

LOCAL GOVERNMENT ACT 1972 – SCHEDULE 12 (42)



Whitby
Town Council

**EMPLOYMENT POLICIES &
PROCEDURES**

Whitby Town Council
Approved 2024

Employment Policies & Procedures

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1. Review

- 1.1. These policies and procedures will be reviewed every year (or earlier if required by changes to legislation or additional documentation) and amended as necessary based on good practice or evidence taken forward.
- 1.2. The council's policies and procedures are formally readopted at its Annual Meeting in May each year.

A. Recruitment Procedure

1. Introduction

- 1.1. Whitby Town Council adheres to the principles and processes contained for recruitment in the Civility and Respect Project established by the National Association of Local Councils (NALC), county associations of local councils and One Voice Wales (OVW), as the membership organisations representing the first tier of local government in England and Wales, and the Society of Local Council Clerks (SLCC) as the professional body for clerks. Through this project, these bodies are committed to working together to promote civility and respect in public life, good governance, positive debate and supporting the well-being of councillors, professional officers and staff.

2. Recruitment Process Action Plan

- 2.1. The recruitment process follows these steps. For each a lead responsibility will be assigned and a target completion date set.
- Consider and confirm with the Council the need for the post and the rationale making the appointment.
 - Agree recruitment timetable and action plan.
 - Agree composition, scope and responsibilities of Selection Panel/Sub-Committee and then engage any required professional advisers.
 - Review and, if necessary, update and re-evaluate the current recruitment/selection policies used by the Council checking particularly that no indirect discrimination arises
 - Create or update the Job Description and clarify reporting channels and responsibilities for the post checking particularly that no indirect discrimination arises.
 - Create/update and agree the Person Specification for the post making sure that none of the criteria could directly or indirectly discriminate.
 - Confirm the key terms and conditions of employment.
 - Establish and agree the budget for recruitment.
 - Develop advertisement and determine the timeframe and closing date.
 - Consider and agree on the advertising and other media to be used checking that all parts of the community are accessed and able to respond (e.g. those with hearing or sight difficulties)
 - Obtain costs and agree advertising media to search the relevant marketplace.
 - Prepare forms to record applications requested and received.
 - Agree selection process including the interview location, dates and tests to be used using the Person Specification as the core selection tool.

- Define processes and responsibilities for short listing and selection interviews and exercises and tests to demonstrate the skills and aptitudes being sought avoiding direct or indirect discrimination.
- Arrange advert insertions in a variety of media.
- Prepare application form and recruitment information pack as suggested in the C&R Manual
- Develop short listing application analysis matrix against person specification that avoids direct or indirect discrimination.
- Make arrangements and prepare records for applications to be received and recorded confidentially.
- Following closing date, undertake short listing and selection of candidates for interview against short-listing matrix.
- Agree when and how to deal with obtaining references.
- Inform unsuccessful candidates.
- Prepare interview schedule and invite short listed candidates to interview.
- Prepare interview questions and agree range of key questions to be asked of all candidates and allocate questions per panel member.
- Prepare the selection interview assessment matrix for completion by interviewers and ensure it avoids direct and indirect discrimination.
- Undertake selection interviews and assessment tests to make selection decision (if appropriate undertake initial interviews and then final interviews) avoiding direct or indirect discrimination.
- Make offer of employment subject to relevant pre-employment checks and agree start date.
- Prepare and issue contract of employment (Statement of Main Terms and Conditions of Employment)
- Consider any adjustments, aids or adaptations necessary to support the new employee e.g. accommodating specific needs due to having a disability, religious beliefs, pregnancy, being transgender, etc.
- Make arrangements for appropriate checks, including legal working, qualifications etc, prior to employment commencing.
- Advise unsuccessful candidates and be prepared to justify decisions not to appoint and advise on how long details will be kept (DPA 2018)
- Map out induction and probation period monitoring processes and share with successful candidate.
- Prepare for successful candidate commencement date and undertake induction process.

- Monitor performance and suitability during probation period and take appropriate action if issues arise or confirm appointment following successful probation period.
- 2.2. These steps are set out in the full recruitment guide available through the members section of the NALC website: <https://www.nalc.gov.uk/members-area/development-tools#civility-and-respect-project>

Procedure revised March 2024

B. Training & Development Policy

1. Policy Statement

- 1.1. The Council is committed to the principle of encouraging members of staff to enhance their career and qualifications by further training. All sponsored training must relate directly to the needs of the Council, be relevant to an individual's duties and is subject to availability of financial resources.

2. Training Objectives

- 2.1. To provide suitably trained, qualified and motivated employees for the Council at the right time and level.
- 2.2. To provide facilities for training and retraining to meet the changing needs of the Council.
- 2.3. To provide employees with a greater understanding of the purpose and working of the Council and their part in it and to foster the development of job satisfaction and a positive attitude towards personal development.

3. Identification Of Training Needs

- 3.1. Members and employees should have regard to the following when considering training needs:
- (a) Workload implication of training.
 - (b) The capabilities of the applicant to benefit from the training.
 - (c) If the application is for continued academic sponsorship consideration should be given to the employee's past attainments.
 - (d) The most economic and effective means of training.
 - (e) The provision and availability of training budget.
 - (f) Priority of each individual employee's need with regard to budget.

4. Training Schemes

- 4.1. Training courses to be financed from the Town Council staff training budget. It is expected that employees undertaking qualification training will attend the nearest college offering the required course at the appropriate level.

5. Financial Assistance Scheme

- 5.1. Where training is approved the Council will pay and/or assist with expenses incurred which may cover such items as tuition and examination fees. The Council will sponsor employees for one examination resit only i.e. two attempts at any one examination.
- 5.2. Travelling costs to be paid at the discretion of the Council.
- 5.3. In the case of officers attending courses during their normal working hours, the employee will, at the discretion of the Council, be required to make up working time lost.

- 5.4. Where facilities are granted under the scheme to enable an officer to acquire a recognised qualification, it is a condition precedent to the granting of such facilities that the officer shall be required to undertake to remain in the service of the Town Council for a period of two years from the date on which the qualification is obtained. If an officer leaves within this two-year period, all costs are reclaimed in full except in the most exceptional circumstances.
- 5.5. Where an officer without good reason fails to sit for an examination within a reasonable period or fails to show satisfactory progress in their studies or discontinues the course, the Council will forthwith withdraw the facility granted under the Scheme and will require the refunding of the financial assistance granted in accordance with the undertaking signed by the employee.
- 5.6. The continuance of facilities under the Scheme, whether for a second or succeeding stage of study or for a second attempt at an examination, shall be granted only if the Council is satisfied either that the officer has passed the appropriate examination, has otherwise made satisfactory progress in their studies, or merits assistance to enable them to sit the examination again.
- 5.7. Officers attending assisted courses are required to inform the Town Clerk immediately of any absences giving reasons. Failure to do so may result in action being taken under the Disciplinary Procedure.
- 5.8. Staff are required to complete and sign a declaration of undertaking before embarking on a post-entry qualification training course agreeing to the above conditions. This undertaking is to be authorised by the Town Clerk and Chair of Human Resources Committee.
- 5.9. The individual employee is responsible for their registration for the appropriate course and examination, but not before approval has been obtained. The Council will not meet a financial commitment where prior approval has not been granted.

Policy first adopted by Whitby Town Council Human Resources Committee on 14 April 2010

C. Employee Development Review Policy

1. Policy Statement

- 1.1. Whitby Town Council recognises the valuable contribution its employees make in the delivery and development of an effective service to the residents of Whitby.
- 1.2. The Council's Development Review Process aims to provide effective support, advice and guidance and a forum for discussing training and development needs.
- 1.3. Development reviews improve the ability of employees to undertake their work, to enhance job satisfaction and to produce a more effective council.
- 1.4. Employee development review is a two-way process in which both the Town Clerk and the employee have a responsibility to raise issues of concern as well as development needs. This policy encourages more creative responses to employee and organisational development needs.

2. Purpose

- 2.1. This document is a guideline to employee development and review. It aims to promote consistency, equity, fairness and clarity and to ensure a high standard in all employee support matters.
- 2.2. It outlines the review activities that are described in more detail in the employee development review procedure.

3. Scope

- 3.1. The Whitby Town Council Employee Development Review Policy applies to all employees except those on temporary contracts of less than a year for whom the procedure will not be applicable. However, regular supervision will be relevant.
- 3.2. The procedure complements all other forms of employee support.

4. Aims Of the Employee Development Review Procedure

- 4.1. To provide a structured forum for employees to receive the support, advice and guidance needed to fulfil the terms of their job descriptions.
- 4.2. To regularly assess an employee's abilities and development needs and to subsequently acknowledge achievements and to plan additional activities such as training.
- 4.3. For managers to ensure that employees are fulfilling their role within the council and ensure that employees are given the opportunity to develop their skills and knowledge to the benefit of the individual and the council.
- 4.4. For managers to consult with employee on long term organisational changes which will affect their work and to seek input from employee into the planning process.

4.5. To ensure that employees are given the support and guidance needed.

5. The Value of Development Reviews to Employees and the Council

5.1. The employee review allows a confidential and objective forum for employees and their managers to openly discuss and assess the past period of work and make plans for the future. It is an open and honest two-way process in which strengths and weaknesses can be discussed and a plan of action made for the overall benefit of the individual and council.

5.2. The procedure provides the council with valuable information which can be used in organisational planning for employee development and restructuring, training, planning, budget setting and so on.

5.3. Employee development ensures that all members of employee are entitled to a minimum level of support that allows them to perform their day-to-day tasks to the best of their abilities.

5.4. The employee development review procedure is outlined below.

PROCEDURE

6. Introduction To the Review and Development Process

6.1. A review is a meeting held on an annual basis in which an employee's overall performance is assessed. It is a two-way process which looks at the job and the person as a whole and assesses their ability to do the job, their personal strengths and weaknesses; and identifies and plans training and development needs for the coming year.

6.2. Supervision is a regular meeting between an employee and their line manager for the purpose of providing support, advice and guidance on day-to-day issues. Supervision is a two-way process in which the line manager can ensure the employee is fulfilling their job description and working towards their performance targets and the employee can seek advice, guidance or discuss issues of concern or personal development.

6.3. The grade of a particular post is not directly linked to the review process but, however, if during the review a change of job description is felt necessary or there has been considerable change in an individual's role and responsibility, another meeting to discuss a revised job evaluation should be set.

6.4. At the end of a new employee's induction period they will be invited to an assessment meeting to discuss their progress so far, to consider their future development and training needs and to be advised as to whether they will be confirmed in post.

7. Timetable For Reviews

7.1. The employee review procedure will be carried out each year, ideally in September/October. In this way objectives and recommendations for training can be fed into the following year's budget. Performance targets may also be discussed and methods for achieving them planned.

- 7.2. The Town Clerk has overall responsibility for the employee development review procedure and will ensure that the timetable is adhered to, and the process monitored effectively.

8. Review Process

BEFORE THE REVIEW MEETING

- 8.1. Prior to meeting, the manager and employee will agree a date and time, setting aside at least one hour, and preferably this should be interruption free. (Not all of this time may be required.) The manager will give the employee a copy of the review form.
- 8.2. It is the responsibility of both manager and employee to look through the review form and make notes about the year and the issues they wish to discuss.

AT THE REVIEW MEETING

- 8.3. The meeting should be held in a confidential environment that is preferably free from interruption.
- 8.4. The manager and employee will go through each section of the form and discuss and note both parties' comments. Where there is a difference of opinion, this will be noted.
- 8.5. The form can either be completed during the meeting or notes can be made and the form completed by the manager following the meeting.

AFTER THE REVIEW MEETING

- 8.6. Following the meeting the manager will check through the form and ensure that they have completed all sections. The manager will then add their comments and sign the form.
- 8.7. The form will be handed to the employee within five working days of the meeting for them to read, add their comments and sign. The form should then be returned to the manager within five working days so they can read and note the comments made.
- 8.8. Copies will be given to the manager, employee and another copy held within the employee's personal file. All copies should be marked confidential, and contents should not be shared with other parties unless by the employee's strict and voluntary consent.

GUIDANCE ON COMPLETING THE FORM

- 8.9. The form used should be self-explanatory however there are several important considerations that need to be noted:
- 8.10. The meeting should be discussion based and the form used as a tool. Any comments noted on the final form must be the result of a two-way discussion.
- 8.11. If the job description needs to be altered or is no longer relevant a date must be set to draw up a revised job description and to re-evaluate the job if required. It is the responsibility of the manager to ensure this is done promptly.

- 8.12. The form should record the discussion on how performance targets can be met, the needs of the employee to meet these targets and any comments on how realistic these may be.
- 8.13. The form should record the personal skills, knowledge and qualities the employee needs to have to fulfil their role. These issues can be difficult to discuss so comments should be objective and open and based on fact rather than unsubstantiated opinion. At the end of each section a recommendation should be made on whether the area is a strength, on target or a development need.
- 8.14. The form should record any development needs or support needs identified. An achievable action plan for both the manager and employee should be set and recommendations for training made. A record should be made of overall training and personal development needs.
- 8.15. The form should be signed by both parties and the comments made should be available for both parties to see. This will encourage an open and fair system.

9. The Supervision Process

- 9.1. The Council acknowledges that supervision is an important resource to all employee to allow them to fulfil the duties outlined in their job description and feel fully supported by their line managers.
- 9.2. Supervision needs to be a flexible two-way process between line managers and employee and needs to be set by the two parties according to the job performed. It is a continuous process that should be used, where necessary, between review periods to support and guide individual employees.
- 9.3. During any period of supported supervision, the focus should be the needs of the employee to meet the council's expectation of their role. Topics considered should routinely include issues of concern, information sharing, personal & performance targets, training needs and any day-to-day issues. It is important to acknowledge the employee's need for support and to discuss problems they are having which may affect their work.
- 9.4. Should any employee feel they are not receiving a suitable level of supervision they should first discuss this with their manager. If the matter cannot be resolved, then they can raise the issue with the next level of management as set out in the grievance procedure.

10. Consistency And Fairness

- 10.1. Managers and employees are asked to back up comments and opinions with factual examples and evidence if necessary.
- 10.2. Should any employee believe that they have not received a fair review, they should make this comment on the form and discuss the issue with the manager.
- 10.3. If an agreement cannot be reached the matter will be dealt with in accordance with the Council's grievance procedure.

Policy first adopted by Whitby Town Council Human Resources Committee on 22 April 2010

D. Disciplinary Policy

1. Introduction

- 1.1. This procedure is designed to help and encourage all employees to achieve and maintain acceptable standards of conduct and job performance. The aim is to ensure consistent and fair treatment for the individual. In accordance with the Employment Rights Act 1996, Human Rights Act 1998, the Employment Act 2002 and the ACAS Code of Practice on Disciplinary Procedures, this procedure sets out the framework for resolving issues relating to misconduct and unsatisfactory performance.
- 1.2. This procedure will apply to all employees unless it conflicts with contractual or statutory requirements, which will take precedence.

2. General Principles

- 2.1. The procedure is not a substitute for good management practices and the formal procedure should only be invoked when initial attempts to improve conduct have been made following informal discussions between the employee and their manager. However, where there has been a serious first-time breach of disciplinary rules or gross misconduct, the formal procedure should be actioned immediately.
- 2.2. No disciplinary action will be taken against an employee until the circumstances have been fully investigated.
- 2.3. At every stage in the procedure the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made.
- 2.4. The employee has the right to be accompanied at disciplinary hearings and appeals.
- 2.5. In all instances of alleged misconduct the employee will be given at least five working days' notice of the requirement to attend a hearing or appeal. Should the employee fail to attend without an acceptable reason, then the Chair of the hearing or appeal may proceed in the employee's absence.
- 2.6. Any disciplinary action taken will depend on the nature of the offence, the past recorded behaviour of the employee concerned, the consequence to the Council of the offence and any explanation presented by the employee.
- 2.7. Employees have the right to appeal against written warnings and dismissal.

3. Roles And Responsibilities

- 3.1. Where a minor disciplinary issue arises, the Town Clerk will normally consider the matter and will resolve it if they can without recourse to the formal procedure.
- 3.2. Allegations of more serious misconduct, or where a previous warning has been given but the required improvement has not been made, should immediately be referred to the Chair of the Human Resources Committee. The Chair of the Human Resources Committee will then be responsible for nominating an

Investigating Officer. The Investigating Officer will usually be the Town Clerk. If the misconduct relates to the Town Clerk, the Chair of the Human Resources Committee should appoint an appropriate Investigating Officer.

- 3.3. This Officer who conducts the investigation should not participate in any subsequent decision to act under the procedure. Likewise, the Officer hearing the case should not be involved in the investigation beforehand. It is important that respective roles are identified at an early stage so that those roles are not compromised.
- 3.4. The Town Clerk is authorised to give verbal warnings for instances of minor misconduct. In more serious cases of misconduct, the Chair of the Human Resources Committee is authorised to suspend an employee whilst complaints are investigated and where there are sufficient grounds, a first panel of members are authorised to dismiss an employee following a disciplinary meeting.

4. Representation

- 4.1. Employees have the right to representation at hearings and appeals relating to any stage of the formal procedure. This can be a trade union representative, non-union staff representative or a work colleague.
- 4.2. Representatives have the right to address the hearing or appeal. They may also ask questions and present the employee's case. However they have no right to answer questions on the employee's behalf.

INFORMAL PROCEDURE

5. Informal Advice & Guidance

- 5.1. Where a minor breach of acceptable/established standards of conduct occurs which does not justify formal disciplinary action, the Town Clerk will advise the employee concerned of the conduct or standard expected in the future. This may provide sufficient encouragement for the employee not to commit further acts of misconduct.
- 5.2. The employee will be offered guidance, support and where appropriate additional training to achieve the necessary standards. Representation will not normally be appropriate. The Town Clerk should make a note of such informal advice and guidance and should set out in writing the required improvements and standards of conduct that are expected in the future. Records of informal advice/ counselling should be kept on employee's personal file.
- 5.3. However, the formal procedure will apply when:
 - Previous informal advice or warnings have proved ineffective;
 - The allegation is of a serious nature;
 - Two or more minor allegations are made, which taken together constitute a serious breach of discipline.

THE FORMAL PROCEDURE

6. Investigation

- 6.1. Before any decision can be made about whether or not a disciplinary hearing is necessary, an investigation must take place. The Chair of the Human Resources Committee should appoint an Investigating Officer, usually the Town Clerk, who will report back with their findings and make recommendations as to whether a disciplinary hearing should be convened.
- 6.2. The responsibilities of the Investigating Officer are to collect evidence by interviewing any relevant witnesses and gathering all documentation. If it is necessary, an Investigatory Interview should be held whereby the employee is given five working days' notice, in writing, outlining the general nature of the allegation. The purpose of the interview is to present the findings of the investigation to the employee and allow them to answer or shed light on the potential allegations to assist the Investigating Officer in deciding if they should recommend a disciplinary hearing.
- 6.3. For the benefit of the employee and the Council, any investigation must be concluded within a reasonable timescale. If there is a delay in completing the investigation it is the responsibility of the Investigating Officer to regularly update the employee or their representatives on the progress of the investigation.
- 6.4. Once the Investigating Officer has gathered all the relevant facts and reviewed the evidence, a report should be drafted to the Chair of the Human Resources Committee recommending one of the following:
 - Take no further action and inform the employee accordingly;
 - Advise the arrangement of counselling, training, extra supervision or written advice as appropriate;
 - Arrange a disciplinary hearing;
 - Suspend the employee pending the disciplinary hearing.

7. Suspension

- 7.1. In appropriate circumstances the Chair of the Human Resources Committee may consider suspension, on full pay, pending further investigation or until the disciplinary hearing takes place. Suspension may be appropriate where: cases potentially involve gross misconduct; relationships have broken down; there is a risk to the employer's property or to other people. An employee should be advised that suspension in itself does not constitute disciplinary action.
- 7.2. An employee should be advised of the reasons for suspension. The period of suspension should not normally last for more than ten working days, however where necessary this period can be extended.

8. Arranging A Hearing

- 8.1. If following the recommendations of the Investigating Officer, the Chair of the Human Resources Committee concludes that a hearing is required then the necessary arrangements should be made by the Investigating Officer. The

employee should be given at least five working days' notice in writing. The letter should include a clear written statement of the allegation and should enclose any documentary evidence being relied upon and a reminder of the employee's right to be represented.

- 8.2. The Investigating Officer is responsible for presenting the case and arranging for any witnesses that they rely upon, to attend the meeting.
- 8.3. The employee is responsible for arranging any representation they choose to have and any witnesses that they may wish to call. Details of any witnesses the employee intends to call and copy of all documents that the employee may wish to refer to at the hearing must be submitted to the Investigating Officer at least three working days prior to the hearing.

9. Conducting A Hearing

- 9.1. The Panel for a hearing would normally be three members of the Council Human Resources Committee, one of whom is the Chair.
- 9.2. The objective is:
- 9.3. to hear the evidence in respect of the allegation and decide whether the allegation is substantiated or not.
and, if the allegation is substantiated,
- 9.4. to determine the disciplinary sanction to be taken in light of the seriousness of the offence and having regard to previous relevant disciplinary history.
- 9.5. The accepted format is:
 - introduce Panel members and specify their roles;
 - clarify the purpose of the hearing and state the allegation;
 - presentation of the case by the Investigating Officer with witnesses called as necessary;
 - questions by employee and/or their representative;
 - questions by the Panel;
 - employee and/or their representative to state their case with witnesses called as necessary;
 - questions from Investigating Officer;
 - questions from Panel;
 - Investigating Officer to sum up;
 - employee/representative to sum up;
 - panel adjourn to make their decision;
 - hearing reconvened and the employee/representative informed of the decision and, if necessary, their rights of appeal.
- 9.6. During the hearing requests for an adjournment can be made at any stage and it is up to the Chair to decide whether or not a request should be granted.
- 9.7. The decision of the Panel must be confirmed to the employee in writing within five working days. The letter should clearly set out:
 - the Panel's decision;
 - the length of time that any warning will be active for;

- the expected improvement in conduct;
- any assistance that will be provided to achieve this;
- the employee's right to appeal.

10. Levels Of Disciplinary Action

- 10.1. In determining the appropriate disciplinary action, regard should be given to the employee's previous record, the gravity of the offence and any explanation given.
- 10.2. Although the procedure indicates a sequential approach there may be certain circumstances where the matter needs to be considered immediately under Stages 2, or 3.

Stage 1 - First written warning

For a more serious offence or where a previous warning to the employee has not resulted in the required improvement to their conduct.

Stage 2 – Final written warning

For a sufficiently serious offence, which might warrant only one written warning but is insufficiently serious to justify dismissal, or

where previous warnings have been ineffective.

Stage 3 – Dismissal with notice

For an act or acts of misconduct, other than gross misconduct, by an employee who is under a final written warning. The employee will be liable to dismissal with notice or pay in lieu of notice.

Stage 3 – Dismissal without notice

In cases where gross misconduct is established the employee will be liable to summary dismissal that is without notice or pay in lieu of notice.

11. Length Of Warnings

- 11.1. Records of informal meetings and formal warnings will be kept on employee's personal files. A written warning will be live for 12 months from the date of notification to the employee.
- 11.2. Final written warnings will be live for 12 months. In certain circumstances the warning may be for a shorter period.

12. The Right of Appeal

- 12.1. An employee has the right to appeal against disciplinary action resulting in a final written warning or their dismissal. A second, differently constituted panel of three members of the Council will hear the appeal, providing that they have had no previous involvement in the matter. It may be advisable at this stage to engage the services of an independent advisor.
- 1.1 An employee who wishes to appeal must do so in writing to the Town Clerk. This must be done within ten working days of the disciplinary hearing informing them of the disciplinary action taken. The appeal letter must set out the grounds for the appeal, normally under one of the following headings:

- the severity of the disciplinary action;
- the findings of the Panel on a point of fact which is pertinent to the decision of the hearing;
- a failure to adhere to the disciplinary procedure.

13. Arranging An Appeal

13.1. The date and time of the appeal will be organised by the Town Clerk. It is the responsibility of each side to prepare themselves for the appeal including arranging for any witnesses to attend.

13.2. The Chair of the original panel and the employee or their representative will, where possible, agree papers for submission to the appeal five days prior to the hearing.

14. Conducting An Appeal Hearing

14.1. The objective is:

- to review the decision of the disciplinary hearing and decide whether that action is warranted or not.
- and, if the action is not warranted,
- to determine what action if any is appropriate.

14.2. In doing so the Appeal Panel will have regard to seriousness of the offence and any previous relevant disciplinary history.

14.3. The accepted format is:

- the Chair of the previous hearing who took the disciplinary action puts their case for having done so, which may include calling any witnesses;
- the appellant has the opportunity to ask questions of the Manager and witnesses;
- the appellant puts their case including calling any witnesses;
- the chair of the previous meeting has the opportunity to ask questions of the appellant and witnesses;
- the Appeals Panel has the opportunity to ask questions of both parties;
- both parties have the opportunity to sum up should they wish to do so. No additional information should be introduced at this stage and the appellant should have the opportunity to sum up last;
- the appeal is adjourned to allow the Panel to reach a decision;
- the appeal is reconvened and both parties are informed of the decision;
- the Appeals Panel write to both parties informing them of their decision within five working days.

14.4. The Appeals Panel has the right to call its own witnesses should it consider this to be of assistance in making its decision.

15. Trade Union Officials

15.1. In normal circumstances no action will be taken against an Officer of a recognised trade union until the matter has been discussed with a full-time officer of that union, who may wish to be the representative.

16. Disciplinary Rules

- 16.1. It is difficult to define all the acts of misconduct which may lead to disciplinary action. As a general principle a test of reasonableness would be applied, that is to say, would a reasonable person be aware that disciplinary action would result from a certain act or omission?
- 1.2 The following are examples of the types of conduct which are unacceptable, and which may lead to disciplinary action. The list is not exhaustive and other behaviour not listed may lead to disciplinary action when necessary.
- Poor timekeeping/attendance;
 - Unjustifiable absence from work;
 - Waste, loss or damage of Council property through failure to take due care;
 - Negligence or failure in performance of duty;
 - Inappropriate use or unauthorised use of e-mail, IT or telephone facilities;
 - Being under the influence of alcohol or drugs

17. Types Of Gross Misconduct

- 17.1. Unacceptable conduct, which may be regarded as gross misconduct, is likely to lead to an employee's summary dismissal. This means dismissal without notice and occurs when the employment relationship between the Council and employee, and the trust which is inherent in that, is irrevocably broken.
- 1.3 Again the list gives examples of matters likely to be regarded as gross misconduct and is not exhaustive.
- Refusing to follow reasonable management instructions;
 - Theft from the Council, its Members, staff or the public;
 - Physical assault or verbal abuse;
 - Fraud or deliberate falsification of records;
 - Falsification of qualifications;
 - Serious negligence which causes unacceptable loss, injury or damage;
 - Serious acts of insubordination;
 - Serious breach of confidence;
 - Use of privileged information for personal gain;
 - Malicious damage to Whitby Town Council property;
 - Sexual misconduct at work;
 - Discrimination, victimisation or harassment;
 - Serious breaches of safety rules;
 - Serious incapability through alcohol or drugs;
 - Accessing or distributing pornography on the Council's IT facilities.

Policy first adopted by Whitby Town Council Human Resources Committee on 14 April 2010

E. Employee Grievance Policy

1. Introduction

- 1.1. The aim of this Procedure is to enable an employee of the Town Council who has a grievance to pursue the matter in a systematic manner. The procedure applies to grievances raised in relation to colleagues, line managers and Clerks. Grievances raised against elected members will be referred to the Monitoring Officer under the Code of Conduct standards procedure.
- 1.2. It is a principle of this Procedure that grievances will be dealt with by all concerned as a matter of urgency.
- 1.3. An employee who invokes this Procedure shall have the right to be represented by a Trade Union or other representative.
- 1.4. The Procedure is designed to deal with grievances arising directly out of an employee's employment or some working practice of the Council. It is not intended that this Procedure should in any way modify or replace any existing Procedures laid down in the National Conditions of Service or change any locally or regionally agreed Procedures already in existence which provide established Procedures for the resolution of defined problems.
- 1.5. As a result, matters such as:
 - (a) Discipline;
 - (b) Regrading;
 - (c) Agreements reached between the Council and its employees;
 - (d) Sickness absence.

cannot be dealt with under this Procedure, unless believed to be of a discriminatory nature.

2. Procedure Stage 1

- 2.1. An employee who has a grievance will normally in the first instance refer the matter orally or in writing to their immediate supervisor within the Council, who will attempt to resolve the matter within five normal working days from receipt of the complaint.
- 2.2. If the decision is unacceptable to the employee, then the matter must be committed in writing and formally referred to the Town Clerk to progress the matter further. The employee will need to ensure that the nature of the grievance and the remedy sought are adequately recorded. A grievance raised with reference to the Town Clerk should be made to the Chairman of the Human Resources Committee.

Stage 2

- 2.3. Once committed in writing to the second stage of this Procedure, the matter will be further investigated by the Town Clerk, which may include formal interviews with other staff to reach a decision. The employee has an opportunity to state his/her case orally or in writing. A decision will be given by the Town Clerk as soon as possible, but in any event not later than ten normal working days from receipt of the written grievance.

Stage 3

- 2.4. If the decision of the Town Clerk is unacceptable to the employee, there is a right to appeal to the Human Resources Committee of the Town Council. This appeal must be lodged within 10 normal working days of the receipt of the decision by the Town Clerk and should be addressed to the Chair of the Human Resources Committee enclosing a brief outline of the grievance.
- 2.5. Arrangements will be made with all concerned at least 10 working days before the date of the appeal hearing. Each party to the grievance will be entitled to attend the Appeal, accompanied by such persons/information as they think necessary to assist the Human Resources Committee in its consideration of the grievance, subject to a discussion between Town Clerk/Chair of Human Resources Committee /Chief Officer/Trade Union on the relevance and necessity of such witnesses. If the grievance is against the Town Clerk and has been made to the Chairman and Human Resources Committee, any appeal would require the formation of a separate appeals committee independent of the HR Committee.
- 2.6. The Human Resources Committee can require any additional information from any employee whom they consider may assist and will be supplied with written statements by both parties outlining their points of view and these will be supplied in advance of the meeting. Parties to the hearing must exchange statements of case prior to the meeting and where possible agree on common factual evidence. Both parties will be informed in writing of the Human Resources Committee's decision within two normal working days of the meeting.

3. Notes On Procedure

- 3.1. During the Procedure, time limits referred to can be altered provided that all parties agree.
- 3.2. At any stage, the grievance can be reviewed by the Town Clerk, the Human Resources Committee and the Trade Union to determine whether the matter can usefully continue within the Grievance Procedure or whether a more appropriate Procedure can be recommended.

Policy first adopted by Whitby Town Council Human Resources Committee on 22April 2010.

F. Whistleblowing Policy

1. Introduction

- 1.1. Employees are often the first to realise that there may be something seriously wrong within a Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2. Whitby Town Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Town Council encourages employees and others with serious concerns about any aspect of the Town Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Whistleblowing policy is intended to encourage and enable staff to raise serious concerns within the Town Council rather than overlooking a problem or 'blowing the whistle' outside.

2. Aims And Scope of This Policy

- 2.1. This policy aims to:
 - provide avenues for employees to raise concerns and receive feedback on any action taken;
 - allow employees to take the matter further if they are dissatisfied with the Town Council's response; and
 - reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith.
- 2.2. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures.
- 2.3. That concern may be about something that:
 - is unlawful; or
 - is against the Council's Standing Orders or policies;
 - falls below established standards or practice; or
 - amounts to improper conduct.

3. Safeguards

Harassment or Victimisation

- 3.1. The Town Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Town Council will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.

- 3.2. This does not mean that if an employee is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of the whistleblowing.

Confidentiality

- 3.3. The Town Council will do its best to protect the identity of any employee when they raise a concern and do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the employee concerned may be required as part of the evidence.

Anonymous Allegations

- 3.4. This policy encourages employees to put their name to any allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Town Council.
- 3.5. In exercising the discretion, the factors to be taken into account would include:
- the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

Untrue Allegations

- 3.6. If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes malicious or vexatious allegations, disciplinary action may be taken.

4. How To Raise a Concern

- 4.1. As a first step, the employee should normally raise concerns with their immediate manager, usually the Town Clerk. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, where the matter concerns the Town Clerk the matter can be referred to the Mayor or Chair of the Human Resources Committee.
- 4.2. Concerns are better raised in writing. Employees are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why there is cause for particular concern about the situation. If employees do not feel able to put their concerns in writing, they can telephone or meet the Town Clerk, Mayor or Chair of the Human Resources Committee.
- 4.3. The earlier employees express the concern, the easier it is to take action.
- 4.4. Although employees are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- 4.5. Where necessary, the Town Clerk or Town Mayor may seek assistance from:
- North Yorkshire Council Monitoring Officer
 - Yorkshire Local Councils Association
 - Society of Local Council Clerks

- 4.6. Employees may invite their trade union or professional association to raise a matter on their behalf.
- 4.7. If employees feel unable to raise the matter within the Town Council, please refer to paragraph 6.

5. How The Town Council Will Respond

- 5.1. The action taken by the Town Council will depend on the nature of the concern. The matters raised may:
 - be investigated internally;
 - be referred to the Police;
 - be referred to the Internal or External Auditor;
 - form the subject of an independent inquiry.
- 5.2. In order to protect individuals and the Town Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 5.3. Some concerns may be resolved by agreed action without the need for investigation.
- 5.4. Within ten working days of a concern being received, the Town Clerk/Mayor/Chair of the Human Resources Committee will write to the complainant:
 - acknowledging that the concern has been received;
 - indicating how they propose to deal with the matter;
 - giving an estimate of how long it will take to provide a final response;
 - telling them whether any initial enquiries have been made; and
 - telling them whether further investigations will take place, and if not, why not.
- 5.5. The amount of contact between the employees considering the issues those raising the issue will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought from the employees concerned.
- 5.6. When any meeting is arranged, the employee can, if they so wish, be supported by a union or professional association representative or a friend who is not involved in the area of work to which the concern relates.
- 5.7. The Town Council will take steps to minimise any difficulties that the employee may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Town Council will provide advice about the procedure.
- 5.8. The Town Council accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcome of any investigation.

6. How The Matter Can Be Taken Further

- 6.1. This policy is intended to provide employees with an avenue to raise concerns within the Town Council and the Town Council hopes any matters raised may be successfully resolved using this procedure. If employees are not satisfied with the response they receive, and if they feel it is right to take the matter outside Town Council management, they can contact the Audit Commission's Public Interest Disclosure Line on telephone number 0845 052 2646.
- 6.2. If employees do take the matter outside the Town Council, they need to ensure that they do not disclose confidential information or that disclosure would be privileged i.e. confidential between the employee and their advisors. Further advice on what is confidential can be sought from the contact point.

7. The Responsible Officer

- 7.1. The Town Clerk has overall responsibility for the maintenance and operation of this policy and will maintain a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the Town Council. The Town Clerk will also make sure that appropriate training and advice is available to all Elected Members, to ensure that they fully understand their roles and responsibilities. This policy will be reviewed annually as part of the overall review of Whitby Town Council's policies.

Policy first adopted by Whitby Town Council Human Resources Committee on 14th April 2010

G. Child Protection & Vulnerable Persons Policy

1. Introduction

- 1.1. Whitby Town Council is committed to creating and maintaining the safest possible environment for children, young people and vulnerable adults. The Town Council will endeavour to safeguard children and vulnerable persons, in that:
- The welfare of the child and vulnerable adult is paramount;
 - All children and vulnerable adults have the right to protection from abuse;
 - All suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately;
 - All staff, volunteers and elected Members of the Council have a responsibility to report concerns to the appropriate officer;
 - All staff, volunteers and elected Members are **not** to deal with situations of abuse or to decide if abuse has occurred.
- 1.2. As part of the overall Child Protection and Vulnerable Persons policy the Council has adopted Disclosure and Barring Service (DBS) checks on all staff. In line with best practice, these checks will be repeated every four years. Whilst the information provided by the DBS is important in terms of staff employment the Council recognises that this is only part of the overall policy to create and sustain a safe environment for children and vulnerable persons that use our services and engage with staff, elected Members and volunteers.

2. Policy Statement

- 2.1. "Whitby Town Council is committed to taking all reasonable precautions to safeguard the welfare of children and vulnerable persons that use its services and promotes a safeguarding culture and environment."
- 2.2. A child is defined as a person under the age of 18 (The Children Act 1989).

3. Policy Aims

- 3.1. The aim of the Council's policy is to promote good practice:
- Providing children and vulnerable persons with appropriate safety and protection whilst using a Council service or engaging with staff, volunteers and elected Members. This means ensuring that all places where activities take place have had appropriate risk assessments and that any persons supervising or helping in the activity has the appropriate training, vetting and/or qualification.
 - Allow all staff, volunteers and elected Members to make informed and confidential responses to specific child protection and vulnerable person issues.

- 1.1. This policy is to be used in conjunction with the Council's Risk Management Policy, Health and Safety Policy, Equal Opportunities Policy, Complaints Policy and Grievance Procedure.

4. Promoting Good Practice

- 1.2. Good practice protects not only children and vulnerable adults but also staff, volunteers and elected Members. In addition, promoting good practice also protects the Council when it is responsible for the provision of services that children and vulnerable people may use.
- 1.3. By following good practice and the guidelines laid out in this policy, Whitby Town Council can reassure the community it serves that it is taking all reasonable precautions to safeguard the welfare of children and vulnerable adults.

5. Code of Conduct and Good Practice Guidelines

- 1.4. These guidelines have been devised to protect children and vulnerable adults as well as to protect staff, volunteers and Members from positions where false allegations may occur.
- 1.5. The following guidelines apply to those working with vulnerable persons, children or young people involved in activities by or on behalf of Whitby Town Council or at services provided by Whitby Town Council.

DO:

- Treat everyone with respect and take notice of their reactions to your tone of voice and manner.
- Provide an example of good conduct you wish others to follow.
- Plan activities which involve more than one other person being present, or at least which are within sight or hearing of others.
- Respect a person's right to personal privacy.
- Encourage young people and adults to feel comfortable and caring.
- enough to point out attitudes or behaviour they do not like.
- Avoid physical horseplay such as wrestling or tickling.
- Remember that someone else might misinterpret your actions, no matter how well-intentioned.
- Recognise that special caution is required in moments when you are discussing sensitive issues, such as bullying, bereavement, abuse or personal development.
- Challenge unacceptable behaviour and report all allegations or suspicions of abuse.

- Be identifiable and wear a name badge at all times.

DO NOT:

- Have any inappropriate verbal or physical contact with children, young people or vulnerable persons or make suggestive remarks or gestures.
- Permit abusive youth peer activities e.g. initiation ceremonies, ridiculing, bullying)
- Play physical contact games with vulnerable or young people.
- Jump to conclusions about others without checking facts.
- Ask young people to do things that are potentially dangerous, illegal or otherwise unreasonable.
- Exaggerate or trivialise abuse issues.
- Show favouritism to any individual.
- Rely on just your good name to protect you.
- Believe 'it could never happen to me'.
- Take chances when common sense, policy or practice suggests a more prudent approach.
- Allow allegations made by a child or vulnerable person to go unchallenged, unrecorded or not acted upon

AVOID

- Spending too much time alone with a child
- Giving a child a lift in your car
- Taking a child to your home

5.1. If some of these situations are unavoidable, try to get parental permission first. If this is not possible, make sure you let parents know what has happened as soon as you can.

6. Complaints Procedure

6.1. It is important that the Council maintains an open culture where employees, elected Members, volunteers, children, vulnerable persons and parents feel able to express concerns both about child protection issues and issues of poor practice.

6.2. The Council's Complaints Policy is available from the Town Clerk's Office in Pannett Park or to download from the Council's website (www.whitbytowncouncil.gov.uk)

7. Responding to Allegations or Suspicions

7.1. If you suspect a vulnerable person, child or young person is being abused, emotionally, physically or sexually:

- Tell your line manager or the Town Clerk
- Record any facts, which support your suspicions.
- Agree with other adults involved what action, if any, to be taken.

7.2. If a person discloses to you abuse by someone else:

- Allow the person to speak without interruption, accepting what is said, but do not investigate.
- Alleviate feelings of guilt and isolation, while passing no judgement
- Advise that you will try to offer support, but that you must pass the information on

7.3. If you receive an allegation about any adult or about yourself:

- Immediately tell your line manager or the Town Clerk
- Record the facts as you know them.
- Try to ensure no one is placed in a position which could cause further compromise.

7.4. **You must refer; you must not investigate.**

8. Procedure following allegation or suspicion of child abuse

8.1. All allegations/suspicions are to be referred immediately and directly to your Line Manager or Town Clerk

8.2. No investigation or questioning is to be undertaken. If a Line Manager excluding the Town Clerk is implicated, refer direct to the Town Clerk. If the Town Clerk is implicated, refer directly to Town Mayor of the Council. If a Member (i.e. a Town Councillor) is implicated refer directly to the Town Clerk.

8.3. **All allegations/suspicions are to be referred, no matter how insignificant they seem to be, or when they occur.**

8.4. Action to be taken by the person receiving the referral as soon as possible and, in any event, within 24 hours.

- Write down notes, dates, times, facts, observations, verbatim speech and, if possible, as soon as possible/as soon as is practicable after the incident or disclosure has occurred.
- Ensure correct details available: young person's name and address, and name and address of parent/guardian.

- Immediately contact Social Services, North Yorkshire Council. Ask for the duty officer and indicate that you wish to discuss a matter of child/vulnerable person protection. Ask for the name of the person with whom you are speaking. Discuss (no information is to be filtered or withheld). Await advice. Ask if there is anyone else who should be informed.
 - Inform North Yorkshire Council's Monitoring Officer.
 - Prepare a confidential file. Record all notes, all conversations, advice from Social Services. Every effort should be made to ensure that confidentiality is maintained for all concerned.
 - Information should be stored in a secure place with limited access to designated people, in line with data protection laws.
 - Follow advice from Social Services – take no other action unless advised to do so by Social Services. If in doubt about the advice you have received at any stage, refer to Social Services for guidance.
- 8.5. Incidents of serious abuse are likely to be rare, but it is important that all involved in Whitby Town Council conduct themselves at all times in ways which will not lead to their actions being misconstrued or misinterpreted.

Policy first adopted by Whitby Town Council Human Resources Committee on 14 April 2010

H. Lone Working Policy

1. Introduction

- 1.1. This procedure covers general safety and preventative measures relating to employees working alone. It should be read in conjunction with other related health and safety procedures.
- 1.2. Health and Safety at Work etc. Act 1974
- 1.3. The Management of Health and Safety at Work Regulations 1999

2. Definition Of a Lone Worker

- 2.1. Lone workers are those who work by themselves without close or direct supervision and are found in a wide range of situations:
 - People who work separately from others in premises
 - People who work outside normal hours
 - People who work from home

3. Town Council Responsibilities

- 3.1. The Council has a duty to make adequate provision for the health and safety of lone workers in accordance with the requirements of the health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999.
- 3.2. The Health and Safety at Work etc Act 1974 requires that employers must ensure the welfare, health and safety of all employees and assessments must be carried out on all work activities. The findings of risk assessments must be disseminated to the employees involved or affected by the work.
- 3.3. Once lone workers have been identified it is essential that risk assessments are undertaken. This can be achieved by using the Council Form 'Lone Worker Initial Assessment' and 'Safe Working Procedures Form'. Risk assessments must be undertaken upon the commencement of an individual and thereafter to review the assessment on an annual basis.
- 3.4. Thorough planning and preparation are essential for the safety and wellbeing of the participant in any lone working activity. It must take place as early as possible to ensure that sufficient time is available to consider all aspects of the activity and to enable sufficient time for the appropriate level of safeguards to be put in place.
- 3.5. The Council is responsible for ensuring that lone working activities are robustly monitored. Managers who have staff or members involved in lone working must ensure that risk assessments are completed in order to identify any hazards and associated risks and that the control measures and safe working procedures are robust enough to ensure the safety of staff undertaking lone working.

- 3.6. Any person who has concerns about the continuance of an activity should feel confident that they have their line manager's support to terminate an activity at any time. Where such incidents arise, individuals must also ensure that they report the details to their manager. If they feel any issues need to be addressed the risk assessment may need to be modified and used as part of the planning process for subsequent activities.
- 3.7. Managers and supervisors (following a risk assessment) must provide an appropriate emergency procedure. There are a variety of control measures that can be used, dependent upon the level of risk and the confidence of the member of staff. Staff must receive training in all cases.
- 3.8. The Council will consult with its employees to ensure that all relevant hazards are identified, and appropriate and proportionate control measures are chosen.
- 3.9. Lone workers need to be sufficiently experienced to understand the risks and precautions fully. Managers and supervisors need to set limits on what can and cannot be done when working alone. Employees must be competent to deal with circumstances should they arise and therefore the Council will provide appropriate training for lone workers both at induction and during the period of employment.

Policy first adopted by Whitby Town Council Human Resources Committee on 6 December 2016

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