



Ref: Agenda/Personnel – 21/05/2024

16th May 2024

Dear Sir/Madam

All Members of the Personnel Committee are hereby summoned to the Personnel Committee Meeting of Biggleswade Town Council that will take place on **Tuesday 21st May 2024** at the **Offices of Biggleswade Town Council, The Old Court House, 4 Saffron Road, Biggleswade** commencing at **7:30pm**, for the purpose of considering and recommending the business to be transacted as specified below.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Peter Tarrant', written over a horizontal line.

Peter Tarrant
Town Clerk & Chief Executive

Distribution: All Town Councillors
Notice Boards
The Press

Committee Members:

Cllr M Russell (Chairman)
Cllr P Guilcher (Deputy Chairman)
Cllr D Albone
Cllr G Barrett (ex-officio voting Member)
Cllr M Foster (ex-officio voting Member)
Cllr J Jones
Cllr M Knight
Cllr D Strachan
Cllr C Thomas
Cllr J Woodhead

AGENDA

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**

To receive Statutory Declarations of Interests from Members in relation to:

- a. Disclosable Pecuniary interests in any agenda item.
- b. Non-Pecuniary interests in any agenda item.

3. **CHAIRMAN'S ANNOUNCEMENTS**

4. **PUBLIC OPEN SESSION**

To adjourn for a period of up to 15 minutes to allow members of the public to put questions or to address the Council, through the Chairman, pertaining to matters listed on the Agenda.

Please register in advance for this webinar:

https://us06web.zoom.us/webinar/register/WN_BMoP-W_LTGmnWmxuHqYoig

Each Speaker will give their name to the Chairman, prior to speaking, which will be recorded in the minutes, unless that person requests otherwise. Each Speaker will be allowed **(one) three-minute slot**.

5. **MEMBERS' QUESTIONS**

6. **MINUTES AND RECOMMENDATIONS OF MEETINGS**

- a. For Members to receive the minutes of the Personnel Meeting held on **Tuesday 6th February 2024** at the Offices of Biggleswade Town Council, The Old Court House, Saffron Road, Biggleswade.

7. **MATTERS ARISING**

- a. Minutes of the Personnel Meeting held on **Tuesday 6th February 2024**.

8. **ITEMS FOR CONSIDERATION**

- a. **Capability and Absence Management Policy and Procedure**

For Members to review the Capability and Absence Management Policy and Procedure.

- b. **Anti Bullying and Harassment Policy**

For Members to review the Anti Bullying and Harassment Policy.

- c. **Grievance Procedure**

For Members to review the Grievance Procedure.

9. **ITEMS FOR INFORMATION**

None.

10. **PUBLIC OPEN SESSION**

To adjourn for a period of up to 15 minutes to allow members of the public to put questions or to address the Council, through the Chairman, in respect of any other business of the Town Council.

Please register in advance for this webinar:

https://us06web.zoom.us/webinar/register/WN_BMoP-W_LTGmnWmxuHqYoig

Each Speaker will give their name to the Chairman prior to speaking, which will be recorded in the minutes unless that person requests otherwise. Each Speaker will be allowed **(one) three-minute slot**.

11. EXEMPT ITEMS

The following resolution will be **moved** that is advisable in the public interest that the public and press are excluded whilst the following exempt item issue is discussed.

a. (HR Updates)

Pursuant to section 1(2) of the public bodies (Admission to Meetings) Act 1960 Council **resolve** to exclude the public and press by reason of the confidential nature of the business about to be transacted.

12. **EXEMPT ITEMS**

HR Updates

For Members to receive HR Updates from the Town Clerk & Chief Executive & The Administration & HR Manager.



MINUTES OF THE PERSONNEL COMMITTEE MEETING
HELD ON TUESDAY 6th FEBRUARY 2024
AT 7.00PM AT BIGGLESWADE TOWN COUNCIL OFFICES,
THE OLD COURT HOUSE, 4 SAFFRON ROAD, BIGGLESWADE SG18 8DL

PRESENT:

Cllr M Russell (Chairman)
Cllr D Albone
Cllr M Foster (ex-officio voting Member)
Cllr S Patel
Cllr J Jones
Cllr D Strachan
Cllr C Thomas
Cllr J Woodhead

Mr P Tarrant - Town Clerk & Chief Executive
Miss Helen Calvert - Administration & HR Manager

Members of the Public - 0

Meeting Formalities:

Following a reminder to meeting attendees, both panel and public, that this is a formal meeting, the Chairman advised that members of the public will be given an opportunity to speak during public open session but not at other times. The meeting is being filmed and by being present attendees are deemed to have agreed to be filmed and to the use of those images and sound recordings. The Chairman advised that attendees should not disclose any personal information of individuals as this would infringe the Data Protection Rights of the individual. The Chairman asked everyone to mute their microphones when not speaking.

1. APOLOGIES FOR ABSENCE

a. Cllr P Guilcher and Cllr M Knight.

2. DECLARATIONS OF INTEREST

To receive Statutory Declarations of Interests from Members in relation to:

- a. Disclosable Pecuniary interests in any agenda item - None.
- b. Disclosable Pecuniary interests in any agenda item - None.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4. PUBLIC OPEN SESSION

There were no members of the public present.

5. MEMBERS QUESTIONS

None.

6. MINUTES AND RECOMMENDATIONS OF MEETINGS

a. The Minutes of the Personnel Committee Meeting held on **Tuesday 7th November 2023** were **APPROVED** as a correct and accurate record of the meeting subject to the following alterations:

- To include Cllr J Jones as an attendee
- To include the following changes requested by Members in the Managing Personal Relationships at Work Policy: to take out the word 'potential' from 'potential conflicts of interest' and to change the section that relates to 'managers responsibilities' to 'Councils responsibilities' and to refer to the Whistleblowing Policy, as long as this matches our Whistleblowing Policy.

7. MATTERS ARISING

None.

8. ITEMS FOR CONSIDERATION

None.

9. ITEMS FOR INFORMATION

None.

10. PUBLIC OPEN SESSION

No members of the public were present.

11. EXEMPT ITEMS

a. **HR Updates**

The Town Clerk & Chief Executive and the Administration & HR Manager provided Members with a number of HR updates.

The Chairman closed the meeting at 8.40pm



CAPABILITY
AND
ABSENCE MANAGEMENT
POLICY AND PROCEDURE

Adopted January 2021
Review by January 2023

CAPABILITY POLICY AND PROCEDURE

1. INTRODUCTION

- 1.1 The Council is committed to the highest levels of competence and conduct and is striving to provide a working environment where every employee is encouraged to his or her full potential. It is recognised that discipline is necessary for the efficient operation of the Council and for the health and safety at work of all employees; and that capability procedures are necessary to assist in maintaining standards of performance and conduct and for promoting fairness in the treatment of individuals considered to be falling below acceptable standards.
- 1.2 The following procedure has been drawn up to provide a framework within which all capability and conduct matters can be dealt with fairly and without delay. It has been designed so that management and individual employees are aware of their rights and obligations.
- 1.3 It is emphasised that this procedure has been designed to encourage an improvement in an individual's performance or conduct where this is necessary and are not merely a method of applying disciplinary sanctions. In this respect it is accepted by all parties that line managers play an important role in the day-to-day support and supervision of their staff and they should seek initially to rectify problems through informal discussions without invoking the formal procedures.
- 1.4 Where matters cannot be resolved through the normal supervisory relationship or where alleged actions or omissions are considered to be of a more serious nature, the appropriate formal procedures should be followed.

CAPABILITY PROCEDURE

1. Capability encompasses skill, aptitude, health or any other physical or mental quality and is usually distinguishable from conduct or misconduct, which should be dealt with under the disciplinary procedure. For example, an employee may not have the innate ability or the standard of health required to reach the necessary standards for the job; in which case, the capability procedure is the appropriate vehicle for dealing with the situation.
2. This can be distinguished from cases where the employee is able to reach those standards but, for some reason, chooses not to do so. In such cases the disciplinary procedure may be appropriate.
3. Problems of capability need also to be distinguished from disability as defined by the Equality Act 2010. Assistance is available to help the individual and the employer to overcome problems associated with disability and advice should be sought from the appropriate Manager where necessary. The Manager and Town Clerk will consider any reasonable adjustments that will enable the employee to undertake his/her role to the required standards. It is particularly important that employees who become disabled during their employment are given assistance where possible and that recourse to the capability procedure is not the first consideration.
4. It is recognised that the Manager or Supervisor may have occasion, as part of the day-to-day management function, to draw attention to employees' minor inadequacies in performance without invoking the formal capability procedure. Employees themselves may also recognise problems and request a discussion. Early identification of problems relating to an employee's capability can, in many cases, lead to a resolution of the problem before there is a need to resort to formal procedures. Such action may include advice or firm guidance and in such cases, no formal written confirmation need be issued. However, where minor incidents are repeated, or in the case of more serious incidents, the following procedure should be followed.

5. DEALING WITH POOR PERFORMANCE

5.1 STAGE 1 – Informal support and agreed improvement plan

As soon as the Manager becomes aware that normal day-to-day supervision has failed to address an employee's unsatisfactory performance, the Manager should arrange to discuss the matter with the employee concerned. This discussion should be used to:

- Identify those aspects of the employee's performance, which do not meet the required standards. This should be done with reference to

the employee's agreed job description or work plan wherever possible.

- Ascertain the extent to which the employee realises and accepts that there is a problem.
- Give the employee the opportunity to give an explanation, including any mitigating circumstances (e.g., the context within which the employee works has changed significantly; health or personal problems).

5.2 If the employee's conduct is identified as having contributed to his/her unsatisfactory performance in the job, it may be more appropriate to consider action under the terms of the Disciplinary Procedure.

5.3 If the employee accepts that there is a problem and seeks to achieve an improvement, the employee and the manager should develop an action plan which will include:

- A statement by the manager indicating the specific areas of work which are unsatisfactory and the level of improvement required in these areas.
- The support and training to be given to the employee to assist him/her in achieving the level of improvement required.
- A realistic timescale over which the improvement is required.
- Ensuring that all other staff involved are fully briefed on, and implement, their part of the action plan.
- The process for monitoring the employee's progress over this timescale.
- The likely result if satisfactory performance is not achieved and sustained.
- That the above will be recorded on the employee's personal file in the department together with any written comments or observations which the employee may wish to make. Managers and the employee should keep a written record of the above points.

5.4 If the poor performance is identified as arising from long-term health problems, or frequent absence, the Manager may have to refer the matter to the Council's Occupational Health provider and deal with the situation under the separate provisions relating to capability due to ill health.

5.5 If the health problem is short-term in duration, an action plan should be designed to support the employee so that s/he can contribute his/her best efforts until former health is restored.

5.6 A review meeting date should be agreed as well as specific action points and a date by which improvements are expected to be seen. It is essential that monitoring is undertaken throughout this process.

5.7 If at the review meeting all parties agree acceptable improvements have been made the matter will be regarded as closed. The manager may find it

necessary to continue to monitor the employee's performance for a time to ensure that the required level of performance is sustained. In such cases the employee should be advised of this.

5.8 If the performance of the employee is so serious or if, at the informal stage the employee fails to engage with the process, the procedure would move directly to Stage 3 with a final written warning and a 4 week improvement plan.

5.9 If, at the review meeting, insufficient or no improvement has taken place you will progress to Stage 2.

6. **STAGE 2 – Written warning and further improvement plan**

The employee may have an accredited trade union representative or work colleague attend any meetings at Stages 2, 3 and 4.

6.1 If insufficient or no progress has been made during the informal monitoring the employee should be informed that a written warning will be placed on the employee's file which will remain in force for a period of 12 months.

6.2 Managers must ensure the Performance Review Document continues to be used to monitor against actions and targets set. A time frame for improvement (up to 6 weeks) and action points should be agreed.

6.3 It is vital that the monitoring process is on-going throughout the agreed period through interim review meetings; carried out effectively; and that the manager gives the employee on-going guidance on his/her progress towards the required improvement. Throughout this process the emphasis should be on helping the employee to improve.

6.4 During the period of support and training, the employee will be placed under appropriate supervision and observation in order to assist the process of improvement. The support and training might include measures such as the observation of other employees.

6.5 Following the monitoring period, a review meeting should take place with the Manager and employee concerned. This meeting should take place immediately upon the conclusion of the timescale specified in the agreed action plan, and the employee must receive adequate notice of the meeting which will include details of any specific issues to be discussed.

6.6 If at the review meeting all parties agree acceptable improvements have been made the matter will be regarded as closed. The manager may find it necessary to continue to monitor the employee's performance for a time to ensure that the required level of performance is sustained. In such cases the employee should be advised of this.

6.7 If, at the review meeting, insufficient or no improvement has taken place the matter will progress to Stage 3.

6.8 The above points should be confirmed to the employee in writing.

7. **STAGE 3 – Final written warning and further improvement plan**

The employee may have an accredited trade union representative or work colleague attend any meetings at Stages 3 and 4.

- 7.1 If insufficient or no progress has been made during the previous stages the employee will be informed that a final written warning will be placed on the employee's file which will remain in force for a period of 18 months.
- 7.2 The employee will be given a final improvement period of no more than 4 weeks.
- 7.3 At this point the manager should discuss with the employee the possible outcomes, including dismissal on grounds of capability, should the required improvement not take place.
- 7.4 The above points should be confirmed to the employee in writing.

8. **STAGE 4 – FORMAL MEETING Consider Options including Dismissal**

In instances where the Town Clerk is the line manager the Formal Meeting will be held with Members drawn from the Personnel Sub Committee.

- 8.1 If, after the agreed period, or if it becomes clear to both the manager and the employee before that time, that the employee will fail to meet the required level of performance, the manager will convene a formal meeting to discuss the matter. The purpose of the meeting will be to:
- Confirm the specific areas of work which are unsatisfactory.
 - Confirm the standards required and determine whether those standards have been set at an unattainable level.
 - Remind the employee of the steps to assist him/her to improve work performance.
 - Discuss the outcome of the monitoring period.
 - Establish the shortcomings.
 - Establish if this is due to poor performance, misconduct or ill health.
 - Consider the options available.
- 8.2 The employee must be informed in writing of the date, time and venue of this meeting, together with the names of the managers to be present, the matters to be considered and the possible consequence. The letter should ideally be handed to the employee personally or sent to the employee's home address by first class post. 5 working days' notice should be given prior to the meeting taking place. The right to be represented by a trade union or other representative should also be given.
- 8.3 All correspondence will be copied to the employee representative unless the employee indicates otherwise.

- 8.4 At the meeting the employee must be informed of the details of the shortfalls in work capability and the measures implemented to facilitate improvement. The employee should be given the opportunity to present relevant information.
- 8.5 If, at the meeting, the employee is able to advance acceptable reasons to counter the allegation of lack of capability, no further action will be taken under the capability procedure and the meeting will be terminated.
- 8.6 In situations where there may be an underlying medical reason for the incapability, the meeting will continue under paragraphs 11 and 12 of this procedure. Where the poor performance is due to misconduct any further handling of the matter will continue under the provisions of the Disciplinary Procedure. The Capability Hearing shall be terminated at this point, and a further Disciplinary Hearing convened.
- 8.7 The Manager will inform the employee in writing of the decision, together with the reasons for the decisions and the right of appeal.

9. OPTIONS

- 9.1 Taking into account the support given to achieve an improvement in performance, and improvement actually achieved and any points of view put forward by the employee, the manager will consider the following options.

9.1.1 Extend the period of the action plan

This will give the employee a further opportunity to achieve the required level of work performance. The manager should at this point issue the employee with a final written warning (confirmed in writing) that, unless the required improvement is made within a specific period of time, further action could be taken which could result in dismissal.

After the prescribed interval, the employee should be interviewed again by the manager in order to be informed of the view now taken of his/her competence. If the performance is regarded as satisfactory, the employee should be informed of this fact in writing and the matter may be regarded as closed.

If performance is still not satisfactory, then one of the remaining courses of action identified below should be taken.

9.1.2 Redeployment

An opportunity for redeployment into alternative employment can be considered. However, it must be made clear to the employee that such redeployment can only be offered if a suitable vacancy arises and if the employee is suitable for that vacancy. Any redeployment opportunity will not necessarily be to an equivalent post or earning level and current earnings will not be protected. During such a period appropriate retraining will be given.

Any redeployment will be with the agreement of the employee, although this will depend on reasonableness and the redeployment opportunities available at the time. The employee should be formally warned that failure to perform to

acceptable standards will lead to further action being taken which could result in dismissal.

9.1.3 Dismissal

Where all other options under this paragraph are either not suitable or have been tried and failed, appropriate notice will be given to terminate the employment on the grounds of incapability.

10. APPEALS PROCEDURE

- 10.1 The employee can appeal against a first written warning, a final written warning and dismissal. There is no appeal against Informal Action.
- 10.2 The time scale for requesting an appeal will be five working days from the date of the written confirmation of the outcome of the investigation.
- 10.3 The appeal will be heard by the next senior manager to the one imposing the sanction, or the Council's Appeals Committee in the case of any decision made by the Town Clerk.
- 10.4 Records and notes of the meetings will be made available to the manager hearing the appeal or the Council's Appeal Panel prior to hearing the appeal.
- 10.5 Employees will be contacted with the appeal arrangements as soon as possible and will be informed of their right to be accompanied at the appeal meeting by a work colleague or accredited trade union representative.
- 10.6 The employee and his/her representative will present the details of the grievance to the manager or Council's Appeal Panel and the manager will outline the reasons for the management decision.
- 10.7 The manager or Council's Appeal Panel Chairman will inform the employee about the appeal decision, and the reasons for it, in writing within five working days of the appeal hearing.
- 10.8 The decision of the manager or the Council's Appeal Panel will be final.

11. MEDICAL CAPABILITY

- 11.1 Capability as a reason for dismissal can involve health considerations, including injury and physical incapability. Where it is felt, or claimed, that an employee's capability is being affected by an underlying health problem, the following steps should be undertaken.
- 11.2 From the onset of the health problem, the manager should keep in regular contact with the employee to discuss the nature of the illness, the expected duration of absence and the prognosis for the future.
- 11.3 If there is no indication of a return to work in the reasonable foreseeable future, or if there are any doubts about the employee's current state of health or current prospects for improvement, the employee should be consulted and

advised that the advice of the Council's Occupational Health Advisor will be sought for a report on his/her condition and prospects.

- 11.4 If the Occupational Health Advisor's report does not indicate a return to work within an acceptable period taking into account the interests and needs of the Council, consideration will have to be given as to whether the continued employment of the employee is reasonable in the circumstances, having regard to the effects of the absence on the performance of the job.
- 11.5 The manager should convene a meeting with the employee who may be accompanied by a work colleague or trade union representative of his/her choice. The purpose of the meeting will be to:
- Investigate the circumstances of the illness in consultation with the member of staff.
 - Establish up-to-date information regarding the current medical position and the prognosis.
 - Seek to explore the options available and provide a mutually acceptable solution.
 - Issue a formal warning to the employee as to possible outcomes.

12. OPTIONS – REASONABLE ADJUSTMENTS

- 12.1 If the effect of the illness or injury is such that the employee can return to work but is left with a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day-to-day activities, it will be necessary to consider what reasonable adjustments can be made in the workplace to accommodate the needs of the employee in order to undertake the full requirements of the role, whether within the employee's current job or in alternative employment.
- 12.2 If the employee is expected to return to work and ultimately make a full recovery, there may be occasions where a phased return to work, or a return to partial duties in the short term, can be accommodated.
- 12.3 An opportunity for redeployment into alternative employment can be considered. However, it must be made clear to the employee that such redeployment can only be offered if a vacancy arises and if the employee is suitable for that vacancy. Any redeployment will be subject to an appropriate trial period. A redeployment opportunity will not necessarily be to an equivalent post or earnings level and current earnings will not be protected. Any redeployment will be with the agreement of the employee.
- 12.4 Employees who are found mutually acceptable alternative employment as an alternative to dismissal under this procedure must be given appropriate induction, job training and support in order to allow them to settle and become fully productive in their new job as soon as possible.

13. DISMISSAL

- 13.1 If the Occupational Health Advisor's opinion is that the employee will not be permanently prevented from performing his/her duties, but the timescale for a return to work is not acceptable to the Council, taking into account the interests and needs of the Council, and other options have proved unsuitable or unsuccessful, then the employee will be dismissed on the grounds of capability due to ill health. The appropriate notice will be given.

14. APPEAL AGAINST DISMISSAL

- 14.1 The manager will inform the employee in writing of the decision, together with reasons for the decision, and the right of appeal. The appeals procedure will be as detailed in point 10 above.

ABSENCE MANAGEMENT POLICY AND PROCEDURE

1. INTRODUCTION

- 1.1 The Council aims to be a good employer, its approach to sickness management will reflect this. The Town Council is fully committed to a healthy and safe environment that leads to the achievement and maintenance of high attendance levels.
- 1.2 Employees are essential to the provision of good quality services. The Council has a responsibility not only to the public which receives its services, but also to the employees who provide those services. It is important to achieve a balance between meeting the needs of employees, in a fair and consistent way, and maintaining service delivery.
- 1.3 The main aim of this policy is to achieve high levels of attendance from employees at all levels and to reduce sickness absence.

2. SCOPE

- 2.1 The policy and procedure applies to all employees of the Council.

3. KEY PRINCIPLES

- 3.1 This policy has been developed in line with ACAS guidance on managing sickness absence and capability procedures.
- 3.2 The main aim of this policy is therefore to achieve high levels of attendance from employees at all levels and to reduce sickness absence. In reducing sickness absence, the Council recognises that employees are entitled to expect fair treatment. Managers are equally entitled and required to manage sickness absence properly, to be firm in dealing with abuse of the system and to take into account the operational realities of providing efficient, effective and competitive services.
- 3.3 The policy aims to ensure employees are:
 - treated fairly, properly and consistently
 - informed when their attendance record is causing concern
 - given adequate opportunity and assistance to improve their attendance record with a view to ensuring their full return to normal working, modified working or their possible redeployment to alternative work
 - fully informed of the services available from the Town Council, such as Occupational Health Advice
 - given the opportunity for a home visit to take place to discuss their general welfare and ease any anxiety about returning to work

- aware that a 'return to work' meeting may be carried out after periods of absence and
- informed of when self-certification and medical certificates are appropriate in accordance with the procedure for reporting sickness.

3.4 The policy is separate from the Town Council's policy on discipline. Action taken under the Sickness Absence Policy will not therefore be classed as disciplinary action.

3.5 If absences continue at an unacceptable level and dismissal is the next stage, the matter will be referred to the Town Clerk or, in the case of the Town Clerk, the Chairman of the Personnel Committee.

4. ABSENCE 'TRIGGER POINTS'

4.1 Sickness absence falls into two main types:

- Frequent and non-frequent intermittent short/medium term absence which may or may not follow a pattern or
- Long term absence being absence longer than 15 working days.

4.2 Frequent intermittent absence

To ensure fairness and consistency of treatment, the Council has set 'trigger points' to determine the level of absence at which further action may be considered:

- 3 occasions of absence in a rolling 3 month period
- 10 working days or more absence in a rolling 6 month period.

4.3 Senior Officers and Line Managers are expected to monitor and manage the attendance at work of those employees under their control. Line Managers are responsible for the day to day welfare of staff.

5. SICKNESS REPORTING

5.1 If you are unable to work due to illness/injury you must contact your line manager as soon as possible or arrange for someone else to do this on your behalf. This should be no later than 9.30 am on the first day of absence or nearest working day. You should provide some indication of:

- The nature of your absence
- The date your injury/illness began (including weekends and holidays)
- The expected duration of your absence
- Whether you have any immediate work commitments that will need completing/reassigning during your absence. If your manager is unavailable you should ensure that contact is made with the office.

- Not later than the fourth day of absence you must contact your line manager again in order to provide updated information in respect of your on-going illness/injury

6. SICKNESS DURING ANNUAL LEAVE

- 6.1 If you fall sick whilst you are absent on annual leave, you must inform your line manager as soon as possible. You must obtain a Statement of Fitness to Work (fit note) from your GP/Hospital for the days in question and forward it to your Manager.
- 6.2 You will be regarded as being on sick leave for the dates/duration shown on the medical certificate. This means that your absence will not then be deducted from your annual leave entitlement.
- 6.3 Regular periods of sickness absence before, during and following annual leave will be monitored by your Manager.
- 6.4 If you wish to have a holiday during a period of sickness absence, your Manager must be informed prior to taking the holiday.

7. GENERAL INFORMATION

- 7.1 When you return to work from sickness absence which has lasted up to seven calendar days (you must count all days including Saturdays, Sundays, rest days and public holidays) you will be required to complete a Self-Certification Form. This form must be completed for all absences of 7 days or less. Failure to do so may result in a loss of pay/disciplinary action. You may be required to attend a return to work meeting on your return. You will be asked to confirm the duration and reason for your absence.
- 7.2 If an employee has had several recent absences, especially if they were uncertified or self-certified, then the employee's appropriate Line Manager will want to know more about the circumstances and the employees should be prepared to discuss the situation openly.
- 7.3 If the number or frequency of an employee's absences reaches an unacceptable level then the employee may be required to obtain a medical certificate signed by a doctor from the first day of subsequent sickness absences.
- 7.4 You should be aware that if you do something inconsistent with the stated reasons for sickness absence, or something that worsens your illness or prolongs your absence, the Town Council reserves the right to stop sick pay and in some cases this may result in disciplinary action including dismissal.

8. MORE THAN 7 DAYS ABSENCE

- 8.1 If you are absent for more than seven calendar days you must consult your doctor about your illness. You must obtain a Statement of Fitness for Work (fit note) signed by your doctor and submit this to your manager immediately. If a fit note is not received promptly, this may result in a loss of pay for these or

any subsequent days of sickness absence. Your GP may advise one of two options:

i) Not fit for work – this means that you have a health condition that prevents you from attending work for a stated period.

ii) May be fit for work taking account of the following advice - this means that your health condition does not necessarily stop you from attending work. The doctor may suggest that you could continue to work, but may not be able to complete all of your normal duties and may suggest ways in which you could attend, such as:

- A phased return
- Altered hours
- Amended duties
- Workplace adaptations

8.2 Should you receive a fit note making suggestions from your GP regarding attending work with some changes, your Manager will consider any suggestions made and discuss them with you to determine whether the suggestions made can be supported in the workplace and how they can be implemented. If this is not possible, however, then your Statement of Fitness for Work will be used as if the doctor had advised 'not fit for work'.

9. CONTACT WITH SICK EMPLOYEES

9.1 It is important that both the manager and the absent employee maintain regular contact. This might involve telephone contact, visiting the employee at home, at the workplace, or when appropriate meeting at some other neutral and acceptable venue.

9.2 The purpose of the meetings is to obtain information regarding an employee's medical condition prognosis, any support the Town Council can offer, the expected return to work date, etc.

9.3 Following a meeting, it may be necessary to refer the employee to an Occupational Health Advisor, as appropriate.

9.4 Notes will be kept of discussions from the sickness absence meeting.

10. SICK PAY ENTITLEMENT

10.1 If an employee is sick and has notified their sickness as required, then s/he will receive sick pay in accordance with the Sickness Absence Scheme agreed from time to time by the National Joint Council for Local Government Services and set out in the National Agreement on Pay and Conditions of Service (the "Green Book").

- 10.2 It is important to remember that entitlement to sick pay depends upon your following sickness reporting procedure and providing proper justification of your illness at all times.

11. CONTINUED SICKNESS ABSENCE

- 11.1 You must continue to submit Statements of Fitness for Work (fit notes) to your Manager for any further day's absence.
- 11.2 During any period of absence you must keep in regular contact with your Manager with telephone calls and/or meetings. Your Manager will also keep in touch with you to keep updated on your absence and plan for your return to work.

12. RETURNING TO WORK

- 12.1 Where a Statement of Fitness for Work (fit note) covers the period of absence and your GP has stated that s/he 'will need to assess your fitness for work again at the end of this period', before returning to work you must obtain a final statement showing your fitness to return, from your doctor and submit it to your manager immediately prior to your return to work.
- 12.2 Where a Statement for Fitness for Work (fit note) shows a period of time, but the GP has stated that s/he 'will not need to assess your fitness for work again at the end of this period', then you will be able to return to your normal duties at the end of the stated period, or before, should you feel able to do so.

13. RETURN TO WORK INTERVIEWS

- 13.1 When you return to work your Manager will arrange a return to work meeting to discuss your absence with you informally. S/he will try to assist you if you have any particular difficulties arising from your absence.
- 13.2 If you have had several recent absences (and especially if they were uncertificated/self-certificated) your manager will want to know more about the circumstances and you should be prepared to discuss the situation openly.
- 13.3 It is widely recognised that the return to work discussion can have many positive effects. Such discussions will be carried out sympathetically and in private, by the manager. Return to work meetings are an opportunity for employees to discuss any health issues or other concerns which may affect their work.
- 13.4 A record of the discussion and the nature of the sickness will be made. Where actions are required, a copy of these notes may be given to the employee. It should be noted that 'sick' is not sufficient as a reason for absence.
- 13.5 If there is no improvement in an employee's sickness record and every effort has been made by the manager to help an employee regarding their unsatisfactory sickness absence record then the employee will be informed that the matter will proceed to an Informal Interview.

14. PERSISTENT ABSENCE

- 14.1 If your record shows regular short term absences you can expect some discussion with your manager about the reasons for these. Where the explanation is unsatisfactory, you may receive a warning in writing about the need to improve your attendance record. In extreme cases, you could lose your job if you fail to attend work regularly. This step will only be taken after you have been warned and given an opportunity to improve.
- 14.2 Where false reasons have been given for the absence or you have wrongly claimed sick pay, the matter will be regarded as misconduct. Where the reason for sickness is not in doubt but the amount of time lost is unacceptable, the matter will be regarded as one of capability. It is important for all employees to realise that dismissal or other disciplinary action can still take place even where the absences are genuine and covered by a medical certificate.
- 14.3 Although you are not ordinarily required to submit a doctor's Fitness for Work (fit note) until you have been sick for more than seven days, where your record shows repeated short-term absences you may be required to visit your doctor on the first day of any subsequent absence.

15. OCCUPATIONAL HEALTH

- 15.1 An Occupational Health Advisor can provide advice and guidance to the Town Council on an employee's state of health, giving specific help on such matters as an employee's medical condition, duration of absence, advice on limitations on working activities on the return to work. If appropriate an Occupational Health Advisor may, with the employee's consent, advise the employee's General Practitioner (GP) on the nature of the employee's work and receive from the GP any relevant information on the employee's medical condition.
- 15.2 Information provided by an Occupational Health Advisor relating to an employee will be shared with the Town Clerk/Manager/HR Advisor so that they can manage the sickness absence. Specific medical release of information is covered by the Access to Medical Reports Act 1988 and should not be released to a third party (e.g. Insurance companies etc) without the written consent of the employee concerned.

PROCEDURE

1. FREQUENT, SHORT AND MEDIUM TERM ABSENCES FORMAL ACTION

1.1 First Stage - Informal Meeting – Absence Raising Concern

1.2 If your attendance record is falling below an acceptable standard and return to work discussions have taken place, you will be interviewed by your Manager and asked for an explanation. This will be an informal meeting and you may bring a work colleague or an accredited trade union representative if you wish. You will be informed in writing of this informal meeting with 5 working days' notice. It will be your responsibility to arrange for a work colleague or trade union representative to be present. The meeting will be arranged at a time convenient to all parties, on the basis that you have made contact with a work colleague or trade union at the start of the 5 working day period.

1.3 At the meeting the level of absences and reasons will be discussed. The meeting may result in the need for various actions i.e., the need for you to improve your attendance, referral to an Occupational Health Advisor to obtain an opinion regarding your health, any medical condition, your ability to attend work regularly and carry out your duties of employment etc., any support from the Town Council to help you improve your attendance at work.

1.4 At this stage you will normally be advised that your attendance record is causing concern and that every effort must be made to improve it. A letter confirming this advice will be sent to you by your Manager, which will include details of the above, the fact that your attendance record will be monitored and reviewed, and a date for a follow up meeting, (which will normally be no longer than 1 month). This letter will also include any 'trigger points' that would lead to the next stage.

2. Second Stage - Formal Action – Formal Warning

2.1 You will be informed (or reminded) of the meeting in writing, with 5 working days' notice, and will be informed of your right to be accompanied by a work colleague or accredited trade union representative. The meeting will be conducted by your Manager.

2.2 The purpose of the formal interview will be to:

- establish the reasons for your level of absence and express concern over your level of sickness absence and its effect on others
- record what action could be taken by you and by management to improve your level of attendance
- set a review period during which your sickness absence level will be monitored

- consider all the circumstances of the case and if appropriate you will be given a formal warning, which will remain on your file for one year.

- 2.3 Where a formal warning is given this will be confirmed to you in a letter which will explain that if your absence record does not improve to the required standard and if the improvement is not sustained, at the next review meeting, if appropriate a final written warning could be issued to you. At this meeting a review date will be arranged to review the absence.
- 2.4 In deciding appropriate action, management will take into account all circumstances including medical information from the Occupational Health Advisor, possible modification to your job and the availability of suitable alternative work. Management will consider reasonable adjustments for employees who become disabled or whose disability worsens under the Equality Act 2010.
- 2.5 Where a formal warning is given, your attendance record will be monitored and a review of your attendance record will take place at intervals of not more than 3 months. One of the aims of the procedure is to achieve and maintain a satisfactory attendance level and therefore, a satisfactory attendance level must be achieved during the review period, this must then be maintained over a longer period. In the case of a formal warning, the improvement must be maintained over a twelve month period from the date of the letter confirming /giving the warning. If an improvement is maintained over a twelve month period, the warning will cease to be valid. However, your attendance will still be monitored and if it deteriorates again, you will revert back to the first stage of the procedure, the Informal Interview.
- 2.6 If during the review period there is improvement to a satisfactory level, you will be advised of this in person and this will be confirmed in writing to you by management. If, however, following the review, there is no improvement or insufficient improvement a further formal meeting will be held.
- 2.7 Where a warning has been issued, you will have the right of an appeal to a more senior manager.
- 2.8 In instances where the Town Clerk is the line manager the matter will be referred to a panel of Members drawn from the Personnel Sub-Committee.
3. Third Stage - Final Written Warning
 - 3.1 You will be informed of the meeting (5 working days prior) in writing and be given the right to be accompanied by a work colleague or accredited trade union representative. The interview will be conducted by your manager. If appropriate, a final written warning will be given which states that your sickness absence record must improve otherwise consideration will be given to a dismissal on the grounds of capability and a further review period of not more than 3 months will be set. The final warning will be confirmed in writing by letter. At this meeting the final formal meeting date will be arranged.

- 3.2 Where a final written warning has been issued, you will have the right of an appeal to a more senior manager.
- 3.3 Where the Town Clerk is the line manager the appeal will be referred to the Council's Appeals Committee.

4. Fourth Stage - Dismissal

- 4.1 If during the review period there is insufficient improvement, a final formal meeting to consider your dismissal. This review date will have been arranged at the meeting where you were issued with a final written warning, or in the case of long term absence where you had been informed that your employment was at risk. You will be given 5 working days' notice to prepare for the hearing, at which stage you will be given copies of all relevant documentation which will be presented by management.
- 4.2 You will also be required to submit any paperwork which you require the manager considering your case, no less than 3 working days before the date of the meeting. You will also be given the right to be accompanied by a work colleague or accredited trade union representative. At the hearing the manager could decide to terminate your contract on the grounds of capability or your final written warning could be reinforced and a further review period could be set.
- 4.3 The manager will decide what action is appropriate. If the decision is to dismiss you, this will be actioned with immediate effect and appropriate notice will be served, in accordance with your contract of employment, regardless of whether or not you are off sick at the time or whether or not your sick pay has been exhausted. A letter confirming this decision will be sent to you and will also state that you have a right of appeal to a more senior manager or, where the Town Clerk is the manager, to the Council's Appeals Sub-Committee.
- 4.4 Any appeal must be given in writing within 5 working days of the date of the dismissal letter. The appeal will be arranged within 5 working days on receipt of the appeal.
- 4.5 Following the decision of the appeal, if the dismissal is upheld, consideration of making you a payment in lieu of any remaining notice will be given, in accordance with your contract of employment. A letter confirming this decision will be sent to you. In the event of the appeal being successful, you will be reinstated with immediate effect.

5. Improvement

- 5.1 If during any of the review periods, your sickness absence record improves to a satisfactory level, you will be advised of this by letter. One of the aims of this procedure is to achieve and maintain a satisfactory attendance level and therefore, although a satisfactory attendance level may be achieved during the review period, this must then be maintained and sustained over a longer period.

- 5.2 Where a warning has been issued, the improvement must be maintained over a twelve month period from the date of the letter confirming/giving the warning, after which time the warning will cease to be valid. However, your attendance will still be monitored and if it deteriorates again you will revert back to the first stage of the procedure, the Informal Meeting.

6 LONG TERM SICKNESS ABSENCES

- 6.1 If you are absent for a prolonged period and/or have a long term illness the following action will be taken, having full regard to the Equality Act 2010, especially that relating to the need to make reasonable adjustments for employees who become disabled or whose disability worsens.
- 6.2 You may be visited at home, or some other neutral and acceptable venue, after 3 to 4 weeks absence, and will be interviewed periodically, with the involvement of an accredited trade union representative if you so wish, and in turn you should maintain contact with your manager. Your manager will write to you informing you of his/her wish to visit. This may be followed up by a telephone call to you check the date/time is convenient for you.
- 6.3 You may be referred to an Occupational Health Advisor after approximately 3 to 4 weeks absence, who will undertake reviews as necessary. It is in your own interest to attend these reviews as the Occupational Health Advisor may be able to offer you further advice, help or support. It is essential that you take the opportunity to make sure that the Advisor has all the available information about your absence/illness. This will ensure that the Advisor gives management the full facts to enable an informed decision to be made regarding your employment.
- 6.4 The Advisor, in consultation with your GP, will advise management on the likelihood of you recovering and being able to return to work in your own job. The Advisor will also advise when your return to work is expected. For employees who have a disability or become disabled, advice will be sought regarding whether any reasonable adjustments in the workplace would assist your return to work (either on a short term or permanent basis).
- 6.5 Often when an employee has been absent for a substantial length of time, an initial period of rehabilitation is beneficial when they return to work. There may be occasions where a phased return to work, or a return to partial duties in the short term, can be accommodated.
- 6.6 At a welfare meeting prior to their return, the question of whether a rehabilitation period would be of benefit, and if so, what assistance and support will be afforded to the employee should be discussed.
- 6.7 The return to work under the rehabilitation programme should be approved by the GP (i.e. a sentence on the employee's signing off note) and/or from advice from the Occupational Health Advisor.

- 6.8 When a rehabilitation programme has been agreed, the details of the programme, its length and review date should be confirmed in writing to the employee.
- 6.9 A rehabilitation period of three to four weeks is usually sufficient to ease the employee gradually back into the full duties/hours of their post. This often involves working reduced hours or days per week. During this period, the employee will be paid their normal pay. Monitoring and regular discussion will identify an employee's progress and the areas which require further improvement/support/training. At the end of the phased return period, or sooner, as appropriate, a review should take place to assess their progress and to identify if they are able to work the full duties/hours of their job.
- 6.10 Some employees may require a longer period to build up to a full work routine, if this is the case, an employee will then be paid for the actual hours they work and a review period will be arranged to assess their progress and to consider working arrangements for the future. The use of annual leave may also extend the period of reduced days/hours. This is usually appropriate when an employee returns to work in the autumn after a long absence and a substantial amount of annual leave entitlement is outstanding. Annual leave can be used to allow for fewer days of work per week or fewer hours. This is a beneficial way of maintaining an employee's pay while reducing their working week.
- 6.11 If an employee has a medical condition which will affect them at work on a longer term, or even permanent basis, greater consideration will need to be given to work organisation and adjustments to the workplace. If it is not possible to accommodate the adjustments required, or if the illness/absence is such that the employee cannot return to their own job, then consideration will be given to any suitable alternative employment available at the Council.

7. EMPLOYMENT AT RISK

- 7.1 If there is no realistic prospect of you returning to work within a reasonable timeframe or you cannot return to your own job and no suitable alternative employment is available, the following action will normally be taken:
- You will be advised that your employment is at risk and this will be confirmed in writing to you
 - Where your job can no longer be kept open and no suitable alternative work is available or acceptable to you, you will be interviewed and informed of the likelihood of your dismissal
 - Where dismissal action is to be taken, then it will be on the grounds of incapability due to ill health and the same process will be applied as detailed above.

8. APPEALS AGAINST DISMISSAL

- 8.1 At each stage of the Formal Procedure an employee will have the right of appeal. Such an appeal must be made in writing within 5 working days of the date of the warning or the letter confirming a dismissal. In the event of an appeal being lodged against a warning the procedure will still continue.

9. THE EQUALITIES ACT 2010

- 9.1 Reasonable adjustments in the form of provision of aids or equipment, adjustment to duties or even redeployment may allow an employee with a disability to remain in employment.
- 9.2 An employee's sickness records should differentiate between disability related and non-disability related absences. Management will need to look at disability related absences separately when making decisions on what action is or isn't appropriate.



ANTI BULLYING AND HARASSMENT POLICY

Adopted January 2021

Review by January 2023

ANTI BULLYING AND HARASSMENT POLICY

1. PURPOSE AND SCOPE

- 1.1 In support of its value to respect others Biggleswade Town Council will not tolerate bullying or harassment of or by, any of its employees, officials, members, contractors, visitors to the council or members of the public.

The council is committed to the elimination of any form of bullying and harassment in the workplace. This policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the council's policy on Grievance handling and Disciplinary Procedures.

The council will issue this policy to all employees as part of its induction and to all members as part of their Welcome Pack. The council may also wish to share this policy with contractors, visitors and members of the public.

1.2 Elected Members

Councillors undertake on accepting office to comply with the provisions of the Local Code of Conduct. The Code contains certain obligations (such as the requirement to treat people with respect and to do nothing to bring the Council or the councillors' office into disrepute). Breach of these obligations renders the councillor liable to investigation (either locally by the Standards Committee or, in more serious cases, by an Ethical Standards Officer appointed by the Standards Board for England). If a breach of the Code is found, sanctions may be imposed, which can include disqualification from office. In 2006, following consultation by the Standards Board, the Government decided to amend the statutory Code to make bullying an express breach of the Codes' provisions. The Government agreed with the Standards Board that bullying behaviour should play no part in the local government world. Elected Members will carry out some of their duties in the workplace and will come into contact with the Councils' employees. Elected Members will be expected to conduct themselves in a way that is consistent both with the provisions of their Code and, where applicable, the contents of this Policy.

1.3 Definitions

The following definitions are derived from the ACAS guidance:

"Bullying may be characterized as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress."

Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This policy covers, but is not limited to, harassment on the grounds of sex, marital

status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

Both bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, turnover, damage to the council's reputation and ultimately, Employment Tribunal or other court cases and payment of unlimited compensation.

1.4 Examples of unacceptable behaviour are as follows (this list is not exhaustive):

- Spreading malicious rumours
- Insulting someone, ridiculing or demeaning someone
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of position or power
- Unwelcome sexual advances
- Making threats about job security
- Deliberately undermining a competent worker by overloading work and/or constant criticism
- Preventing an individual's promotion or training opportunities.

1.5 Bullying and harassment may occur face-to-face, in meetings, through written communication, including e-mail, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

2. **PENALTIES**

Bullying and harassment are considered examples of serious misconduct which will be dealt with through the Disciplinary Procedure and may result in summary dismissal from the council for employees or through referral to the Monitoring Officer for Members. In extreme cases harassment can constitute a criminal offence and the council should take appropriate legal advice, sometimes available from the council's insurer, if such a matter arises.

3. **PROCESS FOR DEALING WITH COMPLAINTS OF BULLYING AND HARASSMENT**

3.1 Informal approach

Anyone who feels he or she is being bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour that their conduct is unacceptable, offensive or causing discomfort.

3.3 Formal approach

Employees: Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised with their line manager or any other manager and the formal Grievance Procedure will be invoked.

Others: Any other party to the council, other than an employee, should raise their complaint with the Town Clerk or, where the conduct of the Town Clerk is in question, the Chairman of the Personnel Sub Committee. Where conduct relates to a Member, they should be directed to the Monitoring Officer.

4. **RESPONSIBILITIES**

All parties to the council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed then any individual can challenge the perpetrator and ask them to stop.



GRIEVANCE POLICY AND PROCEDURE

Adopted January 2021

Review by January 2023

1. INTRODUCTION

1. A grievance is a concern, problem or complaint which is raised by an employee if they feel unhappy about an aspect of their work or treatment they have received.
- 1.2 The purpose of this procedure is to set out a process to address a grievance as quickly and fairly as possible.

2. SCOPE

- 2.1 The procedure applies to all employees of the Council.

3. KEY PRINCIPLES

- 3.1 This procedure has been developed in line with ACAS guidance and the Code of Practice on Disciplinary and Grievance Procedures:
 - The Council believes that all employees should be treated fairly and with respect.
 - High performance and productivity are dependent on effective working relationships and the fair and reasonable handling of grievances is an important element in creating and maintaining those relationships.
 - Managers and employees should approach grievances constructively, deal with issues promptly and not delay meetings, decisions or confirmation of those decisions.
 - The prime focus of managers and employees raising a grievance should be on resolving the issue informally, without the need for reference to the formal procedure.
 - Employees should be allowed full opportunity to explain their grievance and be provided with feedback at all stages.
 - The employee can be accompanied by a colleague or trade union representative throughout the process.
 - If an employee raises a grievance during disciplinary proceedings, both issues can be dealt with concurrently. Where a grievance is raised which is separate and wholly unrelated to the matter in hand, consideration can be given to dealing with the grievance separately at the conclusion of the disciplinary process.
 - Mediation should be considered where appropriate at every stage of the procedure including after an appeal has been lodged.
 - Neither party is allowed to electronically record meetings held as part of this procedure. The use of recording equipment by either party without consent may constitute a disciplinary matter.

4. EXCLUSIONS

4.1 This grievance procedure will not apply:

- Where there are separate, specific Council procedures to address an issue e.g. Harassment Procedure, Members Code of Conduct.
- To issues which are the subject of collective negotiation or consultation with the trade unions on a national level e.g. national NJC pay awards. This does not preclude a group of employees raising a collective grievance.
- Where the complaint is considered to be trivial, frivolous, vexatious or repetitive.
- Where there is an attempt to use the grievance procedure for potentially false or malicious accusations. This may be treated as misconduct and may lead to disciplinary action.
- In relation to the grading of a post.
- To complaints about allegations of misconduct by another employee; these will be investigated under the disciplinary procedure.
- To complaints about disciplinary action taken against an employee; these should be dealt with as an appeal under the disciplinary procedure.
- In relation to an incident which happened more than 3 months previously. However, complaints may be considered which are out of time where there are extenuating circumstances.

GRIEVANCE PROCEDURE

1. INFORMAL STAGE

Employees and their managers must aim to settle a grievance by discussing it informally before proceeding to formal, written grievance statements. The majority of concerns, problems and complaints should be settled in this way. If the complaint is about an employee's manager a more senior manager should be involved. If the complaint relates to the Town Clerk, the Chairman of the Council's Personnel Committee should be involved.

2. FORMAL STAGE

2.1 Formal Stage 1 – Grievance Meeting

Employee

If the employee considers that their grievance has not been resolved to their satisfaction by informal discussion, they have a right to submit the grounds of their grievance in writing to a more senior manager or to the Chairman of the Personnel Sub Committee if the complaint relates to the Town Clerk. This must include:

- A summary of the facts of the grievance.
- Dates and times of any incidents, in order.
- Details of any witnesses or supporting evidence.
- Details of what efforts the employee and others have made to resolve the complaint.
- The reason(s) why the employee remains dissatisfied with the outcome of the informal stage of the procedure.
- Details of who will accompany the employee to the grievance meeting.
- Details of what resolution/outcome the employee would like to redress their grievance.

Manager/Chairman of Personnel Committee

The working arrangements in place immediately prior to the grievance being lodged will remain for the duration of the grievance, unless the manager/Chairman of the Personnel Committee considers that one or more of the following override that principle:

- relevant legislation e.g. health and safety
- safeguarding requirements
- professional accountability
- the safety of service users and staff or the efficiency of the service.

The manager/Chairman of the Personnel Committee will reply to the grievance letter within 5 days, inviting the employee to attend a meeting to

discuss the grievance. The manager may need to gather information before or after the meeting, whichever is most applicable to the case.

Meeting

The meeting will take place as soon as practicable after the letter has been received. There is a right to be accompanied at the meeting, by a colleague or a trade union representative. The purpose of the meeting is to give the employee the opportunity to explain their grievance and to seek a way to resolve it, taking into account policies, procedures and rules and the need for consistency and fairness. The employee should go to the meeting prepared to fully explain their case and to make clear what outcomes they are seeking to resolve the grievance. The employee should be given the option of accessing mediation process. This would entail pausing the grievance process whilst mediation is explored.

Outcome

The manager/Chairman of the Personnel Committee will normally inform the employee of the decision made on the grievance at the end of the meeting. In some cases an adjournment will be necessary to consider the case or to investigate it further. After the meeting the employee will be informed in writing within 5 days of the managers/Chairman of the Personnel Committee's on the grievance. The letter will inform the employee of the action the manager/Chairman of the Personnel Committee proposes to take in response to the grievance or that no action can be taken. The employee will be informed of the right of appeal. The employee should discuss the proposed outcome with their line manager, where appropriate.

2.3 APPEAL

If the employee is not satisfied with the outcome of the grievance meeting, there is a right of appeal to Town Clerk or where the employee is line managed by the Town Clerk or where the Town Clerk is the complainant, the Appeals Committee. Any appeal must be registered in writing within 5 days of receipt of the written notification of the meeting decision. The appeal will focus on the parts of the decision the employee is not satisfied with. The grounds of appeal should be set out in the appeal letter and the employee or their representative will use those grounds to establish their case at the beginning of the appeal.

The Town Clerk/Appeals Committee will reply to the appeal letter within 5 days, acknowledging the registering of the appeal, the hearing of which will take place as soon as practicable. There will be a minimum of 5 days' notice of the appeal date. Any statements of case or evidence on which either management or the employee wishes to rely, will be provided to the Town Clerk/Appeals Committee and other party at least 5 days prior to the hearing. The employee has a right to be accompanied at the appeal, by a colleague or trade union representative. The employee will be informed of the outcome in writing within 5 days. This is the final stage of the Council's procedure.