement.

This Health and Safety Policy will be reviewed at least annually and revised as necessary to reflect changes to the business activities and any changes to legislation. Any changes to the Policy will be brought to the attention of all employees.

### Environmental policy statement

The management of Wendover Parish Council recognises that the day-to-day operations can impact both directly and indirectly on the environment. We aim to protect and improve the environment through good management and by adopting best practice wherever possible. We will work to integrate environmental considerations into our business decisions and adopt greener alternatives wherever possible, throughout our operations.

In order to discharge its responsibilities, the management will:

- Bring this Environmental Policy Statement to the attention of all stakeholders
- Carry out regular audits of the environmental management system
- Comply fully with all relevant legal requirements, codes of practice and regulations at International, National and Local levels
- Eliminate risks to the environment, where possible, through selection and design of materials, buildings, facilities, equipment and processes



- Ensure that emergency procedures are in place at all locations for dealing with environmental issues
- Establish targets to measure the continuous improvement in our environmental performance
- Identify and manage environmental risks and hazards
- Improve the environmental efficiency of our transport and travel
- Involve customers, partners, clients, suppliers and subcontractors in the implementation of our objectives
- Minimise waste and increase recycling within the framework of our waste management procedures
- Only engage contractors who are able to demonstrate due regard to environmental matters
- Prevent pollution to land, air and water
- Promote environmentally responsible purchasing
- Provide adequate resources to control environmental risks arising from our work activities
- Provide suitable training to enable employees to deal with their specific areas of environmental control
- Reduce the use of water, energy and any other natural resources
- Source materials from sustainable supply, when practicable.

This Environmental Policy will be reviewed at least annually and revised as necessary to reflect changes to the business activities and any changes to legislation. Any changes to the Policy will be brought to the attention of all stakeholders.



## Scheme of Delegation

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### 1. Power to Delegate Functions

Under the Local Government Act 1972s 101(a) the Parish Council has the power to arrange for the discharge of its functions by a committee, sub-committee, or officer of the authority.

The Parish Council does not have the power to delegate a decision to an individual Councillor or a working group.

### 2. Decisions of the Full Council

The matters below are the sole responsibility of the Full Council:

- a) Authorising borrowing
- b) Appointing representatives to outside bodies
- c) Making, amending, revoking, re-enacting, or adopting by-laws
- d) Agreeing the Parish Council's Statement of Accounts and Annual Governance Statement
- e) Approving the annual budget and setting the precept
- f) Establishing committees
- g) Dismissing the Parish Clerk
- i) Adopting and making any amendments to the Standing Orders, Financial Regulations, and the Scheme of Delegation
- j) The decision to prosecute or defend in a court of law, save where such a prosecution is of a debtor being carried out through the small claims process

### 3. Committees and Sub-Committees

Procedures for delegation for the specific committees and sub-committees are specified under the Terms of Reference for each committee or sub-committee. Committees can arrange for the discharge of any of their delegated powers to a sub-committee.

### 4. Working Parties/Groups

Working Parties or Groups have no delegated powers; they are only able to recommend a course of action to the Council/Committee/Sub-Committee under which they are formed.

### 5. Parish Council Staff

- a) Under the Local Government Act 1972 the Parish Council "shall appoint such officers as they think necessary for the proper discharge by the authority of such of their or another authority's functions as fall to be discharged by them". Decisions can at any time be delegated to Parish Council Staff through delegation to the Clerk.

The following have been delegated to Parish Council Clerk:

- i) To sign on behalf of the Council any document to give effect to any decision of the Council
- ii) To manage the Council's facilities, property and assets including utilities
- iii) To act on behalf of the Council as a designated officer with respect to complying with legislation
- iv) To instigate and authorise the repair and maintenance of Parish Council equipment, property, or assets so long as the cost does not exceed the current budget (including tree, hedge, and streetlight maintenance)
- v) To purchase equipment and supplies to be used by Staff or contractors to repair or maintain Parish Council equipment, property, or assets
- vi) To dispose of Parish Council equipment or assets with an estimate worth of less than £250.
- vii) The day-to-day administration of services together with routine inspection and control of assets and procedures
- viii) Applying for any grants and other funding on the council's behalf





b) Specific Matters within the budget or EMR and in consultation with the Chair, Vice Chair and relevant Committee(s)

Where appropriate: -

- i) Annual Parish Meeting Expenditure
- ii) Christmas Decorations
- iii) Christmas Event
- iv) Annual Quiz Expenditure
- v) Time sensitive work related to HS2 (urgent decisions)
- vi) Construction of the Neighbourhood Plan

c) Urgent Matters

The Parish Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair/replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1500. The Parish Clerk shall report the action to the appropriate committee as soon as practicable thereafter.

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*Document History*

Drafted by Parish Clerk	20/12/2016	(version 1)
Review Finance Committee	24/12/2016	(version 1)
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Reviewed by Parish Council	04/02/2020	(version 3)
Reviewed by Parish Council	05/04/2022	(version 3)



## 2 (FLP) FAMILY LEAVE AND PAY

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These policies set out entitlements for leave under different circumstances and pay.

### *Annual leave*

Sets out how much annual leave staff are entitled to, how time off in lieu (TOIL), dependents leave, disability leave, compassionate leave is dealt with and other miscellaneous leave requirements.

### *Maternity Leave*

Sets out the entitlement to Maternity Leave, pay for the leave, provisions for pregnant employees. Further it specifies return to work, breastfeeding and flexible working arrangements.

### *Adoption Leave*

Sets out entitlement to adoption leave and surrogacy arrangements with process to follow and pay.

### *Parental Leave*

Sets out the entitlement to parental leave for new children. It covers paternity pay, shared parental leave and the process followed when taking parental leave.

### *Parental Leave Policy*

Sets out entitlement to take leave to care for a child's welfare.

### *Flexible Working Policy*

Sets out the rights to request a flexible working arrangement and the process followed by the Council when considering the request



## Annual leave

This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

Wendover Parish Council has dispensations from HMRC for certain expenses that may be accrued by Councillors and employees. The Council will reimburse expenses to employees and Councillors only via claims on an expenses claim form and via the standard process for payments. This means payment of expenses will be made via cheque or BACS where HMRC dispensations allow and will only be paid once signed off in a meeting.

All other expenses will be paid via payroll and must be included on a P11D at the end of the tax year.

Employees should avoid accruing expenses where other provisions are provided such as petty cash or a Council charge, credit or debit card. Payments using these methods can be authorised or undertaken by the Clerk within the delegated limit under Financial Regulations and the Scheme of Delegation.

Elected Councillors can claim an allowance if a resolution is passed by the full Council. Where allowances are paid it is expected that the allowance will cover expenses and further expenses claims may not be honoured.

Eligibility

Types of Flexible Working

Requesting Flexible Working

Withdrawing an application

Decision to approve the request

Decision to deny the request

Appeal

1 Introduction

All employees are entitled to receive paid annual leave and are encouraged to take their full entitlement. A week for the purposes of annual leave is normally the employees’ normal working week. If an employee’s pay varies from week to week (e.g. because they are paid regular overtime or commission) then you should calculate a week’s holiday by reference to their average weekly pay (including overtime and commission) in the 52 weeks before they take their holiday

### Annual Leave

The annual leave period runs from 1<sup>st</sup> April to 31<sup>st</sup> March each year. Employees are entitled to 23 working days’ leave in each leave year, pro rata for part time employees. This will increase to 27 working days per year, pro rata for part time employees, when the employee has five years’ continuous service, immediately prior to the commencement of the leave year. This includes service from other qualifying employers.

In the first year of employment, annual leave will accrue at the rate of 1/12<sup>th</sup> of the annual leave entitlement on the first day of each month.

In the case of a shift worker, or worker on a zero-hours contract, hours will be calculated using an average of hours worked over a 52-week period to a maximum of 23 (or 27 days if continuous service as detailed above).

#### Part Time Employees

Part time employees’ annual leave is given in hours and rounded to the nearest half day. The pro rata entitlement is calculated using the following formula:

*Full time annual leave entitlement in hours / Full Time Hours per week \* No of Hours Worked per week*

Some examples of part time annual leave calculations are:

**i.e. For an employee working 20 hours per week**

(23 days \* 7.4 hours per day (FTE day) = 170.2) / 37 \* 20 = 92 hours annual leave per year

**For an employee working 30 hours per week**



$(23 \text{ days} * 7.4 \text{ hours per day} = 170.2) / 37 * 30 = 138 \text{ hours annual leave per year}$

**For an employee with 5 years continuous service working 25 hours per week**

$(27 \text{ days} * 7.4 \text{ hours per day} = 199.8) / 37 * 25 = 135 \text{ hours annual leave per year}$

### *Public and Bank Holidays*

In addition to annual leave, employees qualify for public and bank holiday entitlement, pro-rata for part time employees. For full time employees', the bank holiday entitlement is the same as the number of bank holidays in each year and as such cancels itself out. Pro rata entitlement for part time employees is calculated using the following formula:

$\text{No of bank holidays within leave period in hours} / \text{Full Time Hours per week} * \text{No of Hours Worked per week}$

To avoid confusion, all employees will be informed of their annual leave entitlement, minus the amount of bank holidays required to be taken, therefore providing them with the number of days or hours available for them to book as annual leave.

### *Booking annual leave*

The Council will honour annual leave requests wherever possible and providing there is sufficient cover and these requests do not coincide with previously authorised leave, requests will be granted.

The Council is entitled to control when an employee takes annual leave. Annual leave must not be booked until the leave request has been approved.

An annual leave request must be completed and authorised by the Line Manager and / or the Clerk. Any annual leave requested by the Clerk must be agreed and signed by the Chairman of the Staffing Committee, as the Clerks nominated Line Manager.

The notice must be at least 5 working days.

### *Leave and Sickness Absence*

If an employee is on annual leave and becomes unwell, The Council will consider a request to cancel and return annual leave days. Whilst this will be considered on an individual basis, proof of illness (such as a fit note) may be required.

### *Unused annual leave*

Up to 5 days annual leave may be carried over into the new year.

### *Termination of Employment*

Upon termination of employment an employee will be entitled to payment in lieu of untaken annual leave. The pro rata entitlement will be calculated from the start of the leave year, to the termination date. No payment in lieu of annual leave entitlement will be made, except on leaving The Council.

### *Other Principles*

When considering taking annual leave, employees should bear in mind that:

- Employees should space annual leave throughout the annual leave year, and avoid keeping large amounts of leave until the end of the leave year
- Requests to take annual leave must be arranged at the mutual convenience of both The Council and the employee
- Annual leave periods of more than 10 working days will be refused unless the appropriate amount of notice has been given
- Part of the employee's annual leave may be fixed by The Council, i.e. for Christmas closure, and employees may be required to reserve a portion of annual leave for this period
- Annual leave requests are on a first come first served basis, and subsequent requests that affect the operation of The Council will be refused



- Employees are encouraged to liaise with other employees to ensure that annual leave does not conflict
- If employment begins or ends within the annual leave period, a pro rata annual leave entitlement will be given
- Upon termination of employment, The Council may require the employee to take (or not take) outstanding annual leave during any notice period

## TOIL and overtime

### *Scope*

All members of staff are entitled to claim Time off in Lieu. By the nature of the role and job description of the office staff it is unlikely that they would be able to claim overtime. This policy provides guidance for the Clerk in agreeing TOIL and overtime arrangements. Any arrangement outside of this guidance or standing arrangement must be noted and approved by the staffing committee.

### *Time off in Lieu (TOIL)*

Lieu time is time off which employees are allowed to take for hours worked beyond the normal working day. Employees who are required to work additional hours beyond their working week should keep a written record of hours accrued and hours taken. Without this record to evidence requests no time in lieu will be awarded.

TOIL can be accrued for additional periods of work either before or after the normal working day, or on non-working days. Employees can accrue up to, but no more than, two weeks' TOIL. A week for the purposes of TOIL is the employees' normal working week, excluding overtime.

TOIL should be taken as soon as is practicably possible after it has been accrued, and in accordance with the booking annual leave policy, as detailed above.

Upon termination of employment an employee will be entitled to payment in lieu of a maximum of one weeks accrued outstanding TOIL. A week for the purposes of TOIL is the employees' normal working week, excluding overtime.

Payment in lieu of TOIL may be made in exceptional circumstances and upon leaving The Council.

### *Overtime*

Overtime applies to staff who are on SCP points 1-20 (inc). Staff who are on a higher part of the scale have flexibility over when they work automatically built into the salary, however they are entitled to claim TOIL for additional and/or unsociable hours.

For the purpose of clarity - TOIL is also available to all workers, depending on the circumstances.

Ad-Hoc Overtime will be agreed by the Clerk, longer term overtime arrangements (over 6 weeks or more) will be approved by Staffing Committee and reviewed on an annual basis. Overtime principles are as follows:

- Overtime must be authorised in advance by the Clerk
- Overtime should be seen as an exceptional occurrence and not routine where flexitime and TOIL should be explored first.
- Overtime should be recorded and approved by the Clerk and will be paid monthly as a part of the salary payment, one month in arrears. So for example, October overtime will be paid in the November pay run.
- Overtime will be paid at the following rates:
  - Mon – Friday 7am-7pm – standard time
  - Mon – Friday 7pm – 7am – time and a half
  - Saturday – time and a half
  - Sunday – double time
  - Bank Holiday – double time

### *Working Time Regulations 1998*

The Working Time Regulations 1998 still apply regardless of whether overtime and/or TOIL is agreed or compulsory.

## Time off for dependants

Time off for dependants leave enables employees to take time off work to deal with an unexpected or sudden emergency involving a dependant. The leave is to deal with the immediate issue and to sort out long term arrangements if necessary. The circumstances that enable employees to take time off for dependants are:

- To provide assistance when a dependant falls ill, gives birth, is injured or assaulted
- To make arrangements for the care of the dependent who is ill or injured
- The death of a dependant
- The care of the dependant has unexpectedly been disrupted or terminated
- There is an unexpected incident involving the child of an employee whilst at school

Employees will be supported by the Council to deal with the crisis but will be expected to make up the time, take it as annual leave, use lieu time accrued, or take unpaid leave. Any course of action should be agreed with your Line Manager in all cases.

Generally, the time off is to make arrangements for care etc. it is not a right to time off to provide ongoing care. The Council would consider one to two days off sufficient to deal with the immediate issue.

### *Definition of a dependant*

A dependant is a spouse, child, foster child, parent, relative or partner living in the same household as the employee. It excludes tenants, lodgers or boarders of the employee.

### *Notification period*

An employee must notify their Line Manager as soon as is practically possible in the event of an emergency.

### *Abuse of dependants leave*

If it is suspected that a member of staff is abusing the use of dependents leave, the Council will investigate. Whilst an employee does not need to provide evidence of the reason for the leave or their relationship to the person affected, the Council may deal with any abuse of the right to time off for dependants leave using the disciplinary procedure.

## Disability Leave

Under the Equality Act 2010 a person is disabled if they have '*a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities*'. There are exceptions to this definition which include certain medical diagnoses, progressive and life-threatening conditions. A progressive condition is one that gets worse over time, such as muscular dystrophy and motor neurone disease. Employees with a progressive condition can be classed as disabled. Employees will automatically be protected against discrimination under the Equality Act 2010 from the day they are diagnosed if they have Cancer, HIV or Multiple Sclerosis.

Many people with these conditions can work and have an active and fulfilling career. The more serious the condition the more likely it may be that a suggested adjustment for the employee will be seen as reasonable. The law covering sickness absence for these conditions is termed 'disability leave', rather than sick leave. Any employee who is claiming disability leave should have declared their disability to The Council, and this will be formally recorded against their personnel record.

The main reasons for using disability leave, as set out by the Equality and Human Rights Commission should be:

- Hospitals, doctors or complementary medicine practitioner's appointment
- Hospital treatment as an outpatient

### *Assessment for conditions*

- Hearing aid test



- Training with a guide or hearing dog
- Counselling / therapeutic treatment
- Recovery time after a blood transfusion or dialysis treatment
- Physiotherapy

*Disability leave shall only be recorded for the above absences when it is related to the disability; i.e. a person with a recognised disability or condition cannot use disability leave for sickness not occurring or resulting from the disability. Other sickness absence will be recorded as sick leave.*

The Council will make reasonable adjustments for disabled employees which will enable them to stay in their job, although it is not required to change the basic nature of the role. A reasonable adjustment can be a change or adaptation to the working environment, so a disabled employee is not disadvantaged when doing their job. For someone with a progressive illness this may be, for example, a change in working hours or extra time off for medical appointments, but this will be dependent on the circumstances of each employee.

The Clerk (and the direct Line Manager if applicable) must gain an understanding of the condition and the effects it may have on the employee so as to gauge what sort of reasonable adjustments the employee may need. The Clerk may approve a reasonable amount of disability leave if this is seen as a reasonable adjustment. A record must be kept, and details of the leave given recorded on the employees personnel file.

Although informing colleagues may help them to understand why the member of staff is away from work, or not operating as they normally do, it should not be assumed that an employee wants knowledge of their condition shared and so The Council will respect the confidentiality or wishes about who should be told what. Sharing information about someone's health without their permission is a breach of the General Data Protection Regulations.

## Compassionate Leave

The Council understands the deep impact that death can have on an individual and / or the family.

### *Immediate family*

When a death occurs in an employee's immediate family, employees will be entitled to take up to three days paid compassionate leave, pro-rata for part time employees, to make funeral arrangements or attend the funeral.

Immediate family is defined as:

- Spouse or partner
- Parent
- Sibling
- Child / Stepchild
- Grandparent
- Grandchild

### *Additional time off*

The Council is a compassionate employer and understands that the death of a family member can cause issues which cannot be dealt with within the three-day period. The employee may make additional arrangements with the Clerk to take up to four additional unpaid days leave in these instances.

The additional leave will be considered on a case-by-case basis taking into account the reasons for the request.

### *Non-family members*

Employees may be entitled to take up to one day's leave, to attend the funeral of a non-family member. This leave will be considered on a case-by-case basis, including whether this leave will be paid or un-paid. Authorisation will only be given by the Clerk.



### *Notification*

The Council recognises that it may not be possible to request this leave in advance; however, the employee must contact their Line Manager or the Clerk at the earliest possible opportunity. The employee must identify the relationship to the deceased.

In the unlikely event that the request for leave is refused, the Clerk will provide the employee with a written record of the reason for refusal. The employee has the right to appeal the decision.

A record of any leave granted must be kept, and details of the leave given recorded on the employees personnel file.

## **Statutory Parental Bereavement Leave**

Employees are entitled to statutory parental bereavement leave (SPBL) if a child for whom they have or were due to have parental responsibility has died or been stillborn after 24 weeks of pregnancy, on or after 6 April 2020.

Leave can be taken as one week, two consecutive weeks, or two separate weeks, at any time within the first 56 weeks after the child's death.

### *Notification*

During the first eight weeks after a child has died, you, or someone on your behalf as necessary, need only give notice to the Company to take SPBL before you are due to start work on the first day of leave. If you have already started work, then officially your SPBL period will start on the following day. If you want to cancel it at any time during the first seven weeks you can do so as long as it has not started.

After eight weeks, you need to give at least a week's notice to the Company to take SPBL. You can cancel it with a week's notice, or re-book it by giving a week's notice.

When giving notice to take SPBL, you must tell the Company: the date of the child's death; when you want your leave to begin; and whether you want to take 1 or 2 weeks leave). You can give notice by telephone or by email or by letter.

### *Parental Bereavement Pay*

To qualify for statutory parental bereavement pay (SPBP) during such leave you must have at least six months' continuous employment and normal weekly earnings of at least the lower earnings limit. It is paid at the same rate as other statutory family leave pay, which is subject to change every year. You can check the most up-to-date figure with your line manager.

To claim SPBP, you must confirm the following information in writing within 28 days of starting any period of SPBL: your name; your entitlement to SPBP; the dates of SPBL you want to claim the pay for; the date of the child's death; and your relationship to the child. You can provide this information at the same time as giving notice to take SPBL, as set out above, so long as it is in writing.

### *Other leave entitlements*

In addition to parental bereavement leave, if you qualified for:

- maternity or paternity leave and pay and your child has died or been stillborn, you are still entitled to such leave and pay.
- adoption leave and pay, then the adoption leave entitlement runs for another eight weeks from the end of the week in which the child died (unless it would already have ended sooner).

If your planned period of SPBL coincides with another statutory family leave right, your SPBL will end at the start of that other leave. If you wish to take SPBL at the end of the other statutory family leave period, then a fresh notice to take the leave will be required, as per the above notice requirements.

Compassionate or Dependants leave may be available under our Compassionate or Dependants Leave Policy at our discretion. Please speak to your manager if you require time off in addition to parental bereavement leave.



## Miscellaneous Leave

The Council understands that any employee may have certain duties or obligations for which they may require time off for reasons other than annual leave or sickness. These duties or obligations are supported by the Council and whilst the Council is obliged in some cases, to grant time off, the right to paid time off is discretionary in some cases. The Council will consider requests under the miscellaneous leave policy. A record of any leave granted must be kept, and details of the leave given recorded on the employees personnel file.

The Council asks that all employees give as much notice as possible when considering these forms of leave and inform their Line Manager of the duration of the leave and the expected date of return to work.

Within one annual leave year, The Council may choose to authorise the following:

Type of Leave	Paid / Unpaid	Length of Leave	Notes
Jury Service	Paid	Dependant on the case but normally up to 10 days	The Council will need to verify the need for the leave and the employee must supply documentation that they have received from the Courts. Paid leave of absence will be granted, however where an allowance is claimable for loss of earnings, the employee should claim and pay the allowance to The Council. The employee can claim travel, food expenses and loss of earnings from the court. Rates that are payable to jurors are contained in a pack which is sent to the employee.
Public Duties	Paid	To a maximum of 208 hours*	<p>The Council is obliged to allow an employee to take a reasonable amount of time off if they are a:</p> <ul style="list-style-type: none"> <li>• magistrate (or justice of the peace)</li> <li>• local councillor</li> <li>• school governor</li> <li>• member of any statutory tribunal</li> <li>• member of the managing or governing body of an educational establishment</li> <li>• member of a health authority</li> <li>• member of a school council or board in Scotland</li> <li>• member of the General Teaching Councils for England and Wales</li> <li>• member of the Environment Agency or the Scottish Environment Protection agency</li> <li>• member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)</li> <li>• member of Scottish Water or a Water Customer Consultation Panel</li> </ul> <p>The maximum number of hours that the Council is permitted to grant an employee time off for performance of a Local Authority Member is 208 hours of paid time off in one financial year. <i>*This limit will not apply if the employee is the Chairman of the Local Authority or the Mayor</i></p>
Safety Rep	Paid	Unlimited	The Council will grant Safety Representatives time off with pay for the performance of their duties as a Safety Representative.

Type of Leave	Paid / Unpaid	Length of Leave	Notes
Trade Union Official Duties	Paid	Discretionary – a reasonable amount of time	The Council will allow an employee, who is a Trade Union Official, to take reasonable paid time off during working hours to carry out his or her duties, as an official, which are concerned with collective bargaining on behalf of employees or to undergo training relevant to carrying out collective bargaining.
Time off for Trade Union Activities	Paid	Discretionary – a reasonable amount of time	<p>The Council will allow an employee who is a member of an independent trade union which has been recognised by the Council to take a reasonable amount of time off during working hours. This is in line with ACAS guidance. The activities of a trade union member can be, for example:</p> <ul style="list-style-type: none"> <li>• Attending workplace meetings to discuss and vote on the outcome of negotiations with the employer. Where relevant, and with the employer's agreement, this can include attending such workplace meetings at the employer's neighbouring locations</li> <li>• Meeting full time officers to discuss issues relevant to the workplace</li> <li>• Voting in union elections; or</li> <li>• Access to services provided by a Union Learning representative such as training etc.</li> </ul>
Other time off work	Discretionary		<p>The Council may feel it appropriate to allow time off work where no statutory right exists: Examples include:</p> <ul style="list-style-type: none"> <li>▪ Sitting an examination</li> <li>▪ Reserve forces training</li> <li>▪ Attendance at medical appointments</li> <li>▪ Participation in major or national sporting events; or</li> <li>▪ Lecturing on local government subjects.</li> </ul>
Job Interviews	Paid	Discretionary	Permissible only when the employee is at risk from redundancy

This policy is part of The Councils Family & Annual Leave policy group and is designed to work in conjunction with the following policies:

- Adoption (or Surrogacy) Leave and Pay
- Discipline (Misconduct)
- Flexible Working
- Maternity Leave and Pay
- Parental
- Paternity (or Partner) and Shared Parental Leave and Pay
- Sickness and Absence Management

	Person/Group responsible	Version	Date completed
Report written by	Ella Jones	1.0	02/08/2017
Reviewed by	Staffing Committee		08/08/2017
Agreed	Staffing Committee		08/08/2017
Reviewed by	Ellis Whittam	2.0	01/08/2019
Agreed	Staffing Committee		08/08/2019
Reviewed & updated by	Ellis Whittam	3.0	02/09/2021
Amended	Staffing Committee	3.1	07/11/2023
Reviewed by	Supportis	3.1	March 2025



## Maternity leave

This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

Wendover Parish Council has dispensations from HMRC for certain expenses that may be accrued by Councillors and employees. The Council will reimburse expenses to employees and Councillors only via claims on an expenses claim form and via the standard process for payments. This means payment of expenses will be made via cheque or BACS where HMRC dispensations allow and will only be paid once signed off in a meeting.

All other expenses will be paid via payroll and must be included on a P11D at the end of the tax year.

Employees should avoid accruing expenses where other provisions are provided such as petty cash or a Council charge, credit or debit card. Payments using these methods can be authorised or undertaken by the Clerk within the delegated limit under Financial Regulations and the Scheme of Delegation.

Elected Councillors can claim an allowance if a resolution is passed by the full Council. Where allowances are paid it is expected that the allowance will cover expenses and further expenses claims may not be honoured.

Eligibility

Types of Flexible Working

Requesting Flexible Working

Withdrawing an application

Decision to approve the request

Decision to deny the request

Appeal

Pregnant employees have the right to 52 weeks maternity leave, if they give the correct notice to The Council. 39 weeks of maternity leave could be paid if employees are eligible.

### Statutory Maternity Leave (SML)

Pregnant employees are entitled to Statutory Maternity Leave (SML) if they give the correct notice to The Council. A pregnant employee has the right to both 26 weeks of ordinary maternity leave (OML) as well as 26 weeks of additional maternity leave (AML).

To qualify for maternity leave, a woman must tell her employer at least 15 weeks before the baby is due:

- that she is pregnant
- the expected week of childbirth\*, by means of a medical certificate if requested
- the date she intends to start maternity leave

*The definition of childbirth, for the purpose of determining eligibility for the Statutory Maternity Scheme, means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks.*

The employee must complete the maternity leave notification form, and provide a MATB1 certificate.

Once notification has been given, The Council will write to the employee, within 28 days of receiving the notification, setting out the employees return date.

Once an employee has given notice of their intended SML start date, they have 28 days to change this. The employee must give eight weeks' notice to change the return date.

The earliest the employee can start leave is 11 weeks before the expected week of childbirth. Leave will also start:

- the day after the birth if the baby is early
- automatically if the employee is off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that the baby is due

The employee must take at least two weeks' compulsory maternity leave, starting the day on which the child is born.

## Statutory Maternity Pay (SMP)

To qualify for Statutory Maternity Pay (SMP) the employee must have:

- earned on average at least £120\* a week (before tax) \*as at May 2021
- given The Council the correct notice
- given proof of pregnancy
- worked for The Council continuously for at least 26 weeks up to the ‘qualifying week’ – which is the 15th week before the expected week of childbirth

For the first six weeks of the leave, the employee will be entitled to 90% of their normal earnings. The following 33 weeks will be paid at the SMP rate or 90% of their average weekly earnings (whichever is lower). The standard rate for SMP is reviewed every April. The current rate is available here: <https://www.gov.uk/maternity-pay-leave/pay>

Week of Maternity Leave (Ordinary / Additional)	Entitlement to Pay
First 6 Weeks of OML	90% of the employees normal earnings
Weeks 7 – 26 of OML	SMP or 90% of normal weekly earnings (whichever is lower)
Weeks 27 – 39 of AML	
Weeks 40 – 52 of AML	No pay

Tax and National Insurance is deducted from SMP.

If an employee is not eligible for SMP, The Council will provide the employee with form SMP1 explaining why within 7 days of making the decision. The employee may be eligible for Maternity Allowance instead.

*Note: An employee cannot get SMP if they go into police custody during the maternity pay period, and this will not restart when discharged.*

## Maternity Allowance (MA)

Employees who do not qualify for SMP may be entitled to Maternity Allowance (MA), for up to 39 weeks, if they are employed.

In the 66 weeks before the baby is due the employee must have:

- been employed or self-employed for at least 26 weeks (these need not be consecutive weeks)
- been earning (or classed as earning) £30 a week or more in at least 13 weeks (the weeks don't have to be together)

It does not matter if the employee had different jobs or periods of unemployment.

More information can be found at [www.gov.uk/maternity-allowance/eligibility](http://www.gov.uk/maternity-allowance/eligibility)

If you have more than one year's continuous local government service immediately before the 11th week before your expected week of childbirth, additional rights apply, see below.]

## Enhanced Maternity Pay

Where you have more than one year's continuous local government service as referred to above, you will be eligible to be paid by the Council 90 per cent of your normal weekly pay 2 for the first six weeks (offset against any MA payable) even if you are not eligible to be paid SMP.

Where you have more than one year's continuous local government service as referred to above, and you declare in writing to the Council an intention to return to work after your maternity leave for at least three months, then, after the first six weeks of maternity leave, you will be paid for the next 12 weeks half a week's pay per week in addition to SMP or MA, subject to a maximum payment per week of your normal weekly earnings. In the event that you do not return to work for three months following your leave period, you will be required to repay the Council any payments made to you in the 12-week period in excess of SMP or MA, or such part thereof as the Council may decide.



## Health & Safety Considerations

The Council acknowledges the importance of protecting pregnant or breastfeeding employees, as well as their unborn child, from avoidable risks.

When the employee informs their manager that she is pregnant or breastfeeding, the line manager will assess any risks, with input from the employee, and complete the “Maternity: Risk Assessment for New & Expectant Mothers” form. Appropriate action should be taken to resolve any risks identified. The employee should share any information received from their doctor or midwife that could impact on the assessment.

The risk assessment should be monitored and reviewed on a regular basis. If the employee thinks they have been exposed to a risk at work, they should discuss this with their manager, in order that the risk assessment can be reviewed.

If the risk cannot be avoided, the Clerk will convene the Staffing Committee which will consider if the risk(s) can be removed, or if they cannot whether suitable alternative work (with no less favourable terms and conditions) can be offered. If no suitable alternative work is available, the Council must suspend the expectant mother on full pay for as long as is necessary to protect her health and safety or that of her baby.

## Antenatal Care

All pregnant employees are entitled to reasonable time off with pay for antenatal care made on the advice of a registered medical practitioner. Except for the first appointment, employees should show the Council the appointment card or other documents showing that an appointment has been made.

If the employee is the father or pregnant woman’s partner, they have the right to unpaid time off work to go to 2 antenatal appointments.

## Sickness Absence

If the employee is absent from work during the pregnancy due to ill health, prior to the beginning of the 4th week before the baby is due, the employee will receive the normal statutory sick pay (SSP), in the same manner as she would during any other sickness absence, provided that she has not yet begun her maternity leave.

Absence from work due to miscarriage, termination or stillbirth earlier than the 25<sup>th</sup> week of the pregnancy will be recorded through the normal sickness absence procedure, and the employee will be entitled to SSP.

If a miscarriage or stillbirth occurs after the 25<sup>th</sup> week, or should the baby not survive following birth, the employee will be entitled to receive maternity leave and pay, as detailed above.

If the employee is sick during maternity leave, they will not receive SSP if they are receiving SMP.

If the employee is unable to return to her post at the end of her maternity leave due to ill health this will be managed in accordance with the Sickness & Absence Management Policy. A medical certificate will be required for absence immediately following on from the date of the end of the maternity leave even if this subsequent absence is for 7 days or less.

## Keeping In Touch Days (KIT)

The employee and their manager are encouraged to maintain reasonable contact during the maternity leave period. Before the leave starts, the manager will discuss the arrangements for the employee to keep in touch during leave, including the type, frequency and method of contact. This should also include a discussion about ‘keeping in touch’ (KIT) days.

During the leave, the manager should also maintain reasonable contact with the employee to discuss return to work plans, any special arrangements to be made or training to be given to ease the return to work.

An employee can agree to work for the Council (or to attend training) for up to 10 KIT days during their maternity leave period, without that work bringing the period of leave to an end and without the loss of a week's SMP (or equivalent statutory provision).

The type of work to be undertaken should be agreed between the employee and their manager and any work carried out on a day shall constitute a day's work for these purposes.



Any KIT days worked do not extend the period of maternity leave. Once the KIT days have been used up, if the employee returns to work for any day (or part of a day), they will lose the SMP they were entitled to for the week in which they have worked.

## Contract and Benefits

Employees who request or take maternity leave are protected against suffering a detriment or unfair dismissal. During the whole period of maternity leave, the employee is entitled to receive all their contractual benefits with the exception of terms relating to salary.

When an employee returns to work following maternity leave, the period of absence due to this leave will not affect the employees' recognised continuous service for employment rights purposes. This includes the right to pay rises should these be awarded, accruing annual leave, and returning to work.

## Pensions

For employees who are members of the pension scheme, during the period of maternity leave, the pension is worked out using the assumed pensionable pay (where this is higher than the amount of pensionable pay actually received).

The employee will continue to pay the basic pension contributions on any pay received, including SMP. However, any period of unpaid maternity leave (weeks' 40-52) will not count for pension purposes unless the employee elects to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost during that period of unpaid absence.

## Returning to work after maternity leave

An employee must take at least two weeks' compulsory maternity leave, starting the day on which the child is born. The employee does not need to provide additional notice if they are returning to work on the date indicated on their maternity leave notification form and acknowledged in their confirmation letter; or on the first working day after 52 weeks' maternity leave (OML and AML).

Where a period of annual leave has been agreed between the employee and the Council, that is due to commence immediately following the end of the maternity leave period, a physical return to work is not required until the end of the approved annual leave period.

If the employee wishes to return to work and end her maternity leave earlier than the expected end date, she must give the Council at least 8 weeks' notice of her revised maternity end date, in writing. Failure to provide such notice may require the Council to postpone the return date to secure 8 weeks' notice. If it is necessary for the Council to postpone the return date this cannot be to a date later than the previous expected end of maternity leave, or later than the end of the 52 weeks' maternity leave.

Employees who return to work within the paid leave period will forfeit their entitlement to any remaining maternity pay entitlements.

Employees choosing to return to work at the end of the OML have the right to return to the same job they occupied before their maternity leave began, on the same terms and conditions of employment as if they had not been absent.

An employee who takes AML also has this entitlement, however, where it is not reasonably practicable for The Council to allow them to return to the same job, suitable alternative work on terms and conditions that are no less favourable may be offered.

### *Not returning to work*

If the employee decides not to return to work after maternity leave, they must give notice of resignation as soon as possible and in accordance with their terms and conditions. If the notice period would expire after maternity leave has ended, the employee may be required to return to work for the remainder of the notice period.

SMP will continue to be paid until the end of the SML paid period so long as the employee continues to meet the eligibility criteria.



## Breastfeeding

If the employee returns to work whilst still breastfeeding, they should provide written notification as soon as possible, ideally before returning to work, to allow for a risk assessment to be carried out. As a result, arrangements will be made that will, where possible, provide a private, healthy and safe environment for breastfeeding mothers to express and store milk; and / or flexible working arrangements in order to change working conditions, or hours, or giving time to express or breastfeed.

## Flexible working arrangements

Full consideration will be given to requests from employees who wish to change their working commitment and / or arrangements upon returning from maternity leave. Employees should consult the Flexible Working Policy for more information.

## Neonatal Leave and Pay

### *Background and Introduction*

Following the birth of a child most parents will expect to spend a couple of days in hospital before being discharged and returning home to spend time with their newborn baby. However, for many parents of premature or sick babies the situation will be very different as many of these babies will receive weeks, and in some cases, months of neonatal care.

This means that for the mother of those babies a period of their maternity leave and pay is used while the baby is in hospital before they even get to spend time with their newborn. This may often lead to new mothers having to return to work without having spent the normal amount of time with their new babies.

The Neonatal Care (Leave and Pay) Act is intended to support parents of babies who are admitted into neonatal care within **28 days of birth**.

### *Purpose of the Policy*

This policy sets out the entitlement to neonatal leave and pay for eligible employees. This policy does not form part of any employee's contract of employment and the organisation may amend it at any time.

The policy has been developed to help support families whose newborn child spends time in neonatal care following birth. This is generally because the baby is born prematurely or at full-term but sick. For many parents, therefore much of their maternity/paternity leave is spent on the neonatal unit, not at home bonding with their babies.

This policy will ensure that the parents of the child in neonatal care have the opportunity to spend the same amount of time, at home, with their child as would be the case where the child does not spend time in hospital. This will provide the parents of such babies with the assurance that they will be able to spend as much time with their newborn baby as those on maternity leave/ maternity support leave whose baby does not require to spend time in a neonatal unit.

Eligible employees will be able to take up to 12 weeks of paid leave in addition to their other family leave entitlements such as maternity and paternity leave.

Neonatal Care **Leave** is a day-one right.

### *What qualifies as Neonatal Care*

The Act sets out three categories of medical care which will count as neonatal care, these are:



- Any medical care received in hospital
- Medical care received elsewhere following discharge from an inpatient stay hospital. The care must be under the direction of a consultant and includes ongoing monitoring and visits to the child by healthcare professionals; or
- Palliative or end of life care.
- Unfortunately, any medical care which does not fall within the definition above will not qualify, nor will any medical care which does not begin within the first 28 days of the baby's birth.

#### *Eligibility for Neonatal Leave*

All employees will be eligible to apply for neonatal **leave** from the first day of employment. Agency assignees, casual workers, self-employed contractors, are not eligible under this policy.

To qualify for neonatal leave the newborn baby would have to have spent at least 7 consecutive days in a neonatal care unit within the first 28 days of birth.

If you are the mother of the child and receiving maternity leave and pay this will continue until the end of the maternity leave period. Any entitlement to neonatal leave will commence at the end of the maternity leave period.

If you are not the mother of the child you will be eligible to apply for neonatal leave if you are:

- the father
- the husband or partner of the mother (or adopter) - this includes same-sex partners
- the child's adopter
- the intended parent (if you're having a baby through a surrogacy arrangement and eligible to apply for a parental order)

#### *Eligibility for Neonatal Pay*

You must have been employed by your employer for a continuous period of at least 26 weeks ending with the **relevant week** (which is the 15th week before the week in which the baby is due (approximately the 25th week of pregnancy)).

Your average gross weekly earnings must be at least equal to the lower earnings limit for National Insurance (NI) purposes. In April 2024-25, this is £123 per week.

As a general rule, your earnings will be averaged over a period of at least 8 weeks up to and including the last pay day before the end of the relevant week. This period is called the 'relevant period'.

These conditions are the same as the conditions for Maternity and Shared Parental Pay.

Neonatal Care Pay is paid at a flat rate per week (see [here for current rates](#)) or 90% of average weekly earnings, if this is less. Neonatal Care Pay may be paid for a maximum of 12 weeks and is payable within the first 68 weeks of the child's birth.

Where the mother of the child does not qualify for maternity pay she will still be entitled to apply for neonatal leave and pay.





### Neonatal Leave and Entitlements

- You must be an employee
- The baby must be born **on or after 6th April 2025**
- At the birth of the baby, you must be the baby's parents, intended parents (in relation to surrogacy) or partner (see definition below) to the baby's mother and you must have or expect to have responsibility for raising the child (similar rules apply in relation to adoption).
- The newborn must be admitted to neonatal care within the first 28 days of birth and must remain in neonatal care for at least 7 continuous days. The first period of 7 days begins with the day after the day your baby first receives neonatal care.
- Neonatal care leave must be taken to provide care for the baby
- Neonatal care leave must be taken in blocks of a week.
- **Partner** is defined as a person who lives with the baby's mother or adopter and is in an enduring family relationship with them but is **not** a relative (parent, grandparent, grandchild, sibling, aunt, uncle, niece or nephew).
- Parents can take one week's Neonatal Care Leave in respect of each interrupted week (7 days) that their baby receives neonatal care.
- The maximum amount of leave is **12 weeks**.

The first qualifying period of 7 days begins with the day after the day your baby first receives neonatal care (i.e., days 2-8 of neonatal care). Neonatal care Leave can be taken from the day after the first qualifying period. This means that you are not able to start neonatal leave until day nine.

Leave must be taken within the first 68 weeks of the baby's birth (or placement in the case of adoption). As many people will already be on some form of family leave while their baby is in neonatal care, neonatal leave will often be taken after neonatal care has ended and at the end of maternity/shared parental or adoption leave.

However, there will be instances where individuals will take neonatal leave while their baby is still receiving neonatal care, for example partners whose paternity leave entitlement has run out while their baby is still receiving care. There are two categories of neonatal leave depending on when the leave is taken, and these are referred to as Tier 1 or Tier 2 periods.

#### Tier 1

This period of leave applies to leave taken while your baby is still receiving care and up to a week post discharge. Tier 1 leave can be taken in non-continuous blocks of a minimum of one week at a time. The Tier 1 period leave ends on the 7th day after the day your baby stops receiving neonatal care.

#### Tier 2

This period leave applies to all other leave and must be taken in one continuous block, there is no option to take more than one period of Neonatal Care Leave in the tier 2 period.

#### Notifying your Employer of the Intention to take Neonatal Leave

The required length of notice differs depending on when the leave is taken.



For each week of Tier 1 period leave (leave to be taken while your baby is still receiving care), notice must be given before you are due to start work on your first day of absence in that week unless it is not reasonably practicable in which case you must give as much notice as soon as it is reasonably practicable. Notice during a Tier 1 period does not need to be in writing.

Tier 1 period leave is only likely to be taken by a father or the mother's partner, as the mother will more than likely already be on Maternity leave during the Tier 1 period. If you are already on paternity leave when you wish to take Tier 1 period leave, you would just have to notify your employer before the time you are due to start work after paternity leave, that you wish to take Neonatal Care Leave.

For a single week of Tier 2 period leave, notice must be given no later than 15 days before the first day of the Neonatal Care Leave to which the notice relates.

For two or more consecutive weeks of Tier 2 Leave, notice must be given no later than 28 days before the first day of the neonatal care leave to which the notice relates. The leave can only be taken in a single block. However, you can agree with your employer to waive any notice requirements.

#### *How much notice is required for Neonatal Care Pay*

The required length of notice differs depending on the period the pay relates to.

For each week of statutory pay beginning in **Tier 1 period**, notice must be given within 28 days from the first day of the period the notice relates to unless it is not possible to give this much notice, in which case notice must be given as soon as reasonably practicable.

For a single week of statutory pay beginning in the **Tier 2 period**, notice must be given no later than 15 days before the first day of the pay week which the notice relates to. This is the same as the corresponding notice requirements for Neonatal Care Leave.

For two or more consecutive statutory pay weeks beginning in the **Tier 2 period**, notice must be given no less than 28 days before the first day of the first week the notice relates to unless it is not possible to give this much notice, in which case notice must be given as soon as practicable. This is the same as the corresponding notice requirements for Neonatal Care Leave.

However, you can agree with your employer to waive any notice requirements.

#### How to give notice to take Neonatal Care Leave and Neonatal Care Pay

In order to take Neonatal Care Leave and Neonatal Care Pay, you must provide your employer notice stating:

- Your name
- Your baby's date of birth (or date of placement/entry to Great Britain if adopting)
- The start date or dates of neonatal care
- The date neonatal care ended (if applicable)
- The date on which you would like to take the leave (and pay)
- The number of weeks of Neonatal Care Leave (and pay) the notice is being given for
- Confirmation that the leave is being taken to care for the baby
- Confirmation that you are eligible to take the leave due to your relationship with the baby



- If you have given notice before your baby has stopped receiving neonatal care, you must inform your employer (or the person liable to pay statutory neonatal care pay if different) of the date that neonatal care ends, as soon as is reasonably practicable after that date.

### *Twins/Multiple Births*

You cannot claim Neonatal Care Leave in respect of more than one baby if the babies are receiving care at the same time. So, for example, if you have twins and both receive care for a period of 4 weeks at the same time, you would only be entitled to 4 weeks of Neonatal Care Leave. However, you can accrue Neonatal Care Leave in respect of more than 1 child, if they receive neonatal care at different times but this is still subject to a total maximum of 12 weeks.

### *Impact on Maternity Leave and other types of Family Leave*

Maternity leave cannot be paused or restarted, however the provision of neonatal leave and pay will allow the mother to have additional leave at the end of her maternity leave period.

The mother of a newborn child is entitled to take maternity leave for up to 52 weeks, through a combination of Ordinary Maternity Leave and Additional Maternity Leave.

This is a statutory right and maternity leave must begin on the day of the birth or at 11<sup>th</sup> week before the expected week of confinement (EWC).

This policy does not affect the right to maternity leave or the requirements for maternity leave. This policy is to allow all parents of newborn babies to have the opportunity to spend up to the full 52 weeks at home with the newborn baby.

Neonatal leave for the mother of the child cannot be taken during a period of maternity leave and must be taken immediately after the maternity leave ends.

The interaction with other types of statutory parental leave (shared parental leave and paternity/ maternity support leave) with neonatal leave will be more flexible as these can be used at different times. For example, paternity leave can be used at any time between the birth of the baby and 56 days from birth (or due date in the case of premature birth). Neonatal leave can be used at any time up to 68 weeks following admittance to the care unit.

The policy will not impact on the mother's rights to maternity leave and pay or on the right to take paternity/maternity support leave or any other statutory leave.

### *Terms and Conditions During Neonatal Leave*

As with all statutory family leave, when you are on Neonatal Care Leave, you will continue to benefit from the terms and conditions of your employment, except pay. Your continuity of employment is not disrupted and you will continue to accrue your statutory holiday.

During Neonatal Care Leave, you remain bound by most of your contractual obligations, including your obligation of good faith to your employer and confidentiality. If your contract says you cannot work for another employer, this continues to be the case during Neonatal Leave.

You cannot be "punished" (suffer detrimental treatment) because you have taken Neonatal Care Leave or because your employer believed you were likely to take Neonatal Care Leave. This protection from detrimental treatment is set out in section 47C of the ERA 1996.

You are also legally protected from dismissal (Regulation 18(1) and (3) Neonatal Care Leave Regulations). Any dismissal where the reason or principal reason for dismissal is connected to the fact that you took Neonatal Care Leave or because your employer believed you were likely to take Neonatal Care Leave will be **automatically unfair**. You will be entitled to return to the same job in the following circumstances:

- If you return to work after an isolated period of neonatal care leave
- If your returned to work after the last of two or more consecutive periods of statutory leave which did not include more than 4 weeks of parental leave or which did not total more than 26 weeks (excluding parental leave) of statutory leave. So for example, if you took a period of maternity leave as well as neonatal care leave, you will be entitled to return to the same job if the total amount of leave did not exceed 26 weeks.
- In all other cases you are entitled to return to the same job or, if that is not reasonably practicable for your employer, you have the right to return to another job which is both suitable and appropriate for you. This is the same right as those returning from Additional Maternity Leave.

*This policy is part of The Councils Family and Annual Leave policy group and is designed to work in conjunction with the following policies:*

- *Adoption (or Surrogacy) Leave and Pay*
- *Annual and Other Leave*
- *Flexible Working*
- *Health & Safety Policy*
- *Parental*
- *Paternity (or Partner) and Shared Parental Leave and Pay*
- *Sickness and Absence Management*

	<b>Person/Group responsible</b>	<b>Version</b>	<b>Date completed</b>
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Reviewed by	Staffing Committee		08/08/2017
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Updated by	Ellis Whittam	2.0	24/04/2018
Reviewed by	Clerk		01/08/2018
Agreed	Staffing Committee		08/05/2018
Reviewed and Updated by	Ellis Whittam	3.0	01/08/2019
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Reviewed and updated by	Supportis Hr	6.0	27/03/2025



## Adoption leave policy

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This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

Wendover Parish Council has dispensations from HMRC for certain expenses that may be accrued by Councillors and employees. The Council will reimburse expenses to employees and Councillors only via claims on an expenses claim form and via the standard process for payments. This means payment of expenses will be made via cheque or BACS where HMRC dispensations allow and will only be paid once signed off in a meeting.

All other expenses will be paid via payroll and must be included on a P11D at the end of the tax year.

Employees should avoid accruing expenses where other provisions are provided such as petty cash or a Council charge, credit or debit card. Payments using these methods can be authorised or undertaken by the Clerk within the delegated limit under Financial Regulations and the Scheme of Delegation.

Elected Councillors can claim an allowance if a resolution is passed by the full Council. Where allowances are paid it is expected that the allowance will cover expenses and further expenses claims may not be honoured.

Eligibility

Types of Flexible Working

Requesting Flexible Working

Withdrawing an application

Decision to approve the request

Decision to deny the request

Appeal

### Adoption Leave

Employees who have been matched with a child may take up to 52 weeks adoption leave and may be eligible to 39 weeks of statutory adoption pay.

Only one person in a couple can take adoption leave. If a couple jointly adopt a child, one may take adoption leave and the other parent may be able to take paternity leave or shared parental leave. Adoption leave is a "day one" right meaning there is no qualifying period and all employees of The Council are entitled to take it. However, some employees will not qualify for both leave and pay. Some surrogate parents will become eligible for adoption leave. *(see Surrogacy below)*

If the employee is the main adopter, they will be able to take paid time off for up to five adoption appointments. If the employee is the secondary adopter, they will be entitled to take unpaid time off for up to two appointments.

Adoption leave may be taken:

- When a child starts living with the employee, or up to 14 days before the placement date (UK adoptions)
- When an employee has been matched with a child by a UK adoption agency
- When the child arrives in the UK, or within 28 days (overseas adoptions)

### Adoption leave notice

Employees must give The Council the correct notice and are required to provide The Council with documentation proving the adoption. Within 7 days of being matched with a child, the employee must tell The Council:

- how much leave they wish to take
- the start date of their leave
- the ‘date of placement’ - the expected or actual date the child is placed with them

The Council will then write to the employee within 28 days to confirm the leave start and end date.



### *Overseas adoption*

The rules are different for leave if it is an overseas adoption. The employee must tell The Council:

- the date of the 'official notification' and the expected date the child arrives in the UK - within 28 days of getting the notification
- the actual date the child arrives in the UK - within 28 days of this date
- how much leave they want and when they want it to start - giving The Council 28 days' notice

The Council will then write to the employee within 28 days to confirm the leave start and end date.

### *Refusing leave*

The Council cannot refuse adoption leave or change the amount of leave the employee wants to take off, and wherever possible the dates requested will be granted. However, The Council can delay the start date if the employee does not have a reasonable excuse for providing the wrong amount of notice. The Council will write to the employee within 28 days of their leave request should it be necessary to delay the start date of the leave.



## Surrogacy

Surrogacy is when another woman carries and gives birth to a baby for “intended parents”. The woman who gives birth to the child will be treated as the mother however parental responsibility can be transferred by either an adoption or parental order.

If the intended parents are genetically related to the baby, a Parental order must be applied for to become the legal parents of the child. An Adoption Order must be applied for where intended parents are not genetically related.

Adoption leave and pay is available to eligible employees who become the legal parents following an application for adoption or parental order.

Intended parents will be entitled to 2 unpaid antenatal appointments to enable them to accompany the birth mother.

### *Surrogate mothers*

Surrogates are the legal mother of any child they carry, even if they're not genetically related, until they sign a parental or adoption order following the birth of the child, transferring their rights to the intended parents.

Pregnant employees have the right to 52 weeks maternity leave (see maternity leave policy) and to return to work after maternity leave. Whatever the birth mother does with the child in a surrogacy arrangement following the birth has no impact on her right to maternity leave.

## Statutory Adoption Pay

Adoption pay is available to eligible employees who become the legal parents following an application for adoption or parental order after a surrogacy.

To get Statutory Adoption Pay you must:

- have worked for The Council continuously for at least 26 weeks by the week you are matched with a child
- earned on average at least £120\* a week (before tax) \*as at May 2021
- given The Council the correct notice
- given The Council proof of the UK adoption or surrogacy; or (*in case of surrogacy*)
  - confirm the intention to apply for a parental order, and
  - expect the order to be granted (for example because you don't have any convictions involving children, and the birth mother or father agree to the arrangement)

### *Exceptions*

Employees do not qualify for Statutory Adoption Leave or Pay if they:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a stepchild or family member
- do not meet the eligibility criteria detailed above

If an employee does not qualify, The Council will provide them with form SAP1 explaining why.

### *Proof of adoption*

Employees must give The Council proof of adoption to qualify for Statutory Adoption Pay. This is usually a matching certificate from the adoption agency, which must be recognised in the UK, or in case of surrogacy, a written statement ('statutory declaration') signed in the presence of a legal professional, to confirm that an application for a parental order has been made.

The proof must show:

- The name and address of the agency and employee
- The date the child was matched, e.g. the matching certificate
- The expected or actual date of placement, e.g. a letter from the agency



- The relevant UK authority's 'official notification' confirming the parent is allowed to adopt (overseas adoptions only)
- The date the child arrived in the UK, e.g. plane ticket (overseas adoptions only)

A copy of this documentation will be taken and kept on the employees personnel file.

#### *Notice*

The employee must give The Council 28 days' notice before they want to be paid Statutory Adoption Pay, (unless the time between the child being matched and placed is less than that).

#### *Pay*

For the first six weeks of the leave, the employee will be entitled to 90% of their normal earnings. The following 33 weeks will be paid at the statutory adoption pay rate. The current rate is available here:

<https://www.gov.uk/adoption-pay-leave/pay>

Tax and National Insurance is deducted from Statutory Adoption Pay.

#### *Refusing pay*

The Council can refuse Statutory Adoption Pay if the employee does not qualify. To refuse this, The Council will give the employee form SAP1 within 7 days of the decision.

### **KIT Days**

The employee and their manager are encouraged to maintain reasonable contact during the leave period. Before the leave starts, the manager will discuss the arrangements for the employee to keep in touch during leave, including the type, frequency and method of contact. This should also include a discussion about 'keeping in touch' (KIT) days. During the leave, the manager should also maintain reasonable contact with the employee to discuss return to work plans, any special arrangements to be made or training to be given to ease the return to work.

An employee can agree to work for the company (or to attend training) for up to 10 days during their adoption leave period, without that work bringing the period of the leave to an end and without loss of a week's statutory adoption pay (or equivalent statutory provision). These are known as 'keeping-in-touch' (KIT) days.

The type of work to be undertaken should be agreed between the employee and their manager and any work carried out on a day shall constitute a day's work for these purposes.

Any KIT days worked do not extend the period of adoption leave. Once the KIT days have been used up, if the employee returns to work for any day (or part of a day) which is not a KIT day they will lose the statutory adoption pay they were entitled to for the week in which they have worked.

### **Contract and Benefits**

Employees who request or take adoption leave are protected against suffering a detriment or unfair dismissal. They have the right to return to the same job after 26 weeks adoption leave; and after 52 weeks a suitable alternative job must be found.

During the whole period of adoption leave, the employee is entitled to receive all their contractual benefits with the exception of terms relating to salary.

When an employee returns to work following adoption leave, the period of absence due to this leave will not affect the employees' recognised continuous service for employment rights purposes. This includes the right to pay rises should these be awarded, accruing annual leave, and returning to work.

#### *Pensions*

For employees who are members of the pension scheme, during the period of Adoption Leave, the pension is worked out using the assumed pensionable pay (where this is higher than the amount of pensionable pay actually received).

The employee will continue to pay the basic pension contributions on any pay received, including statutory adoption pay. However, any period of unpaid adoption leave (normally from weeks' 40-52) will not count for pension





purposes unless the employee elects to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost during that period of unpaid absence.

Current pension scheme guidance can be found here: <http://www.buckscc.gov.uk/services/council-and-democracy/local-government-pension-scheme/scheme-members/parental-leave/>

*This policy is part of The Councils Family and Annual Leave policy group and is designed to work in conjunction with the following policies:*

- *Annual and Other Leave*
- *Flexible Working*
- *Health & Safety Policy*
- *Parental*
- *Paternity (or Partner) and Shared Parental Leave and Pay*

	<b>Person/Group responsible</b>	<b>Version</b>	<b>Date completed</b>
Report written by	Ella Jones	1.0	02/08/2017
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Reviewed by	Supportis	3	March 2025



## Parental leave

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This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

Wendover Parish Council has dispensations from HMRC for certain expenses that may be accrued by Councillors and employees. The Council will reimburse expenses to employees and Councillors only via claims on an expenses claim form and via the standard process for payments. This means payment of expenses will be made via cheque or BACS where HMRC dispensations allow and will only be paid once signed off in a meeting.

All other expenses will be paid via payroll and must be included on a P11D at the end of the tax year.

Employees should avoid accruing expenses where other provisions are provided such as petty cash or a Council charge, credit or debit card. Payments using these methods can be authorised or undertaken by the Clerk within the delegated limit under Financial Regulations and the Scheme of Delegation.

Elected Councillors can claim an allowance if a resolution is passed by the full Council. Where allowances are paid it is expected that the allowance will cover expenses and further expenses claims may not be honoured.

Eligibility

Types of Flexible Working

Requesting Flexible Working

Withdrawing an application

Decision to approve the request

Decision to deny the request

Appeal

Employees may be entitled to Paternity Leave and Pay if their partner is having a baby, adopting a child or having a baby through a surrogacy arrangement. Reference to Paternity through this policy relates to Paternity and Partner leave and pay.

Shared Parental Leave is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

## Paternity Leave Policy

### *Paternity Leave*

Paternity leave and paternity pay are available to employees who are the father of a new born child or the spouse or partner of the mother or adoptive parent.

### *Qualification*

Paternity leave is available to you if you:

Have worked continuously for the Council for not less than 26 weeks by the 15th week before the baby is due, or the end of the week in which the child's adopter is notified of being matched with the child (UK adoption), or the date the child enters the UK (overseas adoptions)

The employee must also be one of the following to qualify:

- the father
- the husband or partner of the mother (or adopter)
- the child's adopter
- the intended parent (if the employee is having a baby through a surrogacy arrangement)

The leave must be either to care for the child or to provide support for the child's mother or adoptive parent.



You cannot take both adoption leave and paternity leave in respect of the same child.

*Duration*

Paternity leave of up to 2 weeks' can be taken either consecutively or in two one-week blocks. In exceptional circumstances a different working pattern may be negotiated. The amount of time is the same even if you have more than one child (e.g. twins).



### *When Leave can be Taken*

The start date of leave must be one of the following:

- the actual date of birth
- an agreed number of days after the birth
- an agreed number of days after the expected week of childbirth (EWC)

Leave must finish within 56 days (8 weeks) of the birth or the due date if the baby is early.

The start and end dates for leave are different if the employee is adopting. A period of Paternity leave when adopting a child can start:

- on the date of placement
- an agreed number of days after the date of placement
- on the date the child arrives in the UK or an agreed number of days after (for overseas adoption)
- the day the child is born or the day after for surrogate parents

### *Statutory Paternity Pay (SPP)*

Employees may be entitled to Statutory Paternity Pay (SPP) if they meet the following criteria. Employees must:

- have worked for the Council continuously for at least 26 weeks by the end of the 15th week before the EWC (known as the 'qualifying week')\*
- be employed by the Council up to the date the child is born (or placed with the adopter)
- give the Council the correct notice
- be taking time off to look after the child or their partner
- be responsible for the child's upbringing.

\*The qualifying week is different if the employee is adopting.

Statutory Paternity Pay for eligible employees is either the statutory amount (latest rates are available here: <https://www.gov.uk/maternity-paternity-calculator>) or 90% of their average weekly earnings (whichever is lower). Tax and National Insurance is deducted from SPP.

If the employee has worked for more than 2 years for the council then the member of staff may be given enhanced paternity pay at the council's discretion. This will normally be 2 weeks leave at full pay in addition to their annual leave entitlement

If the baby dies employees still qualify for paternity leave and pay if the baby is either stillborn from 24 weeks of pregnancy or born alive at any point in the pregnancy but later dies.

### *Notification*

To take Paternity Leave, you must inform the Council of your intention to take paternity leave by the 15th week before the baby is expected. If this is not reasonably practicable, you must give notice as soon as reasonably practicable and should provide a written explanation for the delay.

You must also inform the Council:

- The Expected Week of Childbirth (the week the baby is due);
- Whether you wish to take one or two weeks' paternity leave;
- The date on which you want your leave to start.

You can change your mind about the date you want your paternity leave to begin, provided you give the Council at least 28 days' notice, ending at the original start date or new start date, whichever is earlier. If this is not reasonably practicable, you must give notice as soon as reasonably practicable and should provide a written explanation for the delay. If notice is given late and the explanation for the delay is inadequate the Council can postpone the start of your paternity leave until the 29th day after receipt of the notice.



## Antenatal Care

### *Fathers and partners*

If the employee is the father, partner or civil partner of a pregnant woman, they are entitled to unpaid time off during working hours to accompany the mother to two antenatal appointments. This includes intended parents if having a baby through a surrogacy arrangement.

### *Adoptions*

If the employee is the main adopter, they will be able to take paid time off for up to five adoption appointments. If they are the secondary adopter, they will be entitled to take unpaid time off for up to two appointments.

## Shared Parental Leave (SPL)

Shared Parental Leave (SPL) provides parents with the opportunity to consider the best arrangements to care for their child during the child's first year. It enables eligible parents to share the caring evenly or have one parent taking the main caring role.

To qualify, the mother (or adopter) must be entitled to some form of maternity or adoption entitlement, have given notice to curtail it and must share the main responsibility for caring for the child with the named partner.

For a parent to be eligible to take Shared Parental Leave they must be an employee and they must pass the continuity of employment test. In turn, the other parent in the family must meet the employment and earnings test. An employee of the Council could be either the mother (or adopter) or the father, partner or civil partner.

### *Continuity of employment test*

The person must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and still be employed in the first week that Shared Parental Leave is to be taken.

### *Employment and earnings test*

The person must have worked for at least 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold in 13 of the 66 weeks.

Where both parents satisfy these tests, they will both be able to share the leave. However, a family can still use Shared Parental Leave even when only one parent actually meets the eligibility criteria. For example, a self-employed parent will not be entitled to take Shared Parental Leave but they could still pass the employment and earnings test allowing the other parent in the family to qualify.

The mother or adopter must decide whether to keep taking maternity or adoption entitlement or to use Shared Parental Leave. If they choose to use Shared Parental Leave, they can end their entitlement or give advance notice to curtail it. This advance notice means their partner could begin to take Shared Parental Leave while the mother or adopter is still on maternity or adoption leave.

Shared Parental Leave may be taken at any time within the period which begins on the date the child is born/date of the placement and ends 52 weeks after that date.

An employee is entitled to submit three separate notices to book leave. Leave must be taken in complete weeks and may be taken either in a continuous period, which The Council cannot refuse, or in a discontinuous period, which The Council can refuse. If a request for discontinuous leave is refused then the total amount of leave requested in the notice will automatically become a continuous block unless it is withdrawn.

### *Shared Parental Pay (ShPP)*

Statutory Shared Parental Pay (ShPP) is paid at the statutory rate (latest rates are available here:

<https://www.gov.uk/shared-parental-leave-and-pay-employer-guide/entitlement>) or 90% of the employees average weekly earnings (whichever is lower).

If the mother or adopter curtails their entitlement to maternity / adoption pay or maternity allowance before they have used their full entitlement, then ShPP can be claimed for any remaining weeks.



To qualify for ShPP the employee must pass the continuity of employment test and have earned an average salary of the lower earnings limit for the 8 weeks' prior to the 15th week before the expected due date or matching date. The other parent in the family must meet the employment and earnings test.

#### *Starting Shared Parental Leave (SPL)*

The employee must give the Council written notice if they want to start SPL or ShPP.

For (SPL) to start, the mother (or adopter) must do one of the following:

- end their maternity or adoption leave by returning to work
- give The Council 'binding notice' of the date when they will end their maternity or adoption leave
- end their Statutory Maternity Pay (SMP), Maternity Allowance (MA) or Statutory Adoption Pay

If the employee is the mother, she must give The Council at least 8 weeks' notice to end her SMP. Adopters must give The Council at least 8 weeks' notice to end Statutory Adoption Pay.

*Note: SPL can start for the partner while the mother or adopter is still on maternity or adoption leave so long as she has given binding notice to end her leave (or pay if she is not entitled to leave).*

### **Cancelling the decision to end maternity or adoption leave**

If the employee is the mother or adopter, they may be able to change their decision to end maternity or adoption leave early if both the planned end date has not passed; **and** they have not already returned to work. One of the following must also apply:

- it is discovered during the 8-week notice period that neither partner is eligible for either SPL or ShPP
- the employee's partner has died
- it is less than 6 weeks after the birth; and the mother gave notice before the birth

### **Shared parental leave in touch (SPLIT) days**

The employee may be able to work up to 20 days during SPL without bringing it to an end. These are called 'shared parental leave in touch' (or SPLIT) days. These keeping in touch days are optional, and must be agreed to by The Council.

These days are in addition to the 10 'keeping in touch' (or KIT) days already available to those on maternity or adoption leave.



## Contract and Benefits

Employees who request or take Paternity Leave or Shared Parental Leave are protected against suffering a detriment or unfair dismissal. During the whole period of leave, the employee is entitled to receive all their contractual benefits with the exception of terms relating to salary.

When an employee returns to work following leave, the period of absence due to this leave will not affect the employees’ recognised continuous service for employment rights purposes. This includes the right to pay rises should these be awarded, accruing annual leave, and returning to work.

### Pensions

For employees who are members of the pension scheme, during the period of Paternity Leave or SPL, the pension is worked out using the assumed pensionable pay (where this is higher than the amount of pensionable pay actually received).

The employee will continue to pay the basic pension contributions on any pay received, including SPP or ShPP. However, any period of unpaid leave will not count for pension purposes unless the employee elects to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost during that period of unpaid absence.

## Flexible working arrangements

Full consideration will be given to requests from employees who wish to change their working commitment and / or arrangements. Employees should consult the Flexible Working Policy for more information.

*This policy is part of The Councils Family and Annual Leave policy group and is designed to work in conjunction with the following policies:*

- *Adoption (or Surrogacy) Leave and Pay*
- *Annual and Other Leave*
- *Flexible Working*
- *Health & Safety Policy*
- *Maternity Leave and Pay*
- *Parental*
- *Paternity (or Partner) and Shared Parental Leave and Pay*

	<b>Person/Group responsible</b>	<b>Version</b>	<b>Date completed</b>
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## Parental leave policy

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Parental leave is for employees to take time off work to look after a child's welfare. This leave is unpaid, and is available for each child, born or adopted, up to their 18th birthday. Eligible employees can take unpaid parental leave to spend more time with their children; look at new schools; settle children into new childcare arrangements; or spend more time with family, such as visiting grandparents.

### Eligibility

Employees will qualify for Parental Leave if all of the following apply:

- They have been employed by the Council for more than a year (or have previous continuous service from a qualifying employer)
- They are named on the child's birth or adoption certificate or they have or expect to have parental responsibility
- They are not self-employed or a 'worker', e.g. an agency worker or contractor
- They are not a foster parent (unless they've secured parental responsibility through the courts)
- The child is under 18

### Entitlement

If eligible, an employee is entitled to 18 weeks unpaid parental leave for each child born or adopted. A week for the purposes of parental leave is the employees' normal working week, excluding overtime. The leave can start once the child is born or placed for adoption, or as soon as the employee has completed a year's service, whichever is later. Employees can take the leave at any time up to the child's 18th birthday.

#### *Carrying leave over from a previous job*

Parental leave applies to each child not to an individual's job. For example, if an employee has used 10 weeks parental leave with a previous employer; if eligible, they can only use up to 8 weeks with The Council. The Council reserves the right to contact previous employers or request a declaration from the employee to establish how much parental leave has already been given.

### Booking Parental Leave

Parental leave can only be taken in blocks of a week or multiples of a week, and should not be requested or taken as "odd" days off. The Council wishes to support all employees and will however consider shorter periods of leave in exceptional circumstances which will be considered on an individual basis, for example if the child has a disability. Employees cannot take off more than four weeks during a year per child. A week for the purposes of parental leave is the employees' normal working week, excluding overtime.

An employee intending to take parental leave must make a written request, giving at least 21 days' notice of the start date of the parental leave, stating the start date, duration and end date of the requested leave.

To take parental leave straight after the birth or adoption of a child, the employee should give notice 21 days before the beginning of the expected week of childbirth or placement. In cases where this may not be possible they should give notice to the employer as soon as possible. For example, if a child is born prematurely or where less than 21 days' notice is given that a child is to be placed with the employee for adoption.

#### *Postponement*

The Council will endeavour to honour all requests, so long as the employee qualifies for parental leave and gives the correct notice the employee should be able to take parental leave at any time. However, if there are exceptional circumstances it may be necessary to postpone. In these instances, The Council will inform the employee within seven days of the request and offer alternative start and finish dates, within 6 months of the original requested start date.

Parental leave cannot be postponed (delayed) if:

- The Council does not have a 'significant reason (e.g. it would cause serious disruption to the business)
- the leave is being taken by the father or partner immediately after the birth or adoption of a child





- it means the employee would no longer qualify for parental leave (e.g. postponing it until after the child’s 18th birthday)

The employee will have the right of appeal to any decision made by The Council. The employee should give written notice of appeal to their line manager, to which the Council will respond within seven days of receipt.

*Right to Return*

Employees will remain employed while on Parental Leave but will not be paid. Employment rights (such as holidays and returning to a job) are protected during parental leave.

*This policy is part of The Councils Family & Annual Leave policy group and is designed to work in conjunction with the following policies:*

- *Annual and Other Leave*
- *Discipline (Misconduct)*
- *Flexible Working*
- *Health & Safety Policy*
- *Sickness and Absence Management*

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Reviewed by	Ellis Whittam	2.0	01/08/2019
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Reviewed by	Ellis Whittam	2.0	02/09/2021
Agreed	Staffing Committee	2.0	7/11/2023
Reviewed by	Supportis	2	March 2025



## Flexible Working Policy

This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

Wendover Parish Council has dispensations from HMRC for certain expenses that may be accrued by Councillors and employees. The Council will reimburse expenses to employees and Councillors only via claims on an expenses claim form and via the standard process for payments. This means payment of expenses will be made via cheque or BACS where HMRC dispensations allow and will only be paid once signed off in a meeting.

All other expenses will be paid via payroll and must be included on a P11D at the end of the tax year.

Employees should avoid accruing expenses where other provisions are provided such as petty cash or a Council charge, credit or debit card. Payments using these methods can be authorised or undertaken by the Clerk within the delegated limit under Financial Regulations and the Scheme of Delegation.

Elected Councillors can claim an allowance if a resolution is passed by the full Council. Where allowances are paid it is expected that the allowance will cover expenses and further expenses claims may not be honoured.

Eligibility

Types of Flexible Working

Requesting Flexible Working

Withdrawing an application

Decision to approve the request

Decision to deny the request

Appeal

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The Council is a supportive employer and will give full consideration to requests from employees who wish to change their working commitment and / or arrangements. Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

### Eligibility

All employees, with 26 weeks continuous service at the Council, have the legal right to request flexible working. Employees can only make one application for flexible working every 12 months.

### Types of Flexible Working

The Council’s provision for flexible working arrangements aims to support circumstances such as (but is not limited to) childcare or caring responsibilities, voluntary activities, returning from adoption, maternity, parental, paternity or shared parental leave, returning to work following long term sickness absence, to observe religious practices, or to balance work and personal life. There are different ways of working flexibly:

- Annualised hours (contracted hours for the year)
- Compressed hours (contracted hours compressed into less days per week)
- Flexitime
- Job sharing
- Part time
- Working from home
- Phased retirement
- Staggered hours
- Term-time working

### Requesting Flexible Working

Employees are encouraged to hold an informal discussion with the Council to explore flexible working arrangements in advance of making a formal request.



To make a formal request for flexible working, employees must:

- make their request in writing (using the flexible working request form), state the date the request is made, the change to working conditions they are seeking, and the date they would like the change to take effect
- state whether they have made a previous application for flexible work and the date of that application
- state what change to working conditions they are seeking and how they think this may affect the business e.g. cost saving to the business

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.

Once a request has been received, the Council will meet with the employee as soon as possible after receiving the application to discuss the request in more detail.

Following the meeting, the Council will consider the application. Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern. Within 14 days of the meeting, The Council will give the employee notice of its decision.

### **Withdrawing an application**

Employees should tell the Council in writing if they want to withdraw their application. The employer can, however, treat an application as withdrawn if the employee misses 2 meetings to discuss an application or appeal without good reason. The Council must tell the employee they are treating the request as withdrawn.

### **Decision to approve the request**

The Council will decide if the change is to be a formal or informal arrangement - any request for a permanent change will be a formal request and will require a change to the employment contract.

If the employee has requested a temporary (informal) change, then an agreement may be reached together with any compromise if the original request cannot be accommodated.

The Council will consider whether a trial period for any new arrangements would be beneficial.

The Council will complete part 2 of the Flexible Working Request Form, and give a copy of this to the employee and record a copy in the employees' personnel file.

### **Informal Arrangement**

If the employee has requested a temporary (informal) change and this has been agreed, a copy of the agreement will be kept on file, along with the end date of the temporary arrangement. Regular review meetings must be held.

Once the end date is reached, the employee will revert back to the original working arrangement.

### **Formal Arrangement**

The Council will provide details of the employee's new terms and conditions, working pattern, working hours, salary (if applicable) and raise a Variation to Employment Contract, and issue this to the employee.

### **Decision to deny the request**

The Council will consider all requests in a reasonable manner and must have a sound business reason for rejecting a request. This reason must be from the following list:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to the business.

If the Council denies the request, they must write to the employee giving the business reasons for the refusal, within 3 months of the date of the original request.

### **Appeal**



Wherever possible, the Council will reach an agreement on flexible working. However, if the application is refused the employee will have a right to appeal, and must exercise this right within 14 days of the decision.

Employees wishing to appeal are encouraged to have an informal discussion with the Council as there may be a misunderstanding which can be resolved in an informal way. If this does not resolve the appeal, employees should follow the Councils Grievance Policy.

*This policy is part of the Councils Employment Policy group and is designed to work in conjunction with the following policies:*

- *Adoption (or Surrogacy) Leave and Pay*
- *Annual and Other Leave*
- *Discipline (Misconduct)*
- *Grievance*
- *Health & Safety*
- *Maternity Leave and Pay*
- *Parental*
- *Paternity (or Partner) and Shared Parental Leave and Pay*
- *Sickness & Absence Management*

	<b>Person/Group responsible</b>	<b>Version</b>	<b>Date completed</b>
Report written by	Ella Jones	1.0	02/08/2017
Reviewed by	Staffing Committee		08/08/2017
Agreed	Staffing Committee		08/08/2017
Reviewed by	Ellis Whittam	2.0	01/08/2019
Agreed	Staffing Committee		08/08/2019
Reviewed by	Ellis Whittam	2.0	02/09/2021
Agreed	Staffing Committee	2	7/11/2023
Reviewed by	Supportis	2	March 2025



## 3 (RDW) RESPECT AND DIGNITY AT WORK

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These policies set out the Council's expectation that all stakeholders will treat each other with respect and outlines processes to deal with any issues arising.

### *Equality, Diversity and Dignity at Work*

Sets out the commitment to provide equal opportunities to all employees and how to deal with issues around bullying and harassment.



## Equality, dignity and diversity at work

### Policy Statement

Wendover Parish Council is committed to the principle of equal opportunities, respect for others, inclusivity and to avoid unlawful discrimination.

Wendover Parish Council declares its opposition to any form of direct or indirect discrimination on the grounds of

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (including colour, nationality, and ethnic or national origin)
- religion or belief
- sex
- sexual orientation

Wendover Parish Council:

1. Expects that all employees, councillors, contractors and volunteers have a personal responsibility to ensure equal opportunity, diversity and inclusion for all.
2. Believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council. Everyone should expect to be treated with dignity, respect and courtesy.
3. Is committed to equality of opportunity, access and treatment in the services it provides.
4. Will actively promote equal opportunity, diversity and inclusion in its communications and consultations and ensure no group is discriminated or disadvantaged in the consultation or communication process.

Other policies relating to this policy:

- Code of Conduct
- Complaints Procedure
- Disciplinary Procedures
- Grievance Procedures

## Implementation of the policy statement

### General

1. This policy enhances and replaces the following policies:
  - Equality, Diversity and Inclusion Policy
  - Equal Opportunities Policy
  - Bullying and Harassment
2. This policy has three parts: the policy statement, the implementation and guidance notes. Where there is any confusion or ambiguity the policy statement shall take precedent.
3. This policy is relevant to Councillors, employees, contractors, volunteers and users of the services and open spaces provided by Wendover Parish Council.
4. This policy also covers victimisation as a form of discrimination. We define this as subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include examples such as isolating someone because they have made a complaint or giving them a heavier or more difficult workload.
5. It is important to recognise that discrimination and/or bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines and should not be interpreted as anything different.
6. An annual equality, diversity and dignity at work review will be discussed by Staffing Committee, normally at the first meeting after the Council Annual Meeting.

### Enacting the policy

7. All people who come under the scope of this policy shall be made aware of the policy and have access to it.
8. Allegations of breach of our equality statement or bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially.
9. The Council will always look to an informal resolution in the first instance but has procedures should a more formal resolution be required.
10. Anyone who makes an allegation under this policy will not be treated less favourably because of that complaint.
11. Anyone making a complaint will be given a single point of contact within the Council to support them through the process. This will normally be the Clerk or the Chair and will be known as the appropriate contact.
12. False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to further action.
13. Wendover Parish Council recognises that conduct which one person may find acceptable, another may find totally unacceptable. Behaviour could be harassment when the person had no intention to offend. The Council recognises that we all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear. Council recognises that harassment will occur if the behaviour continues after the recipient has advised the perpetrator that the behaviour is unacceptable to them.
14. If an issue has been reported to the police or as a breach under the Equalities Act 2010 then the Parish Council will respect the formal processes and outcome and will take any investigation into account before proceeding. If a formal investigation may delay an internal process then an interim arrangement will be put in place and it be made clear that this is without prejudice.
15. Members of working groups (who are not Councillors) are not required to sign the Councillor Code of Conduct and are not under the remit of the Monitoring Officer so any formal complaint about their conduct should follow the council complaints process.



## Informal Resolutions – equal opportunities

16. If you feel that the Council is not living up to the policy statement then this should be informed to the Clerk who will work with you informally to review the Council's policies and practices. Any detail on changes to processes will normally be approved by the Staffing Committee before coming to Full Council.

## Informal Resolutions – Harassment and bullying

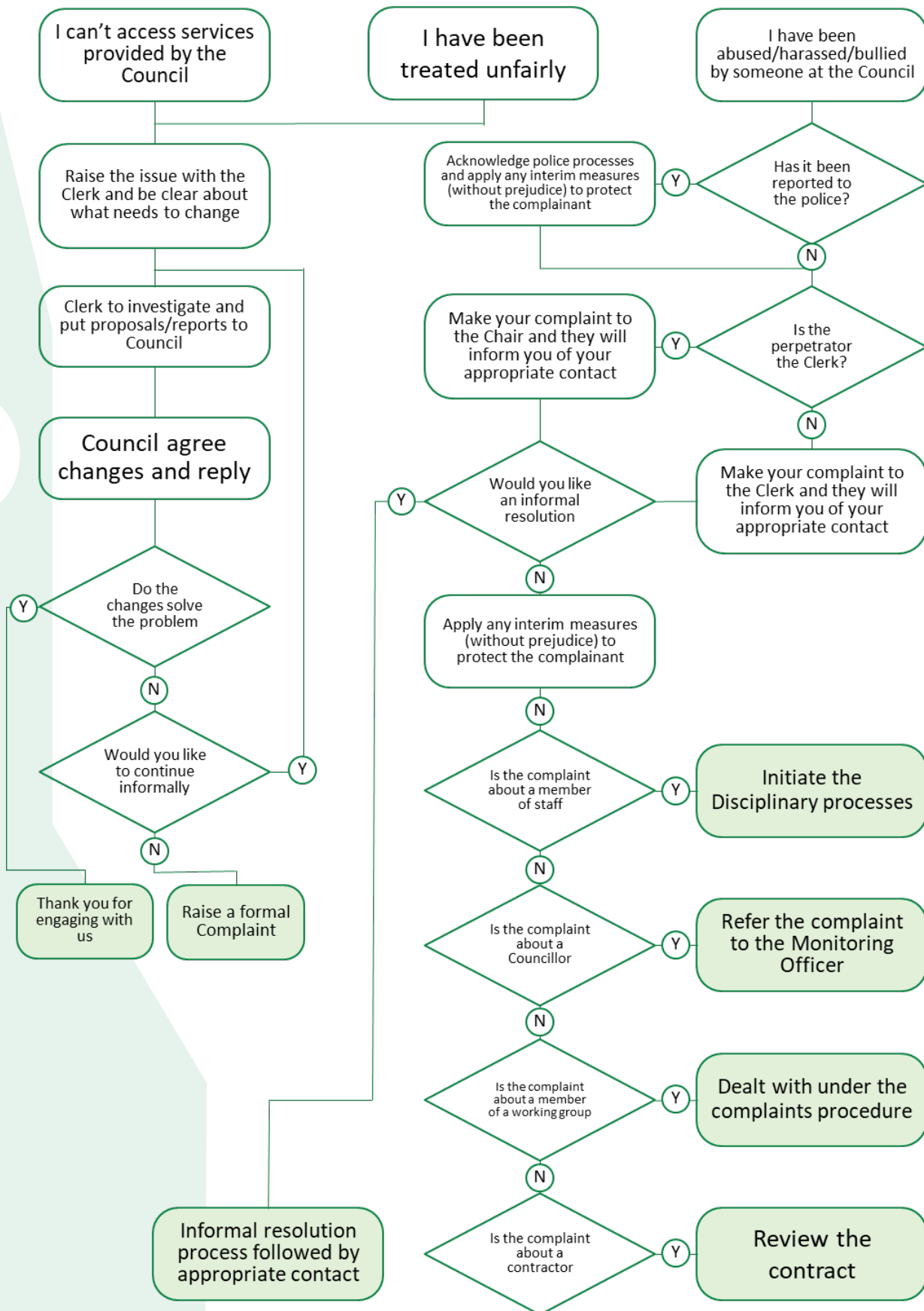
17. If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the Council's policy and must stop. It is important that a record be made of any action, even informal and the Clerk (or if the Clerk is the perpetrator the Chair) should be notified.
18. Alternatively, you may wish to ask the appropriate contact to be with you when confronting the perpetrator(s).
19. If the above approach does not work or if you do not want to try to resolve the situation in this way, you should raise the issue with the appropriate contact and ask them to act informally on your behalf. The appropriate contact will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:
  - a. there has been a complaint that their behaviour is having an adverse effect.
  - b. such behaviour is contrary to our policy.
  - c. The continuation of such behaviour could amount to formal action.
20. It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. However, we accept this may be difficult in a relatively small staff and Councillor team. The person dealing with it will stress that the conversation is confidential.
21. In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. This will be discussed with you if it is felt appropriate.
22. If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to any sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. The appropriate contact will consult with you before taking this step.

## Formal Resolution

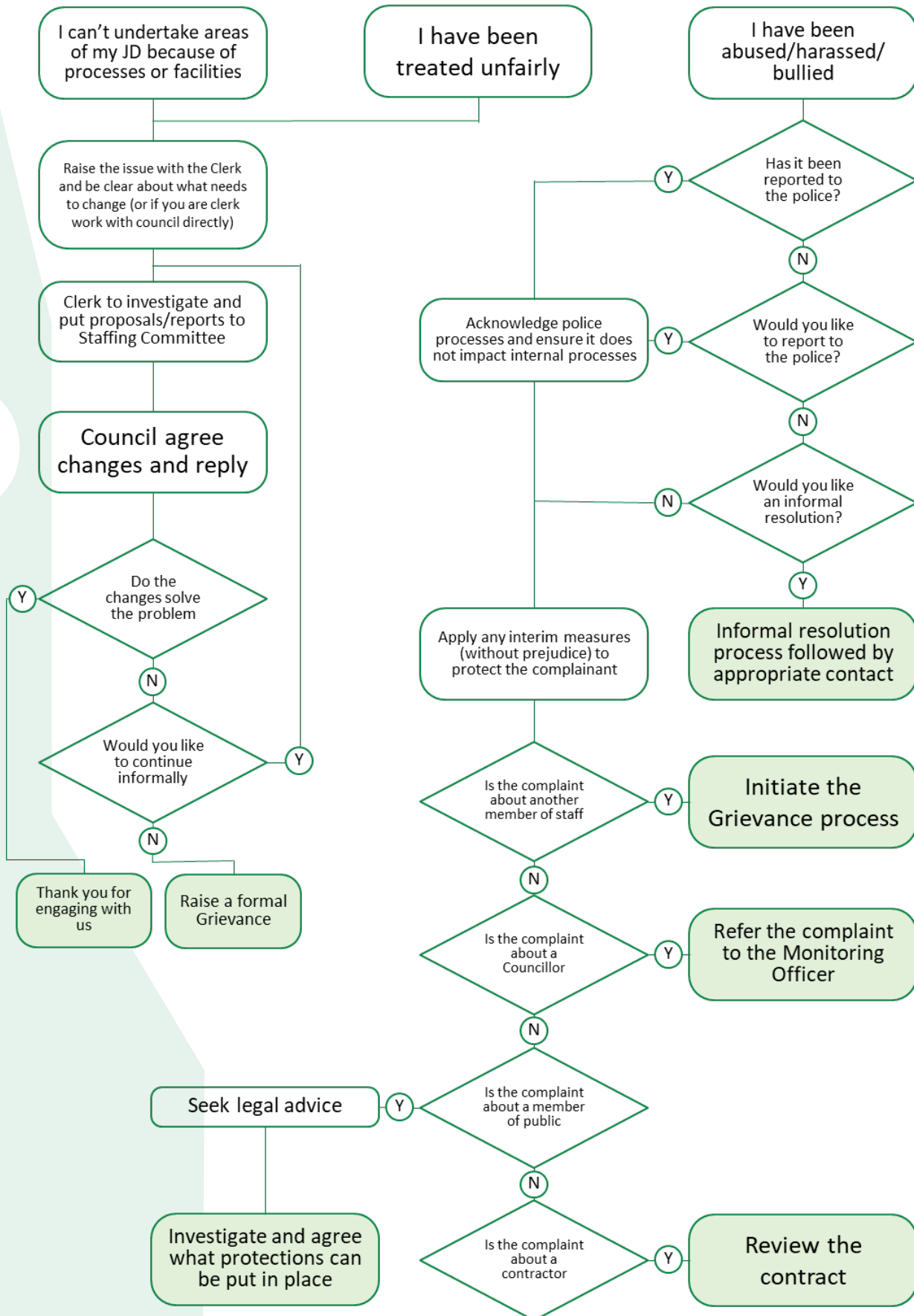
23. The Council has a Grievance Procedure, Disciplinary Procedure, Complaints Procedure and the Councillor code of Conduct. These are to be followed in these instances based on who is making the complaint and who it is directed at. The appropriate contact will guide you and support the initiation of the relevant procedure.



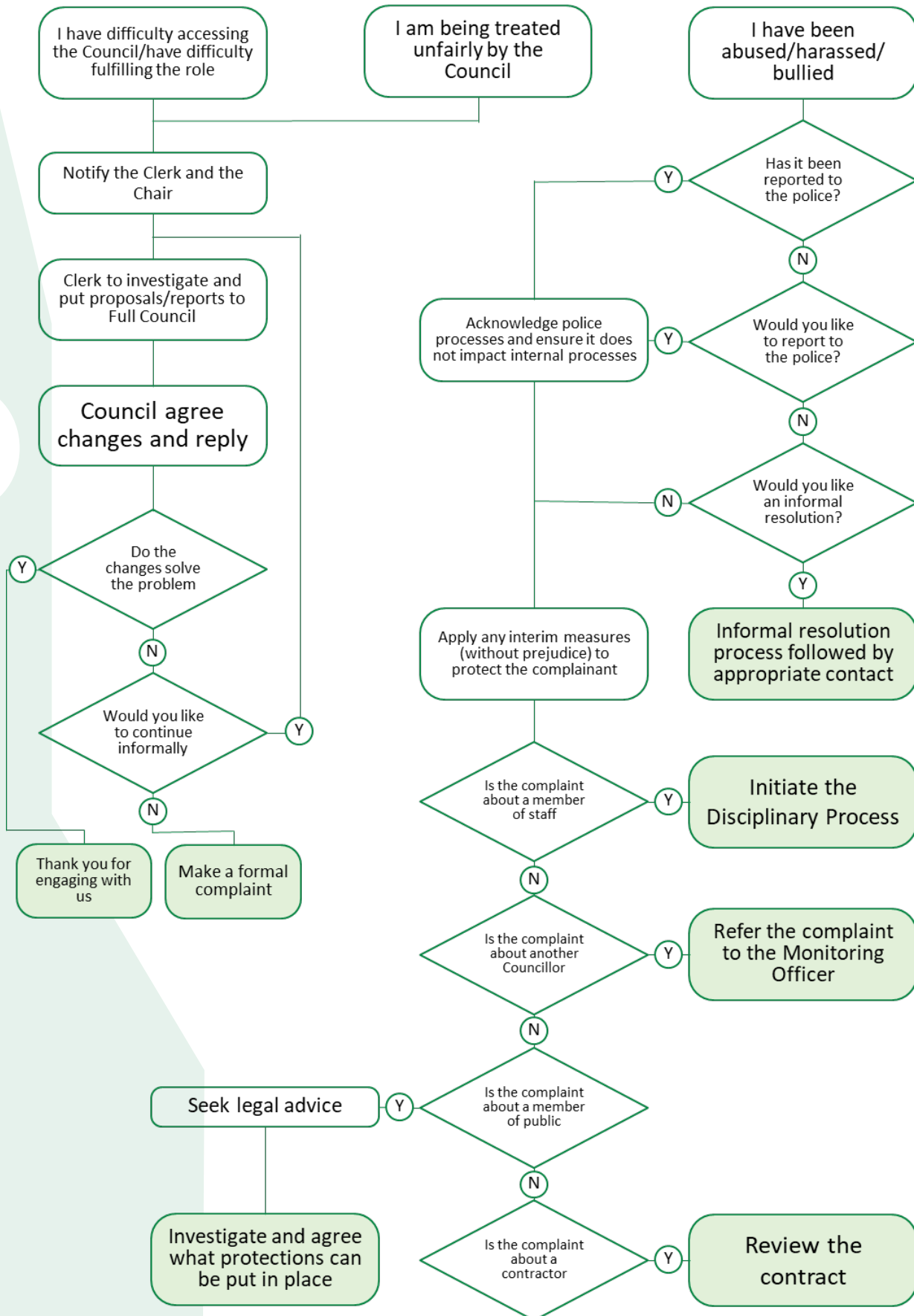
## I am a resident or service user of the Parish Council



## I am an employee of the Parish Council



# I am a Councillor





## APPENDIX - DEFINITIONS AND GUIDANCE

### Types of unlawful discrimination

**Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

**Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

**Bullying** is Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

**Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic.

**Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

**Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

### Dignity at Work

Dignity at Work is focussed on encompassing behaviours beyond simply bullying and harassment. It is a zero tolerance environment with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice. We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

### Protected Characteristics

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

### *General examples of bullying and harassment*

Examples of bullying and harassment include (this is not an exhaustive list):

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

### *Examples of harassment specific to protected characteristics*

- Making assumptions about someone's ability due to their **age**, or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
- Making fun or mimicking impairments related to a health condition, or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.
- Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.
- **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant person's stomach.
- Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone's lifestyle based on their ethnicity.
- **Gender** harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals dress or appearance.
- Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief**.
- Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.

### *Culture and behaviour*

We work in eclectic communities and working environments, and a positive culture within the Council enables employees with different backgrounds and beliefs to share ideas and shape how the Council achieves its objectives for their community.



Whilst both staff and Councillors jointly determine the working culture, Councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how Councillors behave with each other in Council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.

#### *Bullying and harassment & performance management*

The policy sets out that bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

#### *Responsibilities*

All staff and representatives of the Council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – Councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

#### *Interim protections*

Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved. It should be made clear that any protections are without prejudice.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. This could be a Councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.

Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.

#### *Confidentiality*

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small Council it is likely that it will be clear that the accused will know where the accusation has come from. The Council representative (clerk/chief officer/Councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended



that professional advice is sought. For the same reason it can be difficult for a Council to consider an anonymous complaint, however if the concerns are significant and compromise the Council in their duty of care to employees, then consideration of how the deal with the matter may be required.

#### *False allegations*

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the Council should consider the matter under the disciplinary procedure. Such an allegation would be potentially gross misconduct.

#### *Complaints against Councillors*

Following the Ledbury case, the law is clear that any formal complaint about a Councillor regarding a breach of the code of conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the Council has made the complaint, that the Council agrees reasonable measures with the employee to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person about whom the complaint has been made etc.

Careful consideration is required where a grievance is raised against the Council as a whole due to lack of support related to Councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the Council, or require exploration of the Councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any Councillors where this may relate to the code of conduct. It is a matter of fact whether the complaint is against the Council and can therefore be dealt with by the Council's grievance procedure or against a Councillor and can only be dealt with by the Monitoring Officer.

	<b>Person/Group responsible</b>	<b>Version</b>	<b>Date completed</b>
Review of equality policies and new combined policy	Staffing Committee	1.0	07/02/2023
Policy amendments completed and new policy approved	Staffing Committee	2.0	08/08/2023
Reviewed by	Supportis	2	March 2025



## 4 (PAE) PERFORMANCE AND EFFECTIVENESS

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These policies set out how the Council will deal with performance issues and support staff in their development

### *Disciplinary Matters*

Sets out the principles that Council will follow in disciplinary issues

### *Disciplinary Procedure*

Sets out examples of disciplinary issues and the process that the Council will follow in dealing with disciplinary actions.

### *Performance Improvement*

Sets out how the Council will deal with staff who are not performing and the support staff will receive to be able to progress.

### *Training and Development*

Sets out the commitment to training and development of staff and Councillors





## Disciplinary Matters

This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

Wendover Parish Council has dispensations from HMRC for certain expenses that may be accrued by Councillors and employees. The Council will reimburse expenses to employees and Councillors only via claims on an expenses claim form and via the standard process for payments. This means payment of expenses will be made via cheque or BACS where HMRC dispensations allow and will only be paid once signed off in a meeting.

All other expenses will be paid via payroll and must be included on a P11D at the end of the tax year.

Employees should avoid accruing expenses where other provisions are provided such as petty cash or a Council charge, credit or debit card. Payments using these methods can be authorised or undertaken by the Clerk within the delegated limit under Financial Regulations and the Scheme of Delegation.

Elected Councillors can claim an allowance if a resolution is passed by the full Council. Where allowances are paid it is expected that the allowance will cover expenses and further expenses claims may not be honoured.

Eligibility

Types of Flexible Working

Requesting Flexible Working

Withdrawing an application

Decision to approve the request

Decision to deny the request

Appeal

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### Procedure

This procedure sets out the framework under which allegations of misconduct will be investigated and considered. While the procedure set out in this policy will be appropriate in most cases, there may be situations in which it is not practicable to comply with a particular requirement of it. When this happens the Council will do its best to deal with the matter fairly and will pay particular attention to the need to give the employee every opportunity to explain their version of events.

This procedure will not apply in full to employees in their probationary period

### Informal action

Most minor acts of misconduct can be dealt with informally through discussions between an employee and the Clerk but a Councillor may be present as a note taker to evidence the meeting. This may consist of management guidance or an informal warning given orally or in writing. These steps are an everyday part of the management process and may result in an oral warning.

Where informal action of this kind fails to resolve an issue, or where the misconduct alleged is considered serious, then the matter will be dealt with formally under this procedure.

### Investigation

If it is alleged that you have committed misconduct, an appropriate investigation will be carried out aimed at gathering all of the relevant evidence. You may be interviewed as part of this investigation and will have the opportunity to point the investigator towards any evidence that you feel is relevant. The investigator will be the Clerk unless the misconduct is alleged against the Clerk, in this instance it should be a member of the staffing committee. A Councillor may join the interviews as a note taker as a statement will be taken down in writing and agreed with the interviewee as accurate before it is signed and dated by both the Clerk and interviewee. The right to be accompanied (see below) does not apply to any investigatory interview.

### Suspension

If an allegation of misconduct is made against you, then you may be suspended from your duties on full pay while the matter is being dealt with. The Council will make every effort to ensure that any period of suspension is kept as short as possible. The purpose of a suspension is either to allow an investigation to take place, or to protect the interests of the Council and its employees. During any period of suspension, you may be instructed not to contact



other members of staff except for the purposes of preparing for any disciplinary hearing, where specific arrangements will be made with you. As Line Manager, the Clerk has the delegated power to suspend a member of staff with immediate effect. In matters regarding the Clerk, the Deputy Clerk has delegated powers in consultation with the Chairman of the Staffing Committee, Vice Chairman of the Council or Chairman of the Council. Should an employee fall sick whilst under suspension they will be paid under the sickness absence policy.

### **Hearing**

Once the investigation has been carried out, the investigating officer will make a decision about whether there is sufficient evidence to warrant a disciplinary hearing. If there is you will be informed of this and an appropriate date for the hearing will be arranged. This will take place within normal working hours wherever possible

To ensure that you have adequate time to prepare for the hearing, the Council will provide you in advance with a copy of all of the written evidence that will be considered at the hearing. In exceptional cases the Council may need to withhold the identities of certain witnesses or hold back sensitive items of evidence. This will only be done where it is considered necessary to protect individuals or the essential interests of the Council and every effort will be made to ensure that you are given as much information as possible so that a fair hearing can be conducted.

You will be given sufficient notice of any hearing to allow you to prepare for it. While this will vary from case to case, the Council will generally try to give at least three days' notice of any hearing and in complicated cases a longer period of notice may be given.

The purpose of the hearing will be to consider the evidence gathered during the investigation and to consider any representations made by you or on your behalf. The hearing will be conducted by three members of the Council who, wherever possible, have not previously been involved in the case and who were not responsible for carrying out the investigation.

### **The right to be accompanied**

Employees are entitled to be accompanied at any disciplinary hearing by a fellow employee or trade union official of their choice. The Council will provide any chosen companion with appropriate paid time off to allow them to attend the hearing. It is, however, up to the employee in question to arrange for a companion to attend the hearing. Should the matter involve all employees then the Council may consider allowing a friend or relative to accompany you. If your chosen companion cannot attend on the day scheduled for the hearing then the Council will agree a new date. This will usually be within 5 working days of the date originally scheduled. If your companion is not available within that timescale then you will need to find someone else to take their place.

The companion's role is to advise you during the hearing and make representations on your behalf; it is not to answer questions for you. However, both you and your companion are required to cooperate in ensuring a fair and efficient hearing.

### **Evidence**

The hearing will consider any evidence you choose to present. Should witnesses be prepared to appear on your behalf they will be permitted to do so provided that their evidence is relevant to the issues that need to be decided. The Council will not compel or require any employee to appear as a witness on your behalf and in most circumstances evidence arising from the investigation will be presented in written form. You will be entitled to challenge any of the evidence presented but will not be entitled to cross-examine witnesses.

### **Disciplinary action**

After considering all of the evidence, including any submissions made by you or on your behalf, the persons conducting the hearing will decide on the outcome. If misconduct is found to have taken place, then the usual outcome will be a **written warning** which will be placed on your personnel file.

A warning will stay active for a period of one year, after which it will not be taken into account in any future disciplinary action but will still be held in your personnel file for up to 5 years.

If, however a further instance of misconduct is found to have occurred (in accordance with this procedure) during the currency of a warning – or if any misconduct is considered to be serious enough to warrant it – then, subject to the formal process above being followed, you will be issued with a **final written warning**.

A final written warning will usually remain active for two years.

An employee who is found to have committed further misconduct during a period covered by a final written warning will, following a hearing conducted in accordance with this procedure, may be dismissed.

### **Dismissal**

An employee will not normally be dismissed under this procedure for a single instance of misconduct unless a final written warning is already in place. However, where gross misconduct is found to have occurred then dismissal without notice or payment in lieu will be the usual outcome.



Gross misconduct is misconduct that is so serious that it fundamentally undermines the relationship between employer and employee. If you are accused of gross misconduct this will be made clear when you are invited to a disciplinary hearing. A wide range of behaviours can amount to gross misconduct but the most common involve theft, fraud, harassment, bullying, violence or a criminal offense such as vandalism and drink driving or drug related offenses.

Further details of what constitutes gross misconduct are found in the Employee Code of Conduct.

**Appeal**

An employee may appeal against the outcome of a disciplinary hearing by doing so in writing within seven days of being notified of the outcome. The person to whom an appeal should be directed will be detailed in the disciplinary outcome letter. An appeal hearing will be convened and conducted by The Chairman of the Council and two other members of the Council not previously involved where possible.

The appeal will consider any grounds the employee chooses to put forward and they will have the same right to be accompanied as at a disciplinary hearing. The result of the appeal hearing will be final.

**Employee Absence**

It is important that disciplinary issues are dealt with promptly. The Council may therefore need to proceed with a disciplinary hearing even if the employee is absent due to ill health or simply does not attend. Before hearing the matter in an employee’s absence, the Council will attempt to arrange the hearing in such a way that the employee will be able to attend or to submit written representations to the hearing and/or to arrange for an appropriate representative to attend the hearing on their behalf.

This policy supersedes any prior disciplinary policy of the Parish Council.

	<b>Person/Group responsible</b>	<b>Version</b>	<b>Date completed</b>
Report written by	Ellis Whittam	1.0	24/04/2018
Reviewed by	Clerk		01/05/2018
Agreed	Staffing Committee		08/05/2018
Reviewed by	Ellis Whittam	2.0	01/08/2019
Agreed	Staffing Committee		08/08/2019
Reviewed by	Ellis Whittam	2.0	02/09/2021
Agreed	Staffing Committee	2	07/11/2023
Reviewed by	Supportis	2	March 2025



## Disciplinary Procedure

This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

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Employees should avoid accruing expenses where other provisions are provided such as petty cash or a Council charge, credit or debit card. Payments using these methods can be authorised or undertaken by the Clerk within the delegated limit under Financial Regulations and the Scheme of Delegation.

Elected Councillors can claim an allowance if a resolution is passed by the full Council. Where allowances are paid it is expected that the allowance will cover expenses and further expenses claims may not be honoured.

Eligibility

Types of Flexible Working

Requesting Flexible Working

Withdrawing an application

Decision to approve the request

Decision to deny the request

Appeal

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### Introduction

This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievances at work. The policy is designed to help Council employees improve unsatisfactory conduct. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.

The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

This policy confirms:

The Council will fully investigate the facts of each case

The Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will apply to misconduct issues and the Council's Performance Improvement Procedure will apply where the issue is employee underperformance.

Employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case.

Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any disciplinary, investigatory or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.

The Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submission.

If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date. Any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council. Information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the

employee. The employee's disciplinary records will be held by the Council in accordance with Data Protection legislation.

Recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition.

Employees have the right to appeal against any disciplinary action. The appeal decision is final.

If an employee who is already subject to the Council's disciplinary procedure, raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure.

Disciplinary action taken by the Council can include a written warning, final written warning or dismissal.

Except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct

If an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it

The Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the Council's and the employee's consent.

### **Examples of misconduct**

Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct:

unauthorised absence:

- poor timekeeping
- misuse of the Council's resources and facilities including telephone, email and internet
- inappropriate behaviour
- refusal to follow reasonable instructions
- breach of health and safety rules.

### **Examples of gross misconduct**

Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct:

- bullying, discrimination and harassment
- incapacity at work because of alcohol or drugs
- violent behaviour
- fraud or theft
- gross negligence
- gross insubordination
- serious breaches of health and safety rules
- serious and deliberate damage to property
- use of the internet or email to access pornographic, obscene or offensive material
- disclosure of confidential information.

## **Disciplinary Investigation**

The Council's staffing committee will appoint an Investigator who will be responsible for undertaking the investigation - a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the staffing committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The staffing committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should deal with the following:

What the investigation is required to examine

Whether a recommendation is required

How the findings should be presented. For example, an investigator will often be required to present the findings in the form of a report

Who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.

The Investigator will be asked to submit a report within 20 working days of appointment. In cases of alleged minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage (see paragraph 16).

The staffing committee will first notify the employee in writing of the alleged misconduct and ask him/her to attend a meeting with the Investigator. The employee will be given at least five working days' notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee should be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.

Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.

If there are other persons (eg employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.

The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the staffing committee whether or not disciplinary action should be taken.

The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:

The employee has no case to answer and there should be no further action under the Council's disciplinary procedure

The matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or

The employee has a case to answer and there should be action under the Council's disciplinary procedure.

The Investigator will submit the report to the staffing committee which will decide whether further action will be taken.

If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

## **The Disciplinary Meeting**

If the staffing committee decides that there is a case to answer, it will appoint a staffing sub-committee of three councillors. The staffing sub-committee will appoint a Chairman from one of its members. The Investigator shall not sit on the sub-committee. No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting.

The sub-committee's letter will confirm the following:

The names of its Chairman and other two members

Details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting

A copy of the investigation report, all the supporting evidence and a copy of the Council's disciplinary procedure  
The time and place for the meeting. The employee will be given reasonable notice of the hearing (at least 15 working days) so that he /she has sufficient time to prepare for it

That witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least five working days before the meeting

That the employee and the Council will provide each other with all supporting evidence at least five working days before the meeting. If witnesses are not attending the meeting, witness statements will be submitted to the other side at least five working days before the hearing

That the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official



The disciplinary meeting will be conducted as follows:

The Chairman will introduce the members of the sub-committee to the employee

The Investigator will present the findings of the investigation report

The Chairman will set out the Council's case and present supporting evidence (including any witnesses)

The employee (or the companion) will set out his/her case and present evidence (including any witnesses)

Any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness

The employee (or the companion) will have the opportunity to sum up his/her case

The Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision

The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

## **Disciplinary Action**

If the sub-committee decides that there should be disciplinary action, it may be any of the following:

### **Written warning**

A written warning will set out;

the reason for the written warning, the improvement required (if appropriate) and the time period for improvement

that further misconduct/failure to improve will result in more serious disciplinary action

the employee's right of appeal

that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for 12 months.

### **Final written warning**

If there is further misconduct during the period of a written warning or if the misconduct is sufficiently serious, the employee will be given a final written warning. A final written warning will set out;

the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement

that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal

the employee's right of appeal

that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for 18 months.

### **Dismissal**

The Council may dismiss;

for gross misconduct,

if there is no improvement within the specified time period in the conduct which has been the subject of a final written warning,

if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal.

If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action imposed as a result of the disciplinary meeting will remain in force unless and until it is modified as a result of an appeal

## **The Appeal**

An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.



The grounds for appeal include;  
 a failure by the Council to follow its disciplinary policy  
 the sub-committee’s decision was not supported by the evidence  
 the disciplinary action was too severe in the circumstances of the case  
 new evidence has come to light since the disciplinary meeting.

The Appeal will be heard by a panel of three members of the staff committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.

The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.

At the appeal meeting, the Chairman will;  
 introduce the panel members to the employee  
 explain the purpose of the meeting, which is to hear the employee’s reasons for appealing against the decision of the staffing sub-committee  
 explain the action that the appeal panel may take.

The employee (or his companion) will be asked to explain the grounds for appeal.

The Chairman will inform the employee that he/she will receive the decision and the panel’s reasons, in writing, within five working days of the appeal hearing.

The appeal panel may decide to uphold the decision of the staffing committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee’s personnel file.

If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.

The appeal panel’s decision is final.

	<b>Person/Group responsible</b>	<b>Version</b>	<b>Date completed</b>
Report written by	Ella Jones	1.0	02/08/2017
Reviewed by	Staffing Committee		08/08/2017
Agreed	Staffing Committee		08/08/2017
Reviewed by	Ellis Whittam	2.0	01/08/2019
Agreed	Staffing Committee		08/08/2019
Reviewed & updated by	Ellis Whittam	3.0	02/09/2021
Agreed	Staffing Committee	3	07/11/2023
Reviewed by	Supportis	3	March 2025





## Performance Improvement

This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

Wendover Parish Council has dispensations from HMRC for certain expenses that may be accrued by Councillors and employees. The Council will reimburse expenses to employees and Councillors only via claims on an expenses claim form and via the standard process for payments. This means payment of expenses will be made via cheque or BACS where HMRC dispensations allow and will only be paid once signed off in a meeting.

All other expenses will be paid via payroll and must be included on a P11D at the end of the tax year.

Employees should avoid accruing expenses where other provisions are provided such as petty cash or a Council charge, credit or debit card. Payments using these methods can be authorised or undertaken by the Clerk within the delegated limit under Financial Regulations and the Scheme of Delegation.

Elected Councillors can claim an allowance if a resolution is passed by the full Council. Where allowances are paid it is expected that the allowance will cover expenses and further expenses claims may not be honoured.

Eligibility

Types of Flexible Working

Requesting Flexible Working

Withdrawing an application

Decision to approve the request

Decision to deny the request

Appeal

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### Procedure

It is in everybody’s interests for employees to perform well at their jobs and the Council aims to ensure that all employees are given the support needed to ensure that they do so. Where there are issues with performance then the employee should receive feedback from their manager setting out any concerns. Discussions should take place about how that performance can be improved. This performance improvement procedure is designed to be used when such informal discussions do not lead to the employee’s performance improving to an acceptable level. Where an employee’s poor performance is believed to be the result of deliberate neglect, or where serious errors have been made to the detriment of the Council then it may be more appropriate to use the disciplinary procedure. Which procedure to use shall be at the discretion of the Council.

#### The right to be accompanied

Employees are entitled to be accompanied at any meeting held under this procedure by a fellow employee or trade union official of their choice. The Council will provide any chosen companions with appropriate paid time off to allow them to attend the meeting. It is, however, up to the employee in question to arrange for a companion to attend the meeting.

If your chosen companion cannot attend on the day scheduled for the meeting, then the Council will agree a new date. This will usually be within 5 working days of the date originally scheduled. If your companion is not available within that timescale then you may need to find someone else to take their place.

The Companion’s role is to advise you during the meeting and make representations on your behalf. However, both you and your companion are required to cooperate in ensuring a fair and efficient meeting.

#### Stage one

The Clerk will inform the employee of the nature of the problem and confirm this in writing. The employee will be invited to a meeting to discuss the issues raised by the Clerk’s concerns. The meeting will be conducted by the Clerk and will consider any representations the employee may make about their performance, whether it needs to be improved, and if so what steps can be taken to help the employee reach the appropriate level.

Following discussion of the problem, the Clerk may choose to take no further action; to refer the matter for investigation under the disciplinary procedure or to issue a formal Performance Improvement Plan.

#### Performance Improvement Plan



A Performance Improvement Plan (PIP) is a series of measures designed to help improve the employee's performance. Each measure will ideally be agreed with the employee, though the Council reserves the right to insist on any aspect of the PIP in the absence of such agreement.

Each PIP will be tailored to the particular situation, but will contain the following elements:

**Timescale:** the overall timescale in which the necessary improvement must be achieved will be set out, together with the timescale for reaching individual milestones where appropriate.

**Targets:** The PIP will specify the particular areas in which improvement is needed and set out how and on what criteria the employee's performance will be assessed. Where appropriate, specific targets will be set which will need to be achieved either by the end of the plan or at identifiable stages within it.

**Measures:** The PIP will specify what measures will be taken by the Council to support the employee in improving their performance. Such measures may include training, additional supervision, the reallocation of other duties, or the provision of additional support from colleagues.

**Feedback:** As part of the PIP the employee will be given regular feedback from the Clerk indicating the extent to which the employee is on track to deliver the improvements set out in the plan

If at any stage the Council feels that the PIP is not progressing in a satisfactory way, a further meeting may be held with the employee to discuss the issue. As a result of such a meeting the employer may amend or extend any part of the plan.

#### **Review**

At the end of the PIP the employee's performance will be reviewed. If satisfactory progress has been made the employee will be notified of this fact in writing. If the Clerk feels that progress has been insufficient then they may decide to extend and /or amend the PIP to such extent as seems appropriate. Alternatively the Clerk may refer the matter to a meeting under Stage two of this procedure.

Following the successful completion of a PIP the employee's performance will continue to be monitored. If at any stage in the following 12 months, the employee's performance again starts to fall short of an acceptable standard, the Clerk may decide to institute stage two of this procedure.

#### **Stage two**

If a PIP has not led to sufficient improvement in the employee's performance, the employee will be invited to attend a formal performance management hearing. The invitation will set out the respects in which the line manager believes that the employee's performance still falls short of an acceptable standard.

The hearing will be conducted by the Clerk and a member of the Staffing Committee

At the hearing, the employee will be given an opportunity to respond to any criticism of their performance and to make representations about any aspect of the way in which the process has been managed.

If the hearing concludes that reasonable steps have been taken which should have allowed the employee to perform to an acceptable standard but that these measures have not worked then a **formal warning** may be issued. The warning will explain the nature of the improvement which is required in the employee's performance and state that the improvement must begin immediately and be sustained. It will also explain that if this improvement does not take place then the employee may be dismissed. Where it is appropriate, the warning may be accompanied by an extended or revised PIP.

The warning will remain current for a period of 12 months, after which time it will cease to have effect.

#### **Stage three**

If an employee has been issued with a warning under stage two which remains current, and the Clerk believes that the employee's performance is still not acceptable then the matter may be referred to a further performance management hearing.

The employee will be informed in writing of the grounds of which the hearing is being convened and in particular will be told of the respects in which their performance continues to fall below an acceptable standard.

The hearing will be conducted by The Vice Chairman and two other members of the Council

At the meeting the employee will be able to respond to any criticisms made of their performance and make representations about how the situation should be treated.

The person conducting the meeting may take such action as is judged appropriate up to and including a decision to dismiss the employee.

Any dismissal under this procedure will be with notice or payment in lieu of notice and the decision to dismiss together with the reasons for dismissal will be set out in writing and sent to the employee. If you are not dismissed a **final warning** will be given and will remain current for 12 months. Should an improvement still not be evident, you may be dismissed or redeployed.



### Appeals

An employee may appeal against any decision taken under this procedure. The appeal should be submitted in writing within seven days of the action complained of. An appeal hearing will then be convened to consider the matter and will be conducted by the Chairman and two other members of the Council. Any PIP that is in force, together with any measures or objectives included within it, will continue in place during the appeal process. The outcome of the appeal will be confirmed to the employee in writing explaining the grounds of which the decision was reached. The outcome of the appeal will be final.

### Redeployment

There may be circumstances in which it becomes clear that an employee would be better suited to a different role within the Council. However, any offer to redeploy the employee will be entirely at the Council's discretion and will only be made when the Council is confident that the employee will be able to perform well in the redeployed role and where there is a suitable available vacancy. If you are redeployed, you will continue to be monitored for performance.

Redeployment may be offered as an alternative to dismissal where the Council is satisfied that the employee should no longer be allowed to continue to work in their current role. While the employee is free to refuse any offer of redeployment, the only alternative available in these circumstances will usually be dismissal.

	<b>Person/Group responsible</b>	<b>Version</b>	<b>Date completed</b>
Report written by	Ellis Whittam	1.0	24/04/2018
Reviewed by	Clerk		01/05/2018
Agreed	Staffing Committee		08/05/2018
Reviewed by	Ellis Whittam	2.0	01/08/2019
Agreed	Staffing Committee		08/08/2019
Reviewed by	Ellis Whittam	2.0	02/09/2021
Agreed	Staffing Committee	2.0	7/11/2023
Reviewed by	Supportis	2	March 2025



## Training and Development

This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

Wendover Parish Council has dispensations from HMRC for certain expenses that may be accrued by Councillors and employees. The Council will reimburse expenses to employees and Councillors only via claims on an expenses claim form and via the standard process for payments. This means payment of expenses will be made via cheque or BACS where HMRC dispensations allow and will only be paid once signed off in a meeting.

All other expenses will be paid via payroll and must be included on a P11D at the end of the tax year.

Employees should avoid accruing expenses where other provisions are provided such as petty cash or a Council charge, credit or debit card. Payments using these methods can be authorised or undertaken by the Clerk within the delegated limit under Financial Regulations and the Scheme of Delegation.

Elected Councillors can claim an allowance if a resolution is passed by the full Council. Where allowances are paid it is expected that the allowance will cover expenses and further expenses claims may not be honoured.

Eligibility

Types of Flexible Working

Requesting Flexible Working

Withdrawing an application

Decision to approve the request

Decision to deny the request

Appeal

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Wendover Parish Council is committed to ensuring that its Councillors and Staff are appropriately trained to effectively, efficiently and equitably meet the needs placed on them by the Parish Council and to meet their statutory obligations.

The Parish Council is committed to ensuring that its Staff and Councillors are trained to appropriate standards and kept up to date with appropriate new legislation. To support this, funds will be allocated to a training budget each year to enable Staff and Councillors to attend training events and conferences relevant to their duties and the needs of the Parish Council.

The Council is responsible for identifying training and development needs for Councillors and the Clerk.

The Clerk will identify training and development for all Staff, including the Clerk.

The Clerk will identify appropriate training and development opportunities to meet the ascertained training and development needs. It is good practice for Councillors to attend a minimum of two training courses per year, this will be taken into account when budget setting.

The Parish Council will subscribe to the Society of Local Council Clerks (SLCC) and will pay for training of Clerks/Staff associated with it (Introduction to Local Council Administration, The Certificate in Local Council Administration, Certificate of Higher Education in Community Engagement and Governance - Level 1 or equivalent qualification previously awarded by the University of Gloucestershire, the Certificate of Higher Education in Community Engagement and Governance or equivalent qualification previously awarded by the University of Gloucestershire, the Diploma in Higher Education in Community Engagement and Governance or equivalent qualification previously awarded by the University of Gloucestershire, BA (Hons) Degree in Community Engagement and Governance or equivalent qualification previously awarded by the University of Gloucestershire), and subscribe to Buckinghamshire and Milton Keynes County Association of Local Councils (BMKALC). Training courses over the value of £500 will require repayment of the fee by an employee or Councillor who resigns or retires before completing one year of service after the course has been completed. The percentage of repayment required may be lower than 100%



depending on the time served after course completion.

All new Councillors will be expected to participate in the New Councillor Induction Training which provides training for all new Councillors. In addition, all new Councillors will be provided with an information pack containing the relevant documents.

**Monitoring of the application of the statement of intent**

The Finance Committee will be responsible for monitoring the application of this statement of intent and managing the budget. It will report to Full Council.

**Councillor Induction Training**

- Meeting with the Chairman
- Meeting with the Clerk of Wendover Parish Council and other staff
- Sign required documents, namely the ‘Declaration of Acceptance of Office’, which forms your agreement to abide by The Code of Conduct and your ‘Declaration of Pecuniary Interests’
- Receive agendas and minutes of the previous two full council meetings
- Arrange training programme

	Person/Group responsible	Version	Date completed
Report written by	Ella Jones	1.0	25/10/2016
Reviewed by	Staffing Committee		29/11/2016
Agreed	Full Council		05/12/2016
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Reviewed by	Staffing Committee		08/08/2017
Agreed	Staffing Committee		08/08/2017
Reviewed by	Ellis Whittam	3.0	01/08/2019
Agreed	Staffing Committee		08/08/2019
Reviewed by	Ellis Whittam	3.0	02/09/2021
Agreed	Staffing Committee	3.0	7/11/2023
Reviewed by	Supportis	3.0	March 2025



## 5 (DSI) DATA AND SENSITIVE INFORMATION

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These policies set out how the Council deals with personal information IT systems and the protection of personal data.

### *Data protection policy*

Sets out the principles of data protection, what the Council does with personal data and the rights of individuals with regards to their own data.

### *Use of IT*

Sets out acceptable use of the Councils IT systems.

### *Information Security Policy*

Sets out how the Council protects its data and ensures the IT systems are safe.



## Data Protection Policy

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Wendover Parish Council (the Council) processes personal data about our employees, clients, customers and other individuals for a variety of business purposes and in the exercise of official authority. This might include names, addresses, telephone numbers etc.

This policy sets out how the Council seeks to protect personal data and ensure that staff and council members understand the rules governing their use of personal data to which they have access in the course of their work.

This policy is underpinned by the Data Protection Act 2018 and the retained EU General Data Protection Regulations (GDPR) and is informed by guidance from the Information Commissioner's Office (ICO).

This policy contains:

- the data protection principles with which the Council must comply;
- what is meant by personal information (or data) and sensitive personal information (or data);
- how we gather, use and (ultimately) delete personal information and sensitive personal information in accordance with the data protection principles;
- where more detailed privacy information can be found, e.g. about the personal information we gather and use about you, how it is used, stored and transferred, for what purposes, the steps taken to keep that information secure and for how long it is kept;
- your rights and obligations in relation to data protection;
- the consequences of failure to comply with this policy.

The appendices contain:

- The privacy notices (for the general public and the staff/Councillors)
- The details of the data we collect, store and process and the legal basis for that

### Policy Statement

- Wendover Parish Council in the course of its work will collect, process and store personal data. The Council takes this seriously and is committed to meeting its obligations under the Data Protection Act 2018 and the retained EU General Data Protection Regulations (GDPR)
- Wendover Parish Council will seek to follow best practice for data protection as set out in guidance to the sector and from the Information Commissioners Office.

### Other linked policies:

Information Security Policy

## Implementation of the policy

### 1 Introduction

- 1.1 The Council obtains, keeps and uses personal information (also referred to as data) about, for example, job applicants, Councillor contact details, allotment tenants and sets out privacy notices that set out how this data is used and the data table sets out in detail the data we store and process and our legal basis for doing so.
- 1.2 This policy sets out how the Council complies with its data protection obligations and seeks to protect personal information. Its purpose is also to ensure that staff understand and comply with the rules governing the collection, use and deletion of personal information to which they may have access in the course of their work.
- 1.3 The Council is committed to complying with its data protection obligations, and to being concise, clear and transparent about how it obtains and uses personal information relating to its workforce, and how (and when) it deletes that information once it is no longer required.
- 1.4 The Council will nominate a data protection lead who will be the Clerk unless otherwise specified. The data protection lead is responsible for informing and advising the Council and its staff on its data protection obligations, and for monitoring compliance with those obligations and with the Council’s policies. If you have any questions or comments about the content of this policy or if you need further information, you should contact the data protection lead at the Clock Tower.

### 2 Scope

- 2.1 This policy applies to any personal information that the Council collects, processes and stores as set out in the appendices
- 2.2 Staff should also refer to the Council’s Information Security Policy.
- 2.3 The Council will review and update this policy in accordance with its data protection obligations. It does not form part of any employee’s contract of employment and the Council may amend, update or supplement it from time to time. The Clerk will circulate any new or modified policy to staff when it is adopted.

### 3 Definitions

<b>criminal records information</b>	means personal information relating to criminal convictions and offences, allegations, proceedings, and related security measures;
<b>data breach</b>	means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal information;
<b>data subject</b>	means the individual to whom the personal information relates;
<b>personal information</b>	(sometimes known as personal data) means information relating to an individual who can be identified (directly or indirectly) from that information;
<b>processing information</b>	means obtaining, recording, organising, storing, amending, retrieving, disclosing and/or destroying information, or using or doing anything with it;
<b>pseudonymised</b>	means the process by which personal information is processed in such a way that it cannot be used to identify an individual without the use of additional information, which is kept separately and subject to technical and organisational measures to ensure that the personal information cannot be attributed to an identifiable individual;
<b>sensitive personal information</b>	(sometimes known as ‘special categories of personal data’ or ‘sensitive personal data’) means personal information about an individual’s race, ethnic origin, political opinions, religious or philosophical beliefs, trade union membership (or non-membership), genetics information, biometric information (where used to identify an individual) and information concerning an individual’s health, sex life or sexual orientation.



#### **4 Data protection principles**

- 4.1 The Council will comply with the following data protection principles when processing personal information:
- 4.1.1 we will process personal information lawfully, fairly and in a transparent manner;
  - 4.1.2 we will collect personal information for specified, explicit and legitimate purposes only, and will not process it in a way that is incompatible with those legitimate purposes;
  - 4.1.3 we will only process the personal information that is adequate, relevant and necessary for the relevant purposes;
  - 4.1.4 we will keep accurate and up to date personal information, and take reasonable steps to ensure that inaccurate personal information are deleted or corrected without delay;
  - 4.1.5 we will keep personal information in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the information is processed; and
  - 4.1.6 we will take appropriate technical and organisational measures to ensure that personal information are kept secure and protected against unauthorised or unlawful processing, and against accidental loss, destruction or damage.

#### **5 Basis for processing personal information**

- 5.1 In relation to any processing activity the Council will, before the processing starts for the first time, and then regularly while it continues.
- 5.1.1 review the purposes of the particular processing activity, and select the most appropriate lawful basis (or bases) for that processing, i.e.:
    - (a) that the data subject has consented to the processing;
    - (b) that the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
    - (c) that the processing is necessary for compliance with a legal obligation to which the Council is subject;
    - (d) that the processing is necessary for the protection of the vital interests of the data subject or another natural person;
    - (e) that the processing is necessary for the performance of a task carried out in the public interest or exercise of official authority;
    - (f) that the processing is necessary for the purposes of legitimate interests of the Council or a third party, except where those interests are overridden by the interests of fundamental rights and freedoms of the data subject—see clause 5.2 below.
  - 5.1.2 except where the processing is based on consent, satisfy ourselves that the processing is necessary for the purpose of the relevant lawful basis (i.e. that there is no other reasonable way to achieve that purpose);
  - 5.1.3 document its decision as to which lawful basis applies, to help demonstrate our compliance with the data protection principles;
  - 5.1.4 include information about both the purposes of the processing and the lawful basis for it in our relevant privacy notice(s);
  - 5.1.5 where sensitive personal information is processed, also identify a lawful special condition for processing that information (see paragraph 6.2.2 below), and document it; and
  - 5.1.6 where criminal offence information is processed, also identify a lawful condition for processing that information, and document it.
- 5.2 When determining whether the Council's legitimate interests are the most appropriate basis for lawful processing, it will:
- 5.2.1 conduct a legitimate interest assessment (LIA) and keep a record of it, to ensure that we can justify our decision;
  - 5.2.2 if the LIA identifies a significant privacy impact, consider whether it also needs to conduct a data protection impact assessment (DPIA);

- 5.2.3 keep the LIA under review, and repeat it if circumstances change; and
- 5.2.4 include information about its legitimate interests in the relevant privacy notice(s).

## **6 Sensitive personal information**

- 6.1 Sensitive personal information is sometimes referred to as ‘special categories of personal data’ or ‘sensitive personal data’.
- 6.2 The Council may from time to time need to process sensitive personal information. It will only process sensitive personal information if:
  - 6.2.1 It has a lawful basis for doing so as set out in paragraph 5.1.1 above, e.g. it is necessary for the performance of the employment contract, to comply with the Council’s legal obligations or for the purposes of the Council’s legitimate interests; and
  - 6.2.2 one of the special conditions for processing sensitive personal information applies, e.g.:
    - (a) the data subject has given explicit consent;
    - (b) the processing is necessary for the purposes of exercising the employment law rights or obligations of the Council or the data subject;
    - (c) the processing is necessary to protect the data subject’s vital interests, and the data subject is physically incapable of giving consent;
    - (d) processing relates to personal data which are manifestly made public by the data subject;
    - (e) the processing is necessary for the establishment, exercise or defence of legal claims; or
    - (f) the processing is necessary for reasons of substantial public interest.
- 6.3 Before processing any sensitive personal information, staff must notify the Clerk of the proposed processing, in order that the Clerk may assess whether the processing complies with the criteria noted above. If the Clerk is in any doubt they must seek appropriate advice.
- 6.4 Sensitive personal information will not be processed until:
  - 6.4.1 the assessment referred to in paragraph 6.3 has taken place; and
  - 6.4.2 the individual has been properly informed (by way of a privacy notice or otherwise) of the nature of the processing, the purposes for which it is being carried out and the legal basis for it.
- 6.5 The Council’s data protection privacy notices sets out the types of sensitive personal information that the Council processes, what it is used for and the lawful basis for the processing.

## **7 Data protection impact assessments (DPIAs)**

- 7.1 Where processing is likely to result in a high risk to an individual’s data protection rights (e.g. where the Council is planning to use a new form of technology), it will, before commencing the processing, carry out a DPIA to assess:
  - 7.1.1 whether the processing is necessary and proportionate in relation to its purpose;
  - 7.1.2 the risks to individuals; and
  - 7.1.3 what measures can be put in place to address those risks and protect personal information.
- 7.2 Before any new form of technology is introduced, the manager responsible should therefore contact the Clerk in order that a DPIA can be carried out.
- 7.3 During the course of any DPIA, the employer will seek the advice of the Clerk and the views of a representative group of employees and any other relevant stakeholders.
- 7.4 A checklist for whether to employ a DPIA is included in Appendix C

## **8 Documentation and records**

- 8.1 The Council will keep written records of processing activities which are high risk, i.e. which may result in a risk to individuals’ rights and freedoms or involve sensitive personal information or criminal records information, including:
  - 8.1.1 the name and details of the employer's organisation (and where applicable, of other controllers, the employer's representative and DPO);
  - 8.1.2 the purposes of the processing;

- 8.1.3 a description of the categories of individuals and categories of personal data;
  - 8.1.4 categories of recipients of personal data;
  - 8.1.5 where possible, retention schedules; and
  - 8.1.6 where possible, a description of technical and organisational security measures.
- 8.2 As part of its record of processing activities the Council will document, or link to documentation, on:
- 8.2.1 information required for privacy notices;
  - 8.2.2 records of consent;
  - 8.2.3 controller-processor contracts;
  - 8.2.4 the location of personal information;
  - 8.2.5 DPIAs; and
  - 8.2.6 records of data breaches.
- 8.3 If the Council processes sensitive personal information or criminal records information, it will keep written records of:
- 8.3.1 the relevant purpose(s) for which the processing takes place, including (where required) why it is necessary for that purpose;
  - 8.3.2 the lawful basis for its processing; and
  - 8.3.3 whether the Council retains and erases the personal information in accordance with its policy document and, if not, the reasons for not following its policy.
- 8.4 The Council will conduct regular reviews of the personal information it processes and update its documentation accordingly. This may include:
- 8.4.1 carrying out information audits to find out what personal information the Council holds;
  - 8.4.2 distributing questionnaires and talking to staff across the Council to get a more complete picture of our processing activities; and
  - 8.4.3 reviewing its policies, procedures, contracts and agreements to address areas such as retention, security and data sharing.
- 9 Privacy notice**
- 9.1 The Council will issue privacy notices from time to time, informing you about the personal information that it collects and holds relating to you, how you can expect your personal information to be used and for what purposes.
- 9.2 The Council will take appropriate measures to provide information in privacy notices in a concise, transparent, intelligible and easily accessible form, using clear and plain language.
- 10 Individual rights**
- 10.1 Data Subjects have the following rights in relation to your personal information:
- 10.1.1 to be informed about how, why and on what basis that information is processed—see the Council’s data protection privacy notice;
  - 10.1.2 to obtain confirmation that your information is being processed and to obtain access to it and certain other information, by making a subject access request—see the Council’s subject access request policy;
  - 10.1.3 to have data corrected if it is inaccurate or incomplete;
  - 10.1.4 to have data erased if it is no longer necessary for the purpose for which it was originally collected/processed, or if there are no overriding legitimate grounds for the processing (this is sometimes known as ‘the right to be forgotten’);
  - 10.1.5 to restrict the processing of personal information where the accuracy of the information is contested, or the processing is unlawful (but you do not want the data to be erased), or where the employer no longer needs the personal information but you require the data to establish, exercise or defend a legal claim; and
  - 10.1.6 to restrict the processing of personal information temporarily where you do not think it is accurate (and the employer is verifying whether it is accurate), or where you have objected to the processing

(and the employer is considering whether the organisation’s legitimate grounds override your interests).

10.2 If you wish to exercise any of the rights in paragraphs 10.1.3 to 10.1.6, please contact the Clerk.

## **11 Individual obligations**

11.1 Individuals are responsible for helping the Council keep their personal information up to date. You should let the Clerk know if the information you have provided to the Council changes, for example if you move house or change details of the bank or building society account to which you are paid.

11.2 You may have access to the personal information of other members of staff, suppliers and service users of the Council in the course of your employment or engagement. If so, the Council expects you to help meet its data protection obligations to those individuals. For example, you should be aware that they may also enjoy the rights set out in paragraph 10.1 above.

11.3 If you have access to personal information, you must:

11.3.1 only access the personal information that you have authority to access, and only for authorised purposes;

11.3.2 only allow other Council staff to access personal information if they have appropriate authorisation;

11.3.3 only allow individuals who are not Council staff to access personal information if you have specific authority to do so from the Clerk.

11.3.4 keep personal information secure (e.g. by complying with rules on access to premises, computer access, password protection and secure file storage and destruction and other precautions set out in the Council’s information security policy);

11.3.5 not remove personal information, or devices containing personal information (or which can be used to access it), from the Council’s premises unless appropriate security measures are in place (such as pseudonymisation, encryption or password protection) to secure the information and the device; and

11.3.6 not store personal information on local drives or on personal devices that are used for work purposes.

11.4 You should contact the Clerk if you are concerned or suspect that one of the following has taken place (or is taking place or likely to take place):

11.4.1 processing of personal data without a lawful basis for its processing or, in the case of sensitive personal information, without one of the conditions in paragraph 6.2.2 being met;

11.4.2 any data breach as set out in paragraph 14.1 below;

11.4.3 access to personal information without the proper authorisation;

11.4.4 personal information not kept or deleted securely;

11.4.5 removal of personal information, or devices containing personal information (or which can be used to access it), from the Council’s premises without appropriate security measures being in place;

11.4.6 any other breach of this Policy or of any of the data protection principles set out in paragraph 4.1 above.

## **12 Information security**

12.1 The Council will use appropriate technical and organisational measures to keep personal information secure, and in particular to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage. These may include:

12.1.1 making sure that, where possible, personal information is pseudonymised or encrypted;

12.1.2 ensuring the ongoing confidentiality, integrity, availability and resilience of processing systems and services;

12.1.3 ensuring that, in the event of a physical or technical incident, availability and access to personal information can be restored in a timely manner; and

12.1.4 a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.

- 12.2 Where the Council uses external organisations to process personal information on its behalf, additional security arrangements need to be implemented in contracts with those organisations to safeguard the security of personal information. In particular, contracts with external organisations must provide that:
- 12.2.1 the organisation may act only on the written instructions of the Council;
  - 12.2.2 those processing the data are subject to a duty of confidence;
  - 12.2.3 appropriate measures are taken to ensure the security of processing;
  - 12.2.4 sub-contractors are only engaged with the prior consent of the Council and under a written contract;
  - 12.2.5 the organisation will assist the Council in providing subject access and allowing individuals to exercise their rights under the GDPR;
  - 12.2.6 the organisation will assist the Council in meeting its GDPR obligations in relation to the security of processing, the notification of data breaches and data protection impact assessments;
  - 12.2.7 the organisation will delete or return all personal information to the Council as requested at the end of the contract; and
  - 12.2.8 the organisation will submit to audits and inspections, provide the Council with whatever information it needs to ensure that they are both meeting their data protection obligations, and tell the Council immediately if it is asked to do something infringing data protection law.
- Before any new agreement involving the processing of personal information by an external organisation is entered into, or an existing agreement is altered, the relevant staff must seek approval of its terms by the Clerk.

### **13 Storage and retention of personal information**

- 13.1 Personal information (and sensitive personal information) will be kept securely in accordance with the Council's information security policy.
- 13.2 Personal information (and sensitive personal information) should not be retained for any longer than necessary. The length of time over which data should be retained will depend upon the circumstances, including the reasons why the personal information was obtained. Staff should follow the Council's records retention policy which set out the relevant retention period, or the criteria that should be used to determine the retention period. Where there is any uncertainty, staff should consult the Clerk.
- 13.3 Personal information (and sensitive personal information) that is no longer required will be deleted permanently from the Council's information systems and any hard copies will be destroyed securely.

### **14 Data breaches**

- 14.1 A data breach may take many different forms, for example:
- 14.1.1 loss or theft of data or equipment on which personal information is stored;
  - 14.1.2 unauthorised access to or use of personal information either by a member of staff or third party;
  - 14.1.3 loss of data resulting from an equipment or systems (including hardware and software) failure;
  - 14.1.4 human error, such as accidental deletion or alteration of data;
  - 14.1.5 unforeseen circumstances, such as a fire or flood;
  - 14.1.6 deliberate attacks on IT systems, such as hacking, viruses or phishing scams; and
  - 14.1.7 'blagging' offences, where information is obtained by deceiving the organisation which holds it.
- 14.2 The Council will:
- 14.2.1 make the required report of a data breach to the Information Commissioner's Office without undue delay and, where possible within 72 hours of becoming aware of it, if it is likely to result in a risk to the rights and freedoms of individuals; and
  - 14.2.2 notify the affected individuals, if a data breach is likely to result in a high risk to their rights and freedoms and notification is required by law.

### **15 International transfers**

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either



through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

## **16 Training**

The Council will ensure that staff are adequately trained regarding their data protection responsibilities. Individuals whose roles require regular access to personal information, or who are responsible for implementing this policy or responding to subject access requests under this policy, will receive additional training to help them understand their duties and how to comply with them.

## **17 Consequences of failing to comply**

17.1 The Council takes compliance with this policy very seriously. Failure to comply with the policy:

17.1.1 puts at risk the individuals whose personal information is being processed; and

17.1.2 carries the risk of significant civil and criminal sanctions for the individual and the Council; and

17.1.3 may, in some circumstances, amount to a criminal offence by the individual.

17.2 Because of the importance of this policy, an employee's failure to comply with any requirement of it may lead to disciplinary action under the Council's procedures, and this action may result in dismissal for gross misconduct. If a non-employee breaches this policy, they may have their contract terminated with immediate effect.

17.3 If you have any questions or concerns about anything in this policy, do not hesitate to contact the Clerk.

This policy was last updated in July 2023.



## Appendix A – General Privacy Notice

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### Your personal data – what is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g., a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

### Who are we?

This Privacy Notice is provided to you by Wendover Parish Council which is the data controller for your data.

Other data controllers the Council works with are:

- Buckinghamshire Council
- Thames Valley Police
- Lloyds Bank

We may need to share your personal data we hold with them so that they can carry out their responsibilities to the Council. If we and the other data controllers listed above are processing your data jointly for the same purposes, then the council and the other data controllers may be “joint data controllers” which mean we are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller.

A description of what personal data the Council processes and for what purposes is set out in this Privacy Notice. The Council’s Data Protection officer is the Clerk.

### The Council will process some or all of the following personal data where necessary to perform its tasks:

- Names, titles, and aliases, photographs.
- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependents.
- Where you pay for activities, such as allotments, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- The information that we use may use some sensitive information such as ethnicity for the purposes of describing individuals

## How we use sensitive personal data

- We may process sensitive personal data including, as appropriate:
  - information about your physical or mental health or condition in order to monitor ability to access to our services
  - your racial or ethnic origin or religious or similar information in order to monitor usage of our services with regards to equal opportunities monitoring.
  - in order to comply with legal requirements and obligations to third parties such as for the prevention and detection of crime.
- These types of data are described in the GDPR as “Special categories of data” and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
  - In limited circumstances, with your explicit written consent.
  - Where we need to carry out our legal obligations.
  - Where it is needed in the public interest.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

## Do we need your consent to process your sensitive personal data?

- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

## The Council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

## We use your personal data for some or all of the following purposes:

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services.
- To confirm your identity to provide some services.
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp).
- To help us to build up a picture of how we are performing.
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions.
- To enable us to meet all legal and statutory obligations and powers including any delegated functions.
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury.
- To promote the interests of the council.
- To maintain our own accounts and records.
- To seek your views, opinions or comments.
- To notify you of changes to our facilities, services, events and staff, Councillors and other role holders.





- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives.
- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services.

Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

### What is the legal basis for processing your personal data?

The Council is a public authority and has certain powers and obligations. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers.

Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Notice sets out your rights and the council's obligations to you.

We may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy.

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

### Sharing your personal data

This section provides information about the third parties with whom the council may share your personal data.

These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- The data controllers listed above under the heading "Other data controllers the council works with".
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software.
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g., in relation to facilities or events for the community.

### How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.



## Your rights and your personal data

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

- 1) *The right to access personal data we hold on you*
  - At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request, we will respond within one month.
  - There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.
- 2) *The right to correct and update the personal data we hold on you*
  - If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.
- 3) *The right to have your personal data erased*
  - If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
  - When we receive your request, we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).
- 4) *The right to object to processing of your personal data or to restrict it to certain purposes only*
  - You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request, we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.
- 5) *The right to data portability*
  - You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.
- 6) *The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained*
  - You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).
- 7) *The right to lodge a complaint with the Information Commissioner's Office.*
  - You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

## Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area (“EEA”) will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

## Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.



## Changes to this notice

We keep this Privacy Notice under regular review, and we will place any updates on the WPC website [www.wendover-pc.gov.uk](http://www.wendover-pc.gov.uk). This notice was last updated in July 2023.

## Contact Details

Please contact us if you have any questions about this Privacy Notice or the personal data, we hold about you or to exercise all relevant rights, queries or complaints at:

The Clock Tower

High Street

Wendover

Bucks HP22 6DU

Email: [clerk@wendover-pc.gov.uk](mailto:clerk@wendover-pc.gov.uk)

You can contact the Information Commissioners Office on 0303 123 1113 or via email

<https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Redrafted	Clerk – based on NALC Template	1	July 2023
Reviewed by	Supportis	1	March 2025



## Appendix B – Internal Privacy Notice

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### For staff\*, Councillors and Role Holders\*\*

\*“Staff” means employees, workers, agency staff and those retained on a temporary or permanent basis

\*\*Includes, volunteers, contractors, agents, and other role holders within the council including former staff\* and former Councillors. This also includes applicants or candidates for any of these roles.

### Your personal data – what is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photograph, video, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g., a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

### Who are we?

This Privacy Notice is provided to you by Wendover Parish Council which is the data controller for your data.

The Council works together with the following data controllers:

- Buckinghamshire Council
- HMRC
- Pension providers -LGPS and Smart Pension
- Former and prospective employers (for references)
- DBS services suppliers where appropriate
- Payroll services providers – Numbers Ltd
- H&S and Training providers – Ellis Whittham (Worknest)
- Lloyds Bank

We may need to share personal data we hold with them so that they can carry out their responsibilities to the council and our community. The organisations referred to above will sometimes be “joint data controllers”. This means we are all responsible to you for how we process your data where for example two or more data controllers are working together for a joint purpose. If there is no joint purpose or collaboration, then the data controllers will be independent and will be individually responsible to you.

### The Council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

### What data do we process?

- Names, titles, and aliases, photographs.
- Start date / leaving date
- Contact details such as telephone numbers, addresses, and email addresses.

- Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, hobbies, family composition, and dependents.
- Non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.
- Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, CCTV footage, recordings of telephone conversations, IP addresses and website visit histories, logs of visitors, and logs of accidents, injuries and insurance claims.
- Next of kin and emergency contact information
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process and referral source (e.g., agency, staff referral))
- Location of employment or workplace.
- Other staff data (not covered above) including level, performance management information, languages and proficiency; licences/certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.
- CCTV footage and other information obtained through electronic means such as swipecard records.
- Information about your use of our information and communications systems.

### We use your personal data for some or all of the following purposes: -

Please note: We need all the categories of personal data in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you
- Liaising with your pension provider.
- Administering the contract, we have entered into with you.
- Management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.



- To undertake activity consistent with our statutory functions and powers including any delegated functions.
- To maintain our own accounts and records.
- To seek your views or comments.
- To process a job application.
- To administer councillors' interests
- To provide a reference.

Our processing may also include the use of CCTV systems for monitoring purposes.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract, we have entered into with you.
- Where we need to comply with a legal obligation.

We may also use your personal data in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest [or for official purposes].

### How we use sensitive personal data

- We may process sensitive personal data relating to staff, Councillors and role holders including, as appropriate:
  - information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work.
  - your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation.
  - in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
  - In limited circumstances, with your explicit written consent.
  - Where we need to carry out our legal obligations.
  - Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
  - Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

### Do we need your consent to process your sensitive personal data?

- We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.
- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.
- You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.



## Information about criminal convictions

- We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided, we do so in line with our data protection policy.
- Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.
- Where appropriate, we will collect personal data about criminal convictions as part of the recruitment process or we may be notified of such personal data directly by you in the course of you working for us.

## What is the legal basis for processing your personal data?

Some of our processing is necessary for compliance with a legal obligation.

We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

We will also process your data in order to assist you in fulfilling your role in the council including administrative support or if processing is necessary for compliance with a legal obligation.

## Sharing your personal data

Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. It is likely that we will need to share your data with:

- Our agents, suppliers and contractors. For example, we ask Ellis Whittam to manage our HR functions and Numbers Ltd to manage our payroll functions.
- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC, DVLA, Buckinghamshire Council.
- Staff pension providers – Buckinghamshire Council Local Government Pension Scheme and Smart Pensions
- The Council's banking institutions for the purposes of paying salaries and expenses
- Former and prospective employers
- DBS services suppliers
- Recruitment Agencies such as Adecco and Hays
- Credit reference agencies such as Equifax, Call Credit and Experian
- Professional advisors such as, Ellis Whittam and Parrott & Coales or another solicitor
- Trade unions or employee representatives such as the SLCC, ALCC, BALC or other employees

## How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

## Your responsibilities

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

## Your rights in connection with personal data

You have the following rights with respect to your personal data: -



When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

11) *The right to access personal data we hold on you*

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request, we will respond within one month.
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

2) *The right to correct and update the personal data we hold on you*

- If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

3) *The right to have your personal data erased*

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request, we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

4) *The right to object to processing of your personal data or to restrict it to certain purposes only*

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request, we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

5) *The right to data portability*

- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

6) *The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained*

- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

7) *The right to lodge a complaint with the Information Commissioner's Office.*

- You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

## Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

## Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing, if we start to use your personal data for a purpose not mentioned in this notice.





## Changes to this notice

We keep this Privacy Notice under regular review, and we will place any updates on the WPC website [www.wendover-pc.gov.uk](http://www.wendover-pc.gov.uk). This Notice was last updated in July 2023.

## Appendix C – DPIA Checklist

- A. Under the GDPR, data protection impact assessments (DPIAs) are mandatory where the processing poses a high risk to the rights and freedoms of individuals. While they can also be carried out in other situations, councils need to be able to evaluate when a DPIA is required.
- B. This checklist helps you make that assessment and provides a springboard for some of the issues you will need to consider in more detail if you do need to carry out a DPIA.

### 1. Do you need to carry out a DPIA?

- (a) What is the objective/intended outcome of the project?
- (b) Is it a significant piece of work affecting how services/operations are currently provided?
- (c) Who is the audience or who will be affected by the project?
- (d) Will the project involve the collection of new personal data about people? (*e.g. new identifiers or behavioural information relating to individuals?*)
- (e) Will the project involve combining anonymised data sources in a way that may give rise to a risk that individuals could be identified?
- (f) Will the project involve combining datasets originating from different processing operations or data controllers in a way which would exceed the reasonable expectations of the individuals?
- (g) Is data being processed on a large scale?
- (h) Will the project compel individuals to provide personal data about themselves?
- (i) Will personal data about individuals be disclosed to organisations or people who have not previously had routine access to the personal data?
- (j) Will personal data be transferred outside the EEA?
- (k) Is personal data about individuals to be used for a purpose it is not currently used for, or in a way it is not currently used?
- (l) Will personal data about children under 13 or other vulnerable persons be collected or otherwise processed?
- (m) Will new technology be used which might be seen as privacy intrusive? (*e.g. tracking, surveillance, observation or monitoring software, capture of image, video or audio or location*)
- (n) Is monitoring or tracking or profiling of individuals taking place?
- (o) Is data being used for automated decision making with legal or similar significant effect?
- (p) Is data being used for evaluation or scoring? (*e.g. performance at work, economic situation, health, interests or behaviour*)
- (q) Is sensitive data being collected including:
  - (i) Race
  - (ii) Ethnic origin
  - (iii) Political opinions
  - (iv) Religious or philosophical beliefs
  - (v) Trade union membership
  - (vi) Genetic data
  - (vii) Biometric data (*e.g. facial recognition, finger print data*)
  - (viii) Health data
  - (ix) Data about sex life or sexual orientation?
- (r) Will the processing itself prevent data subjects from exercising a right or using a service or contract?
- (s) Is the personal data about individuals of a kind likely to raise privacy concerns or is it personal data people would consider to be particularly private or confidential?

- (t) Will the project require contact to be made with individuals in ways they may find intrusive?

## 2. Other issues to consider when carrying out a DPIA

- (a) In addition to considering the above issues in greater detail, when conducting a DPIA, you will also need to look at issues including:
  - (i) The lawful grounds for processing and the capture of consent where appropriate
  - (ii) The purposes the data will be used for, how this will be communicated to the data subjects and the lawful grounds for processing
  - (iii) Who the data will be disclosed to
  - (iv) Where the data will be hosted and its geographical journey (including how data subjects will be kept informed about this)
  - (v) The internal process for risk assessment
  - (vi) Who needs to be consulted (DPO, data subjects, the Information Commissioners Office (“ICO”))
  - (vii) Data minimisation (including whether data can be anonymised)
  - (viii) How accuracy of data will be maintained
  - (ix) How long the data will be retained and what the processes are for deletion of data
  - (x) Data storage measures
  - (xi) Data security measures including what is appropriate relative to risk and whether measures such as encryption or pseudonymisation can be used to reduce risk
  - (xii) Opportunities for data subject to exercise their rights
  - (xiii) What staff or, as appropriate, councillor training is being undertaken to help minimise risk
  - (xiv) The technical and organisational measures used to reduce risk (including allowing different levels of access to data and red flagging unusual behaviour or incidents)

- 3. The GDPR requires that councils carry out a DPIA when processing is likely to result in a high risk to the rights and freedoms of data subjects. For a council, examples might include using CCTV to monitor public areas.

- 4.** If two or more of the following apply, it is likely that you will be required to carry out a DPIA. This does not apply to existing systems but would apply if you introduced a new system.
1. Profiling is in use. Example: you monitor website clicks or behaviour and record people’s interests.
  2. Automated-decision making. Example: when processing leads to the potential exclusion of individuals.
  3. CCTV surveillance of public areas. Processing used to observe, monitor or control data subjects.
  4. Sensitive personal data as well as personal data relating to criminal convictions or offences.
  5. Large scale data processing. There is no definition of “large scale”. However consider: the number of data subjects concerned, the volume of data and/or the range of different data items being processed.
  6. Linked databases - in other words, data aggregation. Example: two datasets merged together, that could “exceed the reasonable expectations of the user”. E.g. you merge your mailing list with another council, club or association.
  7. Data concerning vulnerable data subjects, especially when power imbalances arise, e.g. staff-employer, where consent may be vague, data of children, mentally ill, asylum seekers, elderly, patients.
  8. “New technologies are in use”. E.g. use of social media, etc.
  9. Data transfers outside of the EEA.
  10. “Unavoidable and unexpected processing”. For example, processing performed on a public area that people passing by cannot avoid. Example: Wi-Fi tracking.



## Use of IT

This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

Use of IT

Use of Email

Use of the Internet

Use of Social Media

Security and identity Theft

Use of telephone and other office facilities

Wendover Parish Council has dispensations from HMRC for certain expenses that may be accrued by Councillors and employees. The Council will reimburse expenses to employees and Councillors only via claims on an expenses claim form and via the standard process for payments. This means payment of expenses will be made via cheque or BACS where HMRC dispensations allow and will only be paid once signed off in a meeting.

All other expenses will be paid via payroll and must be included on a P11D at the end of the tax year.

Employees should avoid accruing expenses where other provisions are provided such as petty cash or a Council charge, credit or debit card. Payments using these methods can be authorised or undertaken by the Clerk within the delegated limit under Financial Regulations and the Scheme of Delegation.

Elected Councillors can claim an allowance if a resolution is passed by the full Council. Where allowances are paid it is expected that the allowance will cover expenses and further expenses claims may not be honoured.

Eligibility

Types of Flexible Working

Requesting Flexible Working

Withdrawing an application

Decision to approve the request

Decision to deny the request

Appeal

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Wendover Parish Council (“the Employer”) has a duty to ensure that their computer and electronic communications systems – including all Council in-house systems, external systems, mobile device systems, email and internet – are as secure as possible and used responsibly and efficiently for business purposes only by all employees who have access to the systems. Guidance for employees in support of this aim is given below.

### **General IT, Council Computer Systems, Hand Held Devices & Email Use**

The Employer’s computer systems; hardware and software; must only be accessed and operated specifically by those appointed and authorised to do so. Any access and operation must be only for the purpose of fulfilling your duties to the Employer. While accessing or using such computer systems you must not knowingly or recklessly give your passwords to anyone else (or allow them to be seen), introduce, transmit or distribute any bug, virus or other infections, corrupt any data held or tamper with or damage or in any way affect the output or performance of the system.

Emails for business must conform to the normal requirements of business correspondence in that it must be respectful, professional and non-offensive. Speedy responses to an email without thinking sufficiently about the accuracy or tone of the content can cause misunderstandings and employees should always check emails before sending them. Any abuse of the email system may be a disciplinary matter.

The Employer’s computer systems, internet access, email or mobile devices are intended only for business use and employees must not use them for personal use or to:-



Upload, download, create, send, receive distribute or store any material; with illegal content; or of a pornographic or sexually explicit nature; that may be offensive or harassing to others.

Send, forward or otherwise participate in chain emails.

Subscribe for, order to purchase, goods and/or services for yourself or any other person via the Internet other than in proper performance of your duties.

Subscribe to, join or participate in mailing lists, new groups, discussion groups or other on-line forums except in the proper performance of your duties.

Play computer games or use social networking websites.

Any other activity that cannot be deemed to be a requirement to carry out a proper performance of your duties.

Send abusive or defamatory messages – this is never acceptable.

Damage to reputation of the Employer

The Employer permits employees to access the internet for personal use outside of normal working hours such as:-

Before and after normal work hours; and

During the break at lunch

The Employer reserves the right to restrict access to the internet if it is being misused.

### **Social Networking Websites/Blogs**

Employees should be aware that the internet is provided at work for business use and employees are not permitted to use the internet at work for personal use.

The Employer recognises that outside of work employees use the internet for personal purposes and participate in social networking on websites. The following paragraphs outline the employee's responsibilities in relation to using social networking sites. The Employer respects an employee's right to a private life but must also ensure that its confidential matters and reputation are protected. Unless otherwise agreed in writing, it therefore requires that employees using social networking websites such as Facebook, Twitter, Flickr, Google+, Myspace, Instagram, Pinterest, etc (this is not an exhaustive list of sites, as there are many more, but more by way of example for clarity):-

Refrain from identifying themselves as working for the Employer and expressing views or making comments about the Employer;

Refrain from identifying any companies that are the Employer's clients/suppliers and expressing views of making comments about clients/suppliers;

Ensure that they do not conduct themselves in a way that is detrimental to the employer: or could damage the reputation of the Employer or clients of the Employer, and

Take care not to allow their interaction on these websites to damage working relationships between members of staff and clients of the Employer.

### **Monitoring of Internet Access at Work**

The Employer reserves the right to monitor employees' internet usage for valid reasons such as a suspicion that the employee has:-

Been spending excessive time viewing websites that are not work-related within working hours or overtime hours; or  
Acted in a way that damages the reputation of the Employer or a client or employee and/or breaches commercial confidentiality'

Or accessing non-permitted websites (see paragraph 2 under General Systems Use), even if outside of normal working hours;

Or using the work email system to send personal emails

The Employer reserves the right to retain information on employees' use of the internet.



### Security and Identity Theft

Employees should be aware that social networking websites are a public forum, particularly if the employee is part of a “network”. Employees should not assume that their entries on any website will remain private. Employees should never send abusive or defamatory messages nor should they bring the Employer into disrepute. Whether at work out outside work, employees must also be security conscious and should take steps to protect themselves from identity theft, for example by restricting the amount of personal information that they give out. Social networking websites allow people to post detailed personal information such as date of birth, place of birth and favourite football team, which can form the basis of security questions and passwords. In addition, employees should:-

- Ensure that no information is made available that could provide a person with unauthorised access to the Employer systems and/or any Employer confidential information; and
- Refrain from recording any confidential information regarding the Employer on any social networking website; and
- Refrain from any interaction/message/information exchange that may harm the Employer or bring it into disrepute. No access to Company information or Client data is accessible to anyone in the household when working from home – specific Employer requirements for data security and data protection must be followed.

### Use of Telephone & Other Facilities

**The Council's telephones, mail, faxes and photocopying facilities are provided for business purposes. Personal usage should be agreed by the Clerk prior to their use or only in an emergency. If you are unsure what constitutes an emergency please discuss this with the Clerk.**

### Non-Compliance

Failure to comply with this policy may constitute a serious disciplinary matter and the Employer reserves the right to take disciplinary action against employees where their usage is deemed to be in breach of this policy. In particular, deliberate or reckless disregard of this policy may be treated as an act of gross misconduct and could lead to your dismissal. You should also be aware that breach may also render your liable to criminal prosecution under the Computer Misuse Act 1990 and/or Data Protection legislation, even if no damage occurs. To ensure this policy is being adhered to, the Employer reserves the right to view files and e-mails stored by employees on any of the Employer computer drives/systems, any may be used as part of an investigation.

	Person/Group responsible	Version	Date completed
Report written by	Ella Jones	1.0	02/08/2017
Reviewed by	Staffing Committee		08/08/2017
Agreed	Staffing Committee		08/08/2017
Reviewed by	Ellis Whittam	2.0	01/08/2019
Agreed	Staffing Committee		08/08/2019
Reviewed by	Ellis Whittam	2.0	02/09/2021
Agreed	Staffing Committee	2.0	7/11/2023
Reviewed by	Supportis	2	March 2025

# Information Security Policy

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## 1 Introduction

### 1.1 Background

Wendover Parish Council has a large investment in information, which is an essential resource that is used either directly or indirectly in the delivery of all of the Council's functions. The Council is the custodian of electronically and manually stored information, much of it of a personal and sensitive nature. When we receive the information, we are trusted to look after it and to make sure we comply with our legal responsibilities. There is a high reputational risk attached to the misuse or unauthorised publication of sensitive information.

In order to carry out the business of the Council, much of this information must be accessed by computer application systems and transmitted across communications networks operated by the Council. It is vital therefore that it is protected from any form of disruption or loss of service, and it is essential that the availability, integrity and confidentiality of the IT systems and data are maintained to the highest standards. Information Security is not limited to managing ICT. It also covers the physical security of buildings, equipment and manual records; procedures for starters and leavers; good practice advice, and a reporting mechanism should an incident occur. Staff guidance on the use of the network, email and the Internet exists in the Acceptable Use Policy (reproduced in Appendix F) to supplement the general guidance within this document.

Information is a valuable asset, which must be protected to ensure the effective and accurate operation of the systems on which the Council relies. There are legislative and regulative obligations placed on the Council in respect of the confidentiality of much of this information, which must be observed. Failure to protect information could jeopardise the ability of the Council to provide efficient, cost-effective services to the general public.

It is essential that all staff are aware of their responsibilities under the policy and that Information Security controls are established to prevent information being accidentally or maliciously misused, corrupted, lost or destroyed.

### 1.2 Information Security

The purpose of Information Security is to protect information in the following key areas:

- Confidentiality - ensuring that information is protected against unauthorised access or disclosure.
- Integrity - ensuring that information is accurate, complete and free from corruption.
- Availability - ensuring that information is available when it is required.
- Non-Repudiation - ensuring the ability to prove the origin of information or disprove a denial of receipt.

### 1.3 Purpose of the Policy document

The purpose of this Information Security Policy document is to define the stance of Wendover Parish Council with regard to certain aspects of Information Security which are described in the body of the document. The Policy document is a framework for the establishment of standards and procedures for Information Security Management and is based on the guidance contained in BS7799, a code of practice for Information Security Management.

The Policy Document has a number of appendices which give practical advice and guidance to users in specific areas of Information Security. Some of these appendices have been made available in the form of Information Leaflets.

### 1.4 Scope

The Information Security Policy applies to all Council locations and elsewhere where Council business is undertaken, and applies to all staff, Councillors, agents, contractors and volunteers working for, or on behalf of, the Council.



The Policy will form part of the standard contract terms and conditions, or other agreement, for external users working on behalf of the Council. Contractors or other external users are directed to their Client Monitoring Officer.

The generic terms user and users are used within this policy to refer any of above.

For the purposes of this document, the term 'information' covers:

- paper records, whether stored in Council premises, off site or in transit between the two.
- data, software, recorded data and images stored on and accessed by computer systems.
- data, software and images transmitted electronically across networks, both internal and external.
- data, software and images stored on removable media or storage.

The guidance within the Policy document also applies, where relevant, to other kinds of information which may be printed, sent or received by fax and stored on film.

The guidance will also apply to certain manual records covered under the General Data Protection Regulation. These will include records (e.g., application forms) relating to computerised information and may include manual filing systems where they are structured to enable easy reference to personal information e.g., a personnel filing system. If in doubt, please seek advice from the Clerk.

This Information Security Policy is a Council policy and infringements may result in formal action against those found to have breached it. The disciplinary process, offences and outcomes are documented in the HR policies file held in the Council's offices.

## 1.5 Objectives

The objectives of the Council's Information Security Policy are:

- To ensure that all users of Council information and Information Technology systems are aware of the need for Information Security and have an appreciation of their responsibilities.
- To define broad organisational roles and responsibilities.
- To provide a framework which gives guidance on a number of aspects relating to information security, as defined in the policy document.
- To establish the need for every information system to have specific security controls, which are adhered to.
- To establish the corporate level controls to the IT network.

## 2 Roles and Responsibilities

### 2.1 Parish Clerk

The Parish Clerk has overall responsibility for the development and implementation of this Policy. The Parish Clerk will, subject to approval by the Council, develop, publish and maintain Wendover Parish Council's Information Security Policy. These activities will include developing, reviewing and auditing procedures compliant with this Security Policy. They will also be responsible for the dissemination of the information contained within the policy. They will oversee the Information Management processes relating to Data Protection, Freedom of Information, compliance with records management good practice and corporate issues relating to records management.

### 2.2 All Users of IT systems – Members, staff and other authorised people

Users of IT systems must ensure that they comply with the guidance contained within the Information Security Policy and report any actual or suspected breaches via the appropriate channel. See Section 5 for further guidance on reporting security incidents.

### 2.3 IT development, support and maintenance staff

Phenom Networks are responsible for the support and maintenance of Wendover Parish Council computer systems. They may, therefore, have privileged access to computer systems and to personal and confidential information in order to carry out their normal responsibilities. They must ensure that they are aware of and comply with the information security provisions relating to each computer system as well as this general policy guidance.

Duties will include ensuring that regular back-ups of email software and data are taken, and copies are stored in a secure remote location and that changes to the system are authorised and made in a controlled and effective manner.

#### 2.4 *Monitoring compliance*

The diverse nature of this policy means that responsibility for monitoring its compliance will be shared between the Council and Phenom Networks depending on the facet of the policy being considered.

#### 2.5 *Physical Security*

Unless otherwise stated, the enforcement of physical security measures is the responsibility of the Parish Clerk as the manager of the Council offices.

#### 2.6 *Personnel Security*

The Parish Clerk is responsible for the security countermeasures to be used in recruitment, whilst staff and contractors are employed, and on termination. In addition, the policy addresses security awareness and training aspects to ensure that staff are fully aware of their security responsibilities and the necessary security procedures that they use.

### 3 **Legal Requirements**

The Council will observe all laws and regulations which apply to Information and computer systems. These include:

#### 3.1 *Data Protection Act 2018 and retained General Data Protection Regulation (GDPR)*

Details of our obligations under this act are contained in the Data Protection Policy

#### 3.2 *The Copyright, Designs and Patents Act 1988*

This Act makes it illegal to copy any piece of software without the owner's permission. Most proprietary software is supplied under a licence agreement which limits the use of the software to specified platforms and numbers of users. Copying of the software will normally be restricted to the creation of back-ups.

To comply with the law:

- all purchased software must have appropriate licence agreements.
- purchased software can only be used on platforms covered by the licence.
- definitive versions of proprietary software and the licence agreements must be stored in a secure place.

Criminal prosecutions may result from infringements of copyright law.

#### 3.3 *The Computer Misuse Act 1990*

This Act recognises that certain activities constitute computer crime and provides legal redress against offenders.

Broadly speaking, computer misuse is categorised as:

- attempted unauthorised access to a computer system.
- attempted unauthorised access to information.
- access with a view to personal gain.

Users must report any instances of potential or suspected misuse of computers via the mechanism described in Section 5.

#### 3.4 *The Regulation of Investigatory Powers Act 2000 (RIPA)*

The Regulation of Investigatory Powers Act 2000 (RIPA) governs the interception of communications, covert surveillance operations and access to encrypted data.

A Code of Practice on the Use of Personal Data in Employer/Employee Relationships has been developed and addresses the impact of the General Data Protection Regulation 1998 on the monitoring by employers of telephone calls, e-mails and Internet access involving their employees. The Council is authorised in relation

to its internal communications network to monitor or record all communications transmitted over its system without consent for the following purposes:

- (a) establishing the existence of facts.
- (b) ascertaining compliance with regulatory or self-regulatory practices or procedures.
- (c) ascertaining or demonstrating standards which are achieved or ought to be achieved by persons using the system.
- (d) preventing or detecting crime.
- (e) investigating or detecting unauthorised use of the Council's telecoms system.
- (f) ensuring the effect of the proper operation of the system.

The Council may monitor (but not record) communications to check whether or not communications are relevant to the Council.

The Council is required to "make all reasonable efforts to inform those people who use the Council's telecom systems that interceptions may take place". Wendover Parish Council through this Information Security Policy, informs all users of Council systems of its intention to access, record and monitor information in order to ensure the appropriateness of their use of information and activities performed through information systems, facilities, and processes established for Wendover Parish Council business purposes. If you require any guidance on RIPA please contact the Parish Clerk

### 3.5 *Freedom of Information Act 2000 (FOI)*

For further guidance on the Freedom of Information Act contact the Parish Clerk or see our Freedom of Information Policy

### 3.6 *Human Rights Act 1998*

Under article 8 of the Human Rights Act 'everyone has a right to respect for his private and family life, his home and his correspondence'. Information should be kept securely and only shared in accordance with guidance mentioned elsewhere in this policy.

## 4 **Education and awareness**

### 4.1 *Job descriptions*

The Council will ensure that:

- Where appropriate, specific security roles and responsibilities are defined and documented in job descriptions.
- Individuals who have a responsibility for the protection of information assets are aware of their specific responsibilities.
- All Council employees are aware of and have access to information relating to security procedures.

### 4.2 *Recruitment*

Appropriate security screening measures may be taken when dealing with applications for employment, especially when the job involves dealing with information which the recruiting officer considers to be sensitive. Certain job roles require CRB checks, and further checks will be carried out where the job role involves working with children. These screening procedures may also be invoked if employees change roles within the organisation, and their new role involves dealing with information of a sensitive nature.

There is a formal user registration and de-registration procedure for starters and leavers. As part of the induction process, the line manager of the new user is responsible for starting the process. On termination of employment/assignment by Wendover Parish Council, all access is revoked.

The Parish Clerk must sign a request for non-employee access to network. They will be expected to comply with the guidelines set out in this policy.



#### 4.3 *Leave of Absence*

It is recommended that Phenom Networks be informed of staff being away for an extended length of time (i.e., sabbatical/sickness/maternity) so an account is not inadvertently deleted.

If a member of staff requires access to information held in the personal folders of an absentee, then the permission of Parish Clerk must be obtained in accordance with this policy.

#### 4.4 *Training*

The Council will ensure that all users of IT systems are aware of security requirements and procedures as part of the induction process, and that training is available on the correct and secure use of IT facilities. This is the responsibility of the Parish Clerk.

#### 4.5 *Confidentiality*

It is the duty of staff not to disclose to a third party or otherwise use any of the Council's confidential information either during or after the termination of employment with the Council.

Agency, contract staff and contractors must abide by the relevant conditions of contract with regard to security matters and may be required to sign confidentiality and nondisclosure undertakings prior to being allowed access to IT facilities, as may volunteers.

#### 4.6 *Leaving the Council*

Before an employee leaves the Council's employment the Parish Clerk should be informed of important information held within their account – email or home directory.

### 5 **Reporting security incidents**

It is the responsibility of all users to report any observed or suspected security weaknesses in IT systems or services. The Council will maintain various methods for users to report actual or suspected breaches in security procedures.

Users must not attempt to test or prove suspected weaknesses themselves. Such action may be misconstrued as an attempted breach of security and investigated and dealt with in accordance with the Council's Disciplinary Procedure or Member Code of Conduct, as appropriate. For external users under contract to the Council, such action could be considered to be breach of contract or investigated under the provisions of the Computer Misuse Act 1990.

The Council's mail scanning or internet monitoring systems automatically flag hundreds of items and instances of events daily in an attempt to balance protection for the network and the individual users with the avoidance of delay. These will not be treated automatically as a security incident unless subsequent inspection by IT Staff reveals the need for this.

#### 5.1 *Who to report an incident to?*

Where fraud and/or money laundering is suspected this should be reported in the first instance to the Parish Clerk. The anti-money laundering policy or the anti-fraud, corruption and whistleblowing procedure may be used for this purpose.

In other cases, staff should normally report actual or suspected breaches in security procedures via their Line Management. If this is not possible or appropriate it should be reported to either the Chair of Staffing or Chair of the Council.

Members should report actual or suspected breaches of the Policy to Parish Clerk. The Policy has been drawn to Members' attention by virtue of its inclusion on the Agenda of Audit Committee and Executive and by letter.

Full procedures are documented in the Wendover Parish Council Security Incident Handling and reporting guidelines (Appendix H).

#### 5.2 *Phenom Networks*

Users should report or discuss security matters of a general systems nature rather than individual behaviour with Phenom Networks.

Phenom Networks record all incident reports and will maintain an incident category for security incidents. Phenom Networks will ensure that steps are taken to review suspected weaknesses, reconfigure systems where applicable and install updates and patches as available. Issues relating to viruses should be reported to Phenom Networks.

### 5.3 *Confidentiality*

The Council's Whistleblowing Policy provides guidance as to how employees can raise a concern without fear of recrimination. These procedures, which are referred to in both the Policy on Anti-fraud and Corruption and the Code of Conduct, can be used, when necessary, by employees to report security matters. The Whistleblowing Policy details points of contact.

### 5.4 *Disciplinary proceedings*

This Information Security Policy is a Council policy and infringements may result in the invocation of the Council's Disciplinary Procedure (in respect of staff) or Member Code of Conduct (in respect of Members).

## 6 **Policy Statements**

Section six sets out all of the policy statements that inform the Information Security Policy. It explains how the Council will enforce information security. It is supported by a series of appendices and guidance notes to help users understand what is expected of them.

### 6.1 *Identification and control of assets*

The Council will identify all assets which are important for the provision of IT systems and services. Assets can be characterised as:

- Information databases and files, documentation and manuals, procedures and plans etc.
- Software applications, operating systems, tools and utilities which may be developed in-house, or bought-in packages.
- Physical computer and network hardware, ancillary equipment, furniture, telephones etc.

### 6.2 *Procurement*

All requests for new equipment and software must be agreed by the Parish Clerk and Phenom Networks to ensure that what is bought for use on the Council's network is both compatible and appropriate in terms of the requirements of this Policy.

### 6.3 *Inventory*

Assets which are deemed to be an important component of computer systems or service delivery such as base units and monitors will be physically identified, and their existence will be recorded in the asset register. This is used as a key component of the Council's system and provides information for insurance. Wendover Parish Council will maintain an inventory of the Council's software and software licences.

### 6.4 *Change Management*

All changes to physical and software assets must be made under the advice of Phenom Networks and must ensure that any changes made to the assets are assessed as to whether there is any impact on security controls.

### 6.5 *Physical and environment security*

The Council will ensure that the following general controls on physical access and security are maintained.

- Council offices and areas accessible only by staff, Members and authorised visitors will be protected by appropriate security controls from areas of Council premises accessible by the general public.
- Wherever possible visitors to Council premises will be supervised. Staff are issued with personal alarms and must test these on a regular basis. If they are found to be not working, they must inform the Parish Clerk immediately. It is the responsibility of the staff to carry their alarms with them.

- Suitable secure accommodation has been created within Wendover Parish Council locations containing information or equipment in order to protect these facilities from unauthorised access.
- Fire Alarms are tested monthly, and the Council holds fire evacuation tests twice a year. Wendover Parish Council has fire extinguishers throughout its buildings, and these are tested annually by a competent company.

#### 6.6 *Information security*

Users must ensure that information considered to be sensitive to which they have access, such as passwords, computer discs etc., are locked away when offices are unattended.

Managers must ensure that suitable facilities are provided for the storage of sensitive information. The nature of the information will determine what is suitable. This could include a locked desk drawer, locked cupboard or in some instances a safe.

Unwanted equipment and media must be disposed of under advice of Phenom Networks.

#### 6.7 *Maintenance of manual records*

All staff should take steps to ensure that they comply with the Council's Document Retention Policy and ensure good practice for the management of paper records.

Steps must be taken to make sure that all records are accessible, including those held in personal files to ensure the Council can provide information on request. This is particularly important in relation to Access to Information requests (i.e., Freedom of Information, Data Protection, Environmental Information Regulations).

#### 6.8. *Off-site considerations*

The Council must comply with the General Data Protection Regulation, which includes the principle 'to take appropriate technical and organisational measures' to guard against unauthorised or unlawful processing of data or accidental loss.

Management authorisation must be acquired prior to removing Council IT equipment offsite. For practical reasons, staff issued with laptops will be deemed to have received authorisation by virtue of the fact they have been issued with a portable PC.

It is the responsibility of the user removing equipment to ensure that appropriate security controls exist at the off-site location, and that sensible measures are taken to protect equipment whilst in transit. Users should also ensure the security of data in portable computer media e.g., memory sticks is only taken off site when absolutely necessary and the data removed as soon possible after use or transfer.

Managers must ensure that a record is maintained of either the current location of portable IT equipment, or the person responsible for it, and must be aware of any provisions regarding the insurance of items in transit or located off-site. Subject to normal domestic security arrangements being applied, items held at home are covered by insurance, but items are NOT covered if left in an unattended vehicle.

#### 6.9. *Supplied computers, terminals and tablets*

The Council will provide Members and staff with appropriate computer equipment to carry out their Council function, and it is the duty of those individuals to ensure that basic security controls are applied to these items supplied, including computers, printers and other IT related equipment used by them.

These basic controls include:

- Ensuring that the correct start-up and close-down procedures are carried out at the beginning and the end of working periods. For safety, security and environmental reasons all PCs and equipment should be switched off at the end of the day and not left on overnight.
- Ensuring that computers are not left logged-in while unattended. The PC should be locked using Windows/L during any absences.
- Ensuring that no unauthorised software is introduced onto supplied computers. Phenom Networks are responsible for the installation of all software.
- Ensuring that password controls are understood and adhered to - this includes the procedures for changing and storing passwords. Passwords should not be shared with colleagues, family or partners.

- Ensuring that the standard build of the supplied computer is not altered.

#### 6.10 *Network*

Phenom Networks are responsible for the installation, maintenance and management of the Council's internal data networks.

#### 6.11 *The Internet and email*

Members and Staff must ensure they comply with the Council's Acceptable Use Policy. The policy sets out a list of things staff must or must not do relating to the network, internet and email. If any misuse is suspected, then managers may request a report of usage to establish whether an investigation is required.

#### 6.12 *Access to systems*

The Council's computer systems and equipment must only be used by authorised personnel and only in pursuance of their duties.

Staff who require access to the Council's computer systems must first gain authorisation from the Parish Clerk. Staff must make themselves familiar with the relevant log-on, logoff and password control procedures. If access is required into another user's account, they should gain permission from the Parish Clerk.

#### 6.13 *Development and maintenance*

Significant changes made to the Council's computer systems must be assessed for their security implications by the system owner together with Phenom Networks. The Council and Phenom Networks are jointly responsible for the procurement and installation of new computer systems and must ensure that appropriate Information Security controls are included in system design and specifications.

#### 6.14 *Back ups*

Security copies (backups) of systems operating on the network will be taken on behalf of users by Phenom Networks at predetermined frequencies. These are automatically scheduled at regular intervals dependent upon the importance and quantity of the data concerned.

Backups of allocated mailboxes and data stored within the Microsoft Office 365 SharePoint solution is backed up 3 times per day.

A variable retention period has been deployed depending on the age of the backup.

0 to 4 weeks old – All three of the daily backups are retained.

4 to 8 weeks old – The final daily backup is retained.

Older than 8 weeks – A single weekly backup is retained indefinitely.

No information stored on the hard drive of a PC, other than that filed under the WPC SharePoint link, is backed up. Users should ensure that all important information is stored within the WPC cloud. Storage of data that might be required for legislative purposes must always be stored within the WPC cloud.

Information stored on portable media such as CDs or DVDs is less secure and is therefore strongly discouraged unless it is for non-essential and non-sensitive material.

#### 6.15 *Business Continuity Planning*

The Council is responsible for maintaining the continuity of its business processes in the event of a major incident. Phenom Networks are responsible for the recovery of IT systems to support Council services.

#### 6.16 *Records Management - Information sharing*

All staff who share information with other agencies must be aware of the data sharing guidance relating to personal information.

The Council maintains appropriate contacts with law enforcement authorities, regulatory bodies, service providers and telecommunications operators. These include: The Police (for relevant security incidents, especially breaches of the Computer Misuse Act); the Information Commissioner (for relevant Access to Information enquiries) and other public service agencies. Staff should familiarise themselves with the Access to Information guidance set out on the Council's intranet system and ask for advice if required.

Information required as part of the 'Council records' should not be stored solely in personal user areas that cannot be accessed by other officers. The use of shared folders is encouraged for Council records that will not be stored on a document management system or alternative central record.

#### 6.17 *Records Management – electronic and manual*

The Council's responsibilities under section 46 of the Freedom of Information Act 2000 require that the Council properly manages the creation, management, archive and destruction of records, which includes written or recorded information.

Each section is responsible for the management of its retention schedules, ensuring the timely disposal of out of date or inaccurate information. Details of retention schedules can be found on the Council's intranet and website.

All electronic files and data (including digital photos and mapping) held on personal or shared network folders must be reviewed on a regular basis, in accordance with retention schedules, to ensure the folders do not exceed the agreed capacity limit.

Records are sent to the County Archives for long-term storage. Destruction dates are added to records in accordance with retention schedules. The County Archives operate their own procedures for destruction, which includes a review of the series of files for any information that should form part of the permanent record of the Council.

#### *Categorisation*

Committee reports are categorised as public or confidential according to the guidance on exempt information for Committee reports.

#### 6.18 *Re-use of Council Information*

The Re-use of Public Sector Information Regulations, encourage the re-use of public sector information - that is, information for which the Council holds the copyright. The Regulations allow any company or individual to re-use information held by Wendover Parish Council for commercial or non-commercial gain. To do so they must apply for a licence and pay any licence fees that the Council may impose.

'Re-use' means using the information for a purpose other than the purpose for which the document was originally produced. It is not compulsory for public authorities to allow reuse. At present, the Council does not apply any charge over and above those for research or photocopying.

There is separate legislation to cover the sale of the 'full' and 'public' register of electors, covered by Regulation 111 of the Representation of the People Regulations 2001.

#### 6.19 *Confidential waste disposal*

The Council has a contract for the secure disposal of confidential paperwork and certificates of destruction are kept with invoices for this contract.

#### 6.20 *Removable Media*

Removable media including floppy disks, CDs and USB memory sticks should only be used for transferring business-related data to and from the computer.

Media that has been used for home PCs previously must not be used and before the media is accessed on your work PC it must be scanned by the resident antivirus software for viruses and other malware.

#### 6.21 *Audit and control*

The Information Security Policy has been authorised by the Council and it is reviewed annually. Any changes required that are other than of a minor factual nature must be authorised by the Council.

Empowerment to carry out spot checks and audits of equipment, software, users and procedures to ensure conformance to the Policy will be shared between Phenom Networks, Internal Audit and the Council depending on the facet of the policy being considered.

#### 6.22 *Bring Your Own Device (BYOD)*

Wendover Parish Council recognised the benefits that can be achieved by allowing Councillors to use their own electronic devices for Council business, whether that is at home or at meetings. Such devices include laptops, smart phones and tablets, and the practice is commonly known as 'bring your own device' or BYOD.



The use of such devices to create and process Council information and data creates issues that need to be addressed, particularly in the area of information security.

The Parish Council must ensure that it remains in control of the data for which it is responsible, regardless of the ownership of the device used to carry out the processing. It must also protect its intellectual property as well as empowering Councillors to ensure that they protect their own personal information.

The advice from the ICO states “Councils must ensure the confidentiality, integrity and availability of all personal data they hold, even if the data is being processed through personal email accounts or is stored on a privately owned device.

**Councillors using BYOD must take all responsible steps to:**

- Prevent theft and loss of data
- Keep information confidential where appropriate
- Maintain the integrity of data and information
- Take responsibility for any software they download onto their device

The Parish Council cannot take responsibility for supporting devices it does not provide.

By using their own device Councillors agree to:

- Set up passwords, passcodes, passkeys or biometric equivalents. These must be of sufficient length and complexity for the particular type of device.
- Ensure they regularly check for operating system updates and security fixes
- Ensure appropriate firewalls and anti-virus software are installed, up to date and on
- Where it is essential that information belonging to the Council is held on a personal device it should be deleted as soon as possible once it is no longer required. This includes information contained within emails.
- Ensure that relevant information is copied back onto Council’s systems and manage any potential data integrity issues with existing information.
- Report the loss of any device containing Council data (including email) to the Clerk.
- Be aware of any Data Protection issues and ensure personal data is handled appropriately.
- Report any security breach immediately to the Clerk.
- Ensure that no Council information is left on any personal device indefinitely. Particular care must be taken if a device is disposed of/sold/transferred to a third party. Councillors are encouraged to allow Phenom Networks to download remote management software for a Council folder on their device and keep all Council information in that folder (The folder can be remotely wiped if required).
- Ensure they immediately delete all council data from their personal devices once they have left the Council
- Accept that their device may be called into the office at short notice and held at the office until processes are complete should there be a data breach or a FOI request

The Council will not routinely monitor personal devices. However, it does reserve the right to:

- Prevent access to a particular device from either a wired or wireless network or both.
- Take all necessary and appropriate steps to retrieve information owned by the Council.

The Council must process ‘personal data’ i.e., data about identifiable living individuals in accordance with the Data Protection Act 2018 and the General Data Protection Regulations. Sensitive personal data is information that relates to race/ethnic origin, political opinions, religious beliefs, trade union membership, health (mental or physical) or details of criminal offences. This category of information should be handled with a higher degree of protection at all times.

The Council, in line with guidance from the Information Commissioner’s Office on BYOD, recognises that there are inherent risks in using personal devices to hold personal data. Therefore, Councillors must follow the guidance in this document when considering using BYOD to process personal data.



A breach of the Data Protection Act 2018 or the GDPR can lead to the Council being fined. Any Councillor found to have deliberately breached the Act or the Regulations, may be subject to disciplinary measures or even a criminal prosecution.

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## Document History

Drafted by Parish Clerk	30/05/2016	(version 1)
Approved by Parish Council	03/07/2018	(version 1)
Reviewed by Parish Council	04/06/2019	(version 2)
Reviewed by Parish Council	06/07/2021	(version 3)
Reviewed by Parish Council	03/08/2021	(version 4) Inclusion of BYOD
Reviewed by Parish Council	04/07/2023	(version 4.1) with minor amends
Reviewed by Supportis	March 2025	(version 4.1)



## 6 (GEP) GRIEVANCE AND EMPLOYEE PROTECTIONS

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These policies set out how the Council deals with personal information IT systems and the protection of personal data.

### *Grievance Procedure*

Sets out how employees can raise concerns, problems and complaints about their employment with the Council.

### *Disclosure and Whistleblowing*

Sets out expectations with regards confidential information, further the protections that a member of staff has if they disclose information that shows malpractice or wrongdoing.



## Grievance Procedure

This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

Wendover Parish Council has dispensations from HMRC for certain expenses that may be accrued by Councillors and employees. The Council will reimburse expenses to employees and Councillors only via claims on an expenses claim form and via the standard process for payments. This means payment of expenses will be made via cheque or BACS where HMRC dispensations allow and will only be paid once signed off in a meeting.

All other expenses will be paid via payroll and must be included on a P11D at the end of the tax year. Employees should avoid accruing expenses where other provisions are provided such as petty cash or a Council charge, credit or debit card. Payments using these methods can be authorised or undertaken by the Clerk within the delegated limit under Financial Regulations and the Scheme of Delegation.

Elected Councillors can claim an allowance if a resolution is passed by the full Council. Where allowances are paid it is expected that the allowance will cover expenses and further expenses claims may not be honoured.

Eligibility

Types of Flexible Working

Requesting Flexible Working

Withdrawing an application

Decision to approve the request

Decision to deny the request

Appeal

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### Introduction

This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievances at work. It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.

This policy confirms:

Employees have the right to be accompanied or represented at a grievance meeting or appeal by a workplace colleague, a trade union representative or a trade union official. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case

The Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date

Any changes to specified time limits must be agreed by the employee and the Council

An employee has the right to appeal against the decision about his/her grievance. The appeal decision is final

Information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with Data Protection legislation.



Recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition  
if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure  
if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith

The Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the Council's and the employee's consent.

## **Informal Grievance Procedure**

The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of the Staffing Committee or, if appropriate, another member of the Staffing Committee.

## **Formal Grievance Procedure**

If it is not possible to resolve the grievance informally, the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the Staffing Committee.

The Staffing Committee will appoint a Sub-committee of three members to investigate the grievance. The Sub-committee will appoint a Chairman from one of its members. No Councillor with direct involvement in the matter shall be appointed to the Sub-committee.

### **Investigation**

The Sub-committee will investigate the matter before the grievance meeting which may include interviewing others (e.g. employees, Councillors or members of the public).

### **Notification**

Within 10 working days of the Council receiving the employee's grievance, the employee will be asked, in writing, to attend a grievance meeting. The Sub-committee's letter will include the following:

- The names of its Chairman and other members

- A summary of the employee's grievance based on his/her written submission

- The date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within 25 working days of when the Council received the grievance

- The employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official

- A copy of the Council's grievance policy

- Confirmation that, if necessary, witnesses may attend on the employee's behalf and that the employee should provide the names of his/her witnesses at least five working days before the meeting

- Confirmation that the employee will provide the Council with any supporting evidence at least five working days before the meeting.

### **The grievance meeting**

At the grievance meeting:

- The Chairman will introduce the members of the Sub-committee to the employee

- The employee (or companion) will set out the grievance and present the evidence

- The Chairman will ask the employee what action he/she wants the Council to take

- Any member of the Sub-committee and the employee (or the companion) may question any witness

- The employee (or companion) will have the opportunity to sum up the case



The Chairman will provide the employee with the Sub-committee’s decision, in writing, within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee’s right to appeal

A grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the Sub-committee.

**The appeal**

If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the Staffing Committee. An appeal must be received by the Council within five working days of the employee receiving the Sub-committee’s decision and must specify the grounds of appeal.

Appeals may be raised on a number of grounds, eg:

- a failure by the Council to follow its grievance policy
- the decision was not supported by the evidence
- the action proposed by the Sub-committee was inadequate/inappropriate
- new evidence has come to light since the grievance meeting.

The Appeal will be heard by a panel of three members of the Staffing Committee who have not previously been involved in the case. There may be insufficient members of the Staffing Committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the Staffing Committee. The appeal panel will appoint a Chairman from one of its members.

The employee will be notified, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will take place within 25 working days of the Council’s receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.

At the appeal meeting, the Chairman will:

- introduce the panel members to the employee
- explain the purpose of the meeting, which is to hear the employee’s reasons for appealing against the decision of the Staffing Sub-committee
- explain the action that the appeal panel may take.

The employee (or his/her companion) will be asked to explain the grounds of his/her appeal.

The Chairman will inform the employee that he/she will receive the decision and the panel’s reasons, in writing, within five working days of the appeal meeting.

The appeal panel may decide to uphold the decision of the Staffing Committee or substitute its own decision.

The decision of the appeal panel is final.

	Person/Group responsible	Version	Date completed
Report written by	Ella Jones	1.0	02/08/2017
Reviewed by	Staffing Committee		08/08/2017
Agreed	Staffing Committee		08/08/2017
Reviewed by	Ellis Whittam	2.0	01/08/2019
Agreed	Staffing Committee		08/08/2019
Reviewed by	Ellis Whittam	2.0	02/09/2021
Agreed	Staffing Committee	2.0	7/11/2023
Reviewed by	Supportis	2	March 2025



## Disclosure of information and Whistleblowing

This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

Wendover Parish Council has dispensations from HMRC for certain expenses that may be accrued by Councillors and employees. The Council will reimburse expenses to employees and Councillors only via claims on an expenses claim form and via the standard process for payments. This means payment of expenses will be made via cheque or BACS where HMRC dispensations allow and will only be paid once signed off in a meeting.

All other expenses will be paid via payroll and must be included on a P11D at the end of the tax year.

Employees should avoid accruing expenses where other provisions are provided such as petty cash or a Council charge, credit or debit card. Payments using these methods can be authorised or undertaken by the Clerk within the delegated limit under Financial Regulations and the Scheme of Delegation.

Elected Councillors can claim an allowance if a resolution is passed by the full Council. Where allowances are paid it is expected that the allowance will cover expenses and further expenses claims may not be honoured.

### Eligibility

Types of Flexible Working

Requesting Flexible Working

Withdrawing an application

Decision to approve the request

Decision to deny the request

Appeal

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## Disclosure of information

Employees shall not at any time during or after employment with the Council disclose to any third party (except as may be authorised by the Council or required by law) or otherwise misuse any confidential information belonging to the Council or to any member of the public or Councillor of the Council which shall come into your possession in the course of carrying out your duties for the Council.

This obligation will continue unless and until any such confidential information enters the public domain other than through any breach of this provision by you. If you are in any doubt as to whether information is confidential or not, you should contact the Clerk to seek clarification.

Employees may, in properly carrying out their duties, have access to or come into contact with, information of a confidential nature. Their terms and conditions provide that 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) and the disclosure must also be made in an appropriate way.

If, in the course of employment, an employee becomes aware of information, which he reasonably believes tends to show one or more of the following, he must use the Council's Disclosure Procedure set out below:

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

### Disclosure Procedure

Information, which an employee reasonably believes tends to show one or more of the above, should promptly be disclosed to the Clerk so that any appropriate action can be taken.



Employees will suffer no detriment of any sort for making such a disclosure in accordance with this Procedure. However, failure to follow this procedure may result in disclosed information losing its 'protected status' and/or disciplinary action.

## Whistleblowing Policy

Wendover Parish Council is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Council to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told). The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Council has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Council nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the Council.

### Scope of Policy

This policy is designed to enable employees of the Council to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

## Safeguards

### i. Protection

This policy is designed to offer protection to those employees of the Council who disclose such concerns provided the disclosure is made:

- in the public interest
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. An extreme case of malicious or wild allegations could give rise to legal action on the part of the persons complained about.

### ii. Confidentiality

The Council will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the





investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

### iii. Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Council.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

### iv. Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

#### Procedures for Making a Disclosure

On receipt of a complaint of malpractice, the member of staff or Councillor who receives and takes note of the complaint, must pass this information as soon as is reasonably possible to the Clerk (where the complaint is against the Clerk it must be passed to the Chairman of the Staffing Committee):

- Complaints of malpractice will be investigated by the Chairman of the Staffing Committee unless the complaint is against the Chairman of the Staffing Committee or is in any way related to the actions of the Chairman of the Staffing Committee. In such cases, the complaint should be passed to the Chairman of the Council for referral.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chairman of the Council. The Chairman of the Council has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals who have been designated as independent points of contact under this procedure.

1. Cllr Jo Durden-Moore
2. Cllr Mark Standen

If there is evidence of criminal activity then the investigating officer should inform the police. The Council will ensure that any internal investigation does not hinder a formal police investigation.

#### Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations. The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

#### Investigating Procedure

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade

union or employee representative at any future interview or hearing held under the provision of these procedures.

- The investigating officer should consider the involvement of the Council auditors and the Police at this stage and should consult with the Chairman / Clerk to the Council.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Clerk or Chairman as appropriate.
- The Clerk / Chairman will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Company procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the Council Auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Clerk / Chairman, or one of the designated persons described above. If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the Council recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the SAAA, or the utility regulators), or, where justified, elsewhere.

	Person/Group responsible	Version	Date completed
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