



Warminster Town Council

Handbook

for

The Clerk and Staff

August 2016

Adopted minute number (tbc)

We extend a warm welcome to you on joining our Council and hope that you will become a happy and valuable member of our excellent team.

The Council needs all of its staff members to be enthusiastic and competent in their various roles and wants to try to ensure that you are able to play your part to the best of your ability for mutual benefit. Please study the contents of this Handbook carefully. It contains a great deal of helpful information about the statutory policies and conditions of employment that are in place, and the rules and regulations for annual leave, sick leave, disciplinary and grievance procedures, and so on. The onus is on each member of staff to read the Handbook and familiarise themselves with the rules and regulations that apply to all employees of the Council. Please make sure that you understand the contents. If there is any aspect on which you require clarification, please discuss this with the Town Clerk.

N.B. Volunteers

Not all sections of the Staff Handbook are applicable to volunteers, but the Council will expect all volunteers to familiarise themselves with the policies that apply to them. Volunteers are asked to accept that the terminology that relates to employed staff and those on paid contracts may also be relevant to volunteers. If there is any aspect on which you require clarification, please discuss this with the Town Clerk.

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1 PROBATIONARY PERIOD

Staff join the Council on an initial probationary period of 13 weeks. This does not prejudice the Council's right to dismiss, in accordance with the clause contained in employees' written statement of particulars of employment, or matters arising from issues of discipline. During the probationary period, employees' work performance and general suitability will be assessed and, if satisfactory, their employment with the Council will continue. If their work performance is not up to the required standard the Council will review the position with them to seek a solution, possibly extend the probationary period with a further review, or terminate their employment.

At the end of the probationary period, if satisfactory, the employee will become a member of the Council's permanent staff and will receive a contract of employment.

2 GENERAL EMPLOYMENT POLICY

The Council seeks to act as a responsible employer, using as far as is possible for a local council, all reasonable and contemporary personnel practices and compliance in all respects with employment law and other legislation applying at the time. In doing so it will have reference to National Local Authority and Public Sector Organisations normative practice. Terms and conditions will be kept under review and national agreements (see below) honoured.

The Council's employment policy is geared to encourage and reward dedicated staff who take a professional attitude to work. The Council seeks to offer a stable and constructive working environment for staff who are prepared to work in partnership to meet the Council's aim of giving high quality service to the people of the administrative area.

This Handbook provides details of the Council's personnel policies and procedures and how they will be implemented. It is for use by all staff, the Council and its committees in making decisions with respect to personnel matters. All day-to-day staff management decisions on personnel matters are delegated to the Clerk. Day-to-day matters relating to the Clerk will be dealt with by the Mayor. Procedures in law also exist for the review of problem cases for all staff by the Council and its committees. These procedures are detailed within this Handbook.

The Handbook is supplementary to employees' written statement of particulars of employment (Contract). The written statement of particulars of employment indicates the specific provisions relating to the employee's post, particularly where there is a variety of contracts in operation simultaneously.

3 NATIONAL AGREEMENT ON PAY AND CONDITIONS OF SERVICE

The Council accepts the provisions of the National Agreement on Terms and Conditions agreed annually between the National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC). This is agreed after reference to the Joint Council for Local Government Services agreement. A National Agreement on Pay and Conditions of Service (the Green Book) is negotiated between principal local authority employers and unions and this forms the basis of pay and conditions for the Council. The Green Book sets the framework by which local authorities establish terms and conditions. Local councils may negotiate terms and conditions, but it is the strong advice of NALC and SLCC jointly that the national terms and conditions are adhered to, and in so doing must honour all the relevant provisions of employment legislation and any other legislation applying at the time. Wherever the National Agreement makes provision for changes in the structure of local government pay and conditions the Council will implement them.

4 SALARY, EXPENSES AND BENEFITS

4.1 Salary Structure

The salary structure is based on the externally evaluated and benchmarked agreement as reviewed and then jointly agreed annually between the National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC). The salary table is published to all councils annually. Copies may be obtained from the Clerk or offices of the Society.

4.2 Notification of Payment of Salaries and Wages

The Employment Rights Act 1996 requires that employees will receive a pay slip showing how the total amount of their salary/wages has been calculated. This must show all the deductions made and the reasons for them, e.g. Income Tax, National Insurance contributions etc. Any queries that staff may have should be raised initially with the Town Clerk.

4.3 Salary Settlements

The Council undertakes to implement the agreements reached in the National Agreement as a reasonable settlement. Any changes agreed are usually, although not exclusively, implemented from 1st April of each year.

4.4 Incremental Progression

The Clerk to the Council and other staff should progress automatically up the salary scale to the top of their designated grade provided their performance is satisfactory. They will normally be entitled to an increment, payable on 1st April of each year, along with the salary settlement figure. Once the top of the scale is reached any additional increments are at the sole discretion of the Council. Accelerated increments within the grade of the post may be given on the grounds of exceptional merit or ability.

4.5 Additional Incremental Awards

Additional incremental awards over and above the scale are also made for staff achieving, or holding, the following qualifications:

Certificate in Local Council Administration
or
Year One of the HN Certificate in Local Policy Studies
then
Year Two HN Certificate
Diploma in Local Policy Studies
BA(Hons) Degree Local Policy Studies (University of Gloucestershire).

If the Clerk to the Council is also appointed as the Responsible Financial Officer then this post should also attract the award of an incremental point over and above the scale.

4.6 Overtime and Time Off in Lieu

Overtime is not generally paid. In general employees who are on flexitime arrangements will be expected to manage overtime worked within the flexitime system or with time off in lieu. Staff who are on fixed hours will also be expected to take time off in lieu for occasional overtime requests as part of the flexible working approach required of all employees. Time off in lieu should also be taken if there is a requirement to work on a statutory bank holiday. Certain ongoing jobs, however, do unavoidably require to be worked outside normal working hours, and where this is the case employees who are asked to do overtime on a regular or semi-regular basis will be paid. Examples of such cases are: minuting evening Council and Committee meetings; holiday and sickness cover.

4.7 Reimbursable Expenses

Where an employee is required to travel on authorised business the Council will reimburse travel expenses incurred in accordance with the mileage rate published by HMRC, calculated as the return journey from and to the employee's place of work and published in the annual salaries and allowances notification. If staff use public transport, costs from their normal place of work will be reimbursed. If there are additional costs relating to subsistence these will be authorised by the Clerk based on normal NJC allowances.

Members of staff using their own vehicle must follow the Car Usage Policy (see Section 12).

4.8 Pension Arrangements

4.8.1 Pension scheme

The Council offers membership of a pension scheme through the Wiltshire Pension Fund which is part of the Local Government Pension Scheme (LGPS). Employees who have a contracted hours position are eligible to join the scheme. Casual post staff will not be designated as being eligible. All new staff will be automatically enrolled into the scheme as from their official start date. Until 1st November 2016 new staff will have the opportunity to opt out before they start working for the Council by completing relevant paperwork.

The Council has a published policy on limitations within the scheme which was updated in February 2013. This is attached as Appendix A, LGPS Discretions Policy for Warminster Town Council.

4.8.2 Death in service

Employees should notify the Council of the name of their nominated next of kin. In the event of employees' death in service any salary or pension due to them will be paid to the person nominated.

5 ANNUAL LEAVE AND TIME OFF POLICY

The leave year runs from 1st April to 31st March. As a small organisation leave planning is very important for the smooth running of the Council. It is Council policy that sufficient staff should be available to provide an appropriate level of service in each department, i.e. Warminster Town Council, CCTV and the Civic Centre. All leave must be taken at times agreed with the Council, and must be agreed in advance and recorded and authorised on the staff member's leave record.

5.1 Annual Leave Allowance

The calculation of employees' annual leave commences from the first day of their employment. If their employment commenced part way through the leave year, their holidays during that year will be assessed on a pro rata basis. Staff are entitled, in addition to the normal bank and public holidays, to take 21 working days in each leave year and they will be paid their normal agreed remuneration during such annual leave. The minimum annual leave entitlement will increase to 25 working days when employees have completed not less than five years of continuous service immediately prior to the commencement of the leave year. If staff join the Council from another authority their previous service will be taken into account in calculating their holiday entitlement.

NB: The number of hours is based on a 7.4 hour standard working day. Part-time and job-share employees receive a pro rata leave entitlement and, depending on their work pattern, it may be allocated on an annual hours basis.

5.2 Public and Extra Statutory Holidays

There are normally eight days public holidays each year. In addition to general national holidays, staff will be entitled to two extra statutory days (the dates of these will be decided by the Clerk at the beginning of the leave year).

Part-time employees who do not work every day of the week or who work an irregular number of hours each day receive the entitlement to public holidays and extra statutory days by way of an addition to their leave (Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000). The entitlement is based on the number of contractual hours and, for example, an employee who works 20 hours per week on a Monday, Wednesday and Friday would be entitled to: $21/37 \times 7.4 = 4.2$ hours. For job sharers public holidays and extra statutory days will be divided between job sharers pro rata to the number of hours worked.

5.2.1 Working on a public holiday

Staff may be required to work on any or all of the above public holidays. If an employee works on one of the above days, they will be paid as normal and may be entitled to take one day off in lieu at a mutually agreed date.

5.3 Carry Over of Annual Leave

By mutual agreement up to five days annual leave which is not taken before the end of the leave year may be carried over to the following leave year by arrangement.

5.4 Declaration in Relation to Deduction from Wages

The following provision is an express written term of employees' contract of employment in accordance with Section 13 Employment Rights Act 1996.

If an employee has taken more holiday than they have earned at the termination of their employment on a pro rata basis the appropriate deduction will be made from any final payment due to them from the Council.

5.5 Sickness During Annual Leave

If an employee is certified sick when on annual leave, the time off will be considered as sick leave from the date of a medical certificate and further annual leave shall be suspended from that date. However, if an employee goes away from home to enjoy a holiday while on certificated sick leave, the annual leave will not be reinstated. If the claim of sickness is not supported by a medical certificate then the absence is counted as annual leave.

5.6 Special Leave

The Clerk is authorised to grant up to five days special leave with pay on each occasion on compassionate grounds (close family bereavement, family illness), following discussion and agreement. Any time off taken further to five days should be taken as annual leave or unpaid leave or, if applicable, as certified sick leave.

5.7 Maternity/Paternity/Adoption Leave (Employment Act 2002)

In the event that an eligible employee is seeking to take maternity leave they should, at the earliest opportunity, discuss their plans with the Council/Clerk who will advise on leave entitlements and pay rates which are current at the time.

Maternity, Paternity and Adoption Leave and related issues were either introduced or amended in the Employment Act 2002, in force from 6th April 2003.

The Maternity and Parental Leave (Amendment) Regulations 2002/2789

- Extend the leave provisions. A woman is now entitled to 26 weeks ordinary maternity leave (OML) followed by 26 weeks unpaid additional maternity leave (AML).
- Increase the minimum period of notice that must be given to employers for Statutory Maternity Pay (SMP) from 21 weeks to 26 weeks

Notification Period

- An employee must notify her employer of her intention to seek maternity leave, and the date such leave is due to commence, no later than the beginning of the 16th week before the (EWC).

- For an employee who wishes to return to work at the end of the maternity leave period, the notification period is now 28 days.
- An employee is allowed to change her mind about the date she intends to commence her maternity leave providing she gives her employer at least 28 days' notice prior to the leave commencement date.

Unfair Dismissal

It is automatically an unfair dismissal if an employee is dismissed for matters related to pregnancy.

5.8 Time Off for Dependants

Under the Employment Rights Act 1996 s. 57A, all employees are entitled to be granted reasonable time off during working hours in order to take the necessary action in the following circumstances:

- the illness of a dependant, a birth, injury or assault;
- to make arrangements for the provision of care for a dependant;
- in consequence of the death of a dependant
- in response to an unexpected disruption or termination of arrangements for the care of a dependant;
- to deal with an incident that involves an employee's child which occurs unexpectedly during school/college hours.

5.9 Time off for Public Duties

In accordance with section 29 of the Employment Protection (Consolidation) Act 1978, reasonable time off during working hours is allowed to carry out public duties as follows:

School Governor: paid leave of absence to attend meetings of the governing body of a school but not of any sub-committees or working parties set up by that body.

Justice of the Peace: paid leave of absence in order to serve as a Justice of the Peace provided that the service does not interfere with normal office duties.

Councillor: up to 18 days paid leave of absence to any employee who is elected as a councillor for another authority. No more than three days may be taken in any one month.

5.10 Time Off for Medical or Dental Appointments

Time off may be required for medical or dental appointments. Where such time off is required it will only be granted at the discretion of the Town Clerk or your line manager. Where possible, such appointments should be outside normal working hours.

6 SICKNESS POLICY

6.1 Sickness Allowance

Provide that staff comply with the Council's Sickness Policy, they will receive sick pay when they are absent from work because of sickness, as follows:

during 1st year of service	1 month's full pay and (after completing 4 months' service) 2 months' half pay
during 2nd year of service	2 months' full pay and 2 months' half pay
during 3rd year of service	4 months' full pay and 4 months' half pay.
during 4th and 5th years of service	5 months' full pay and 5 months' half pay.
after 5 years service	6 months' full pay and 6 months' half pay.

N.B. For the purposes of calculating half pay, the rate of pay for the agreed salary month will be used.

6.2 Notification of Sickness

If staff are absent from work on account of sickness or injury, it is their responsibility to inform the Council of the reason for their absence as soon as possible, but no later than the end of the working day on which the absence first occurs.

Third day	If an employee is still unable to return to work they must notify their line manager of their continuing ill health, giving a diagnosis and expected date of return.
Eighth day	If an employee is sick for more than seven consecutive days (including Saturday and Sunday) they must submit a doctor's medical certificate to their line manager.

6.3 Absence Through Continuous Sickness

The Council shall have the right at any time to require an employee to submit to examination by an independent medical practitioner selected by the Council, to obtain a confidential report on their condition from such practitioner and to discuss with such practitioner the findings of his/her examination and his/her prognosis of the employee's likely recovery and/or fitness to resume work and any recommended treatment.

6.4 Sickness During Annual Leave

See Section 5.5 above.

6.5 Return to Work Following Sickness

6.5.1 Return to work interview

Any employee who has a period of sick leave of any length will be required to attend a return to work interview with their line manager, ideally on the day they return to work. Details of the interview will be recorded on the Return to Work Interview Form (Form 6.5), which will be held by the Clerk on the employee's personal file. This interview will ascertain whether there are any ongoing health conditions and whether any support is required, or any adjustments needed to working conditions.

6.5.2 Monitoring period

A monitoring period may be implemented following significant absence through sickness to establish whether there is a recurring problem. This may be referred to the HR Committee to determine what further action may be necessary, for example a referral for an occupational health assessment.

7 CONDITIONS OF EMPLOYMENT

7.1 Written Statement of Particulars of Employment

An employee's written statement of particulars of employment must include the following:

- (a) The names of the employer and employee.
- (b) Either the place of work or, where the employee is required or permitted to work at various places, an indication of that and of the address of the employer.
- (c) The date on which the employment began.
- (d) The date on which the employee's period of continuous employment began (which may differ from the date in (c)) – taking into account any employment with a previous employer that counts towards that period.
- (e) The title of the job that the employee is employed to do or brief description of the work which the employee has been employed to do.
- (f) The scale or rate of remuneration (wages, salary, etc.) expressed as an hourly, weekly, monthly or annual figure, or the method to be used for calculating remuneration.
- (g) The intervals at which wages or salary are to be paid (e.g. weekly or monthly).
- (h) Any terms and conditions relating to hours of work (including any terms and conditions relating to normal working hours).
- (i) Any terms and conditions relating to the employee's entitlement to holidays, including public holidays, special holidays and holiday pay (the particulars given being sufficient to enable the employee's entitlement, including any entitlement to accrued holiday pay on the termination of employment to be precisely calculated).

- (j) Any terms and conditions relating to incapacity for work due to sickness or injury, including any provision for sick pay.
- (k) Any terms and conditions relating to pensions and pension schemes.
- (l) The length of notice that an employee is to give and receive to terminate his/her contract of employment.
- (m) Where the employment is not intended to be permanent, the period for which it is expected to continue, or if it is for a fixed terms, the date when it is to end.

7.2 Working Hours

The standard working week is one of 37 hours excluding meal breaks. Individual employees' specific hours will be dependent on contractual arrangements and will be detailed in their main Terms and Conditions of Employment. Employees on part-time contracts working less than 37 hours will have such benefits as pay and leave calculated pro rata to the standard working week.

7.3 Sole Employment/Declaration of Other Employment

The Council reserves the right to require that any other employment that is undertaken by its employees does not conflict with the roles or standards required to be undertaken in Council employment.

7.4 Flexible Working – Rights

It is the Council's view that the promotion of flexible working arrangements increases staff motivation, reduces employee stress, improves employee performance and productivity, and encourages staff retention. The Council implements the right to request flexible working set out in legislation.

Employees have a statutory right to request to work flexibly and to have their flexible working application dealt with in a reasonable manner. In order to make a request under the statutory right an employee must have worked for the Council for a continuous period of 26 weeks at the date their application is made. They must not have made another request to work flexibly under the statutory right during the previous 12 months.

Employees can apply to vary the number of hours they work and the times they work. Employees may wish to apply for flexible working to accommodate caring arrangements, charity work, leisure activities, external study or for any other purpose.

The following procedure will normally apply to flexible working requests:

- The employee should first make their request in writing to the Council setting out the flexible working arrangement they seek. A Flexible Working Application Form can be obtained from reception at the Civic Centre.
- If necessary the Council will arrange a meeting with the employee to discuss the changes the employee has proposed, the effect of the proposed changes and any possible alternative work patterns that might suit both parties. The employee may be accompanied at this meeting by a work colleague.
- The Council will consider the employee's flexible working request and will make a practical business assessment on whether, and if so how, it could be accommodated.
- The Council will notify its decision to the employee in writing. If the Council accepts the employee's request it will write to him or her, establishing a start date and providing a written note of the contract of employment variation. If the application is refused the Council will explain the grounds for refusal and confirm the internal appeal procedure.
- Where a request is accepted, unless otherwise agreed, it normally constitutes a permanent change to the employee's terms and conditions of employment. This means that the employee does not have the right to revert to their previous pattern of working at a future date. However, depending on the circumstances of the case, at its absolute discretion the Council may be willing

to agree to a temporary change to the employee's terms and conditions of employment for a specified period only. In that case the employee would then revert to their previous pattern of working after the specified period comes to an end.

- The employee may appeal against a refusal of their flexible working request within five working days of the decision. Appeals must be made in writing to the Council and state the grounds for appeal. The Council may then set up a meeting with the employee to discuss the appeal and the employee may be accompanied at this meeting by a work colleague. Whether or not an appeal meeting is held, the Council will write to the employee to notify them of the outcome of their appeal.
- The Council will notify the employee of its decision on their flexible working application within three months beginning with the date on which the application is made, or such longer period as may be agreed between the Council and the employee. This decision period includes dealing with any appeal against a decision to refuse the employee's flexible working request.

The Council may refuse an application to work flexibly for one of eight business reasons. These are:

1. The burden of additional costs.
2. The detrimental effect it would have on the Council's ability to meet customer demand.
3. The Council's inability to reorganize work amongst existing staff.
4. The Council's inability to recruit additional staff.
5. The detrimental impact it would have on quality.
6. The detrimental effect it would have on performance.
7. The insufficiency of work available during the period when the employee proposes to work.
8. The Council's planned structural changes.

Although the Council is committed to being flexible on working patterns for its staff, employees must recognise that it may not be appropriate or possible for flexible working arrangements to apply to all jobs across all areas of the business. Each request for flexible working will therefore be dealt with individually on its merits, taking into account the likely effects the changes will have on the Council, the work of the department in which the employee making the request is employed, the employee's work colleagues and the Council's customers and clients. This means that if the Council agrees to one employee's flexible working request, this does not set a precedent or create a right for another employee to be granted the same or a similar change to their work pattern. For example, having approved one flexible working request, this may mean that the business context has then changed and may be taken into account when considering a second request from another employee against the above business reasons.

7.5 Fixed Hours

Due to the nature of their roles some employees will have contracts which specify fixed hours. While these hours will be those normally worked there may on some occasions be a requirement for some flexibility due to a requirement for additional working. Except where covered by overtime provisions outlined above, any additional hours worked will be compensated by time off in lieu.

7.6 Performance

A satisfactory performance is a basic contractual requirement. Employees have a duty to monitor their own performance and to take advantage of appropriate training opportunities as they arise. They should also seek opportunities to improve the way things are done either on their own initiative, if appropriate, or in conjunction with their colleagues and management. This will help to maintain the overall quality and cost effectiveness of the services offered and to ensure the continued viability of the employment the Council offers.

7.6.1 Annual appraisal

The Council will ask employees to take part in an annual appraisal. It does this both to build on employees' strengths for their future development and that of the Council, and at the same time offer support/training in the case of any weaknesses. The appraisal should be seen as a positive process, which we believe is beneficial to both the employee and the Council.

7.7 Conduct Guidelines

There is a code of conduct based on guidelines issued by local government that should be observed.

7.7.1 Behaviour at work

- (a) We must all behave with civility towards others. Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.
- (b) Rudeness or abuse of any description cannot be tolerated from or towards other members of staff, Councillors or members of the public.
- (c) All reasonable instructions from an employee's line manager are to be carried out.
- (d) Any incidence of harassment, abuse, victimisation or intimidation will be investigated and sanctions imposed on the perpetrator(s) through the proceedings open to the Council by its internal processes or in law as outlined in Section 13 (Dignity at Work/Bullying and Harassment Policy).

7.7.2 Smoking, alcohol and drugs

Staff should not at any time bring onto the Council premises any alcohol or drugs (other than those prescribed by their doctor). Intoxication at work either as a result of alcohol or drugs will result in disciplinary action.

7.7.3 Relationships at work

Close personal familiarity between employees and/or between employees and individual Councillors can damage the working relationships and prove embarrassing to other employees and Councillors and should therefore be avoided.

7.7.4 Confidentiality

Any information which:

- (a) is or has been acquired by an employee during or in the course of their employment, or has otherwise been acquired by them in confidence;
- (b) has not been made public by the Council, or an employee has not been authorised to disclose

shall be confidential and, unless required by law, an employee shall not, either before or after the termination of their employment, disclose such information to any person without prior written consent. Staff shall exercise reasonable care to keep safe all documents or other material containing confidential information, and on the termination of their employment, or at any other time, upon demand return to us any such material in their possession.

7.7.5 Statements to the press/media

Staff must not make any statements to the press or media without the prior clearance and authority of the Council.

7.7.6 Political neutrality

Employees serve the authority as a whole. It follows they must serve all Councillors equally, and must ensure that the individual rights of all Councillors are respected. Subject to the Council's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality. Employees, whether or not politically restricted, must follow every

lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

7.7.7 Appointment and other employment matters

Employees involved in appointments should ensure that these are made on the basis of merit. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her. Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

7.7.8 Trade union membership

- (a) Employees are under no obligation to join a trade union.
- (b) Employees are free to join or not join any trade union of their choice.
- (c) An employee who is an official of an independent trade union recognised by the employer must be granted time off to attend to duties.
- (d) An employee who is a learning representative of the trade union recognised by the employer must be granted time off under TULRCA 1992 s.168A, as inserted by s.43 of the Employment Act 2002 for the purpose of analysis of learning and training needs, the provision of information and advice on learning and training matters, the promotion of the values of learning and training. The employer's obligation to allow time off is subject to a reasonable test.

7.7.9 Personal interests

Employees must declare to the Clerk any financial interests which could conflict with the Council's interests. Employees should also declare to the Clerk membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

7.7.10 Discrimination and equality issues

- (a) All Council employees should ensure that policies relating to equality issues as agreed by the Council are complied with in the spirit as well as the letter of the law.
- (b) All members of the local community, customers and other employees have a right to be treated with fairness and equity.

7.7.11 Council property

- (a) Use of Council property for a purpose other than normal duties is not permitted.
- (b) No property is to be taken away from Council premises without prior explicit permission.

7.7.12 Intellectual property

Employees should take advice on the ownership of intellectual property or copyright created during their employment.

7.7.13 Use of financial resources

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community.

7.7.14 Contractors and tendering

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the Town Clerk. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against. Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the Town Clerk.

Employees involved with tendering processes must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

7.7.15 Corruption

Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained and such allegations, if proven, will be treated as instances of gross misconduct.

7.7.16 Hospitality

Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. They should be properly authorised and recorded. Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent to attendance in advance, and where purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that Council meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council. Employees should not accept significant personal gifts from contractors and outside suppliers, although you may keep insignificant items of token value such as pens, diaries, etc.

7.7.17 Sponsorship – Giving and Receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Council through sponsorship, grants, aid, or by other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

7.7.18 Outside Commitments

All employees have a duty to advise the Town Clerk if they become engaged or concerned in any other business, whether or not the duties may conflict with the interests of the Council.

8 EQUAL OPPORTUNITIES POLICY

8.1 Legal Position

The law on equality was consolidated into the Equality Act 2010, which took effect on 1 October 2010. The law prohibits discrimination on certain grounds. To discriminate against someone means to treat them less favourably, to harass or victimise them, or to subject them to a provision, criterion or practice

which puts them at a disadvantage. This is unlawful if it is on certain grounds, known as 'protected characteristics'. These are:

- Age
- Race (including segregation)
- Religion or belief
- Sex
- Sexual orientation
- Gender reassignment: This is protection for transsexuals, including less favourable treatment because of an absence related to reassignment compared to absence because of sickness or injury etc.
- Marriage and civil partnership: It is unlawful to discriminate against a colleague or employee on the ground that they are married or in a civil partnership. There is no protection of single people.
- Pregnancy and maternity
- Disability: This is a physical or mental impairment which has (or is likely to have) a substantial effect on a person's ability to carry out day-to-day activities for a period of a year or more. Certain medical conditions, such as cancer, Multiple Sclerosis and HIV are a disability from the outset, whatever their impact on day-to-day activities. Protection from discrimination covers a person who has had a disability in the past.

8.2 Scope

All employees whether full-time, part-time, fixed contract, agency workers or temporary staff, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Council.

8.3 Disability Discrimination

In the case of disability discrimination, there is no unfavourable treatment if the 'discriminator' did not know or could not reasonably have known the person had a disability. More favourable treatment of disabled persons is not unlawful discrimination against non-disabled people. As well as the usual forms of discrimination, the Equality Act protects people from unjustified discrimination 'arising in consequence of' a disability, which is very broad.

The Council has a duty to make 'reasonable adjustments' where a 'provision, criterion or practice' puts a disabled person at a substantial disadvantage compared to non-disabled persons. Then a duty arises on the Council to take such reasonable steps as are necessary to avoid the disadvantage; for example, to remove, alter or provide means to avoid a physical feature; to provide an auxiliary aid or service; or to adjust a working pattern or role etc. The adjustment must be made at no charge to the employee.

The Council will not ask and act on answers about the health of an applicant before offering work except where this is necessary for:

- establishing requirements or adjustments needed for an interview or assessment
- establishing the person's ability to carry out a function intrinsic to the work
- monitoring diversity or
- checking the person has a disability which is required for the job

8.4 Our Commitment

Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated. This is further defined in the Dignity at Work/Bullying and Harassment Policy (Section 13 below). Breaches of our Equal Opportunities Policy will be regarded as Serious Misconduct and could lead to disciplinary proceedings. Employees are

entitled to complain about discrimination or harassment or victimisation through the Council's Grievance Procedure (Section 15 below).

8.5 Equality in the Delivery of Services

The Council's clients and service users have the right to expect fair and non-discriminatory treatment whilst participating in or receiving any of the Council's services. The Council will ensure that all recipients of the services delivered directly by the Council are guaranteed the same opportunity. The Council will always look for ways that it can make its services more accessible to all.

All staff are expected to apply this policy to the delivery of services and use of Council facilities and breaches of this policy by staff will be subject to the disciplinary procedures.

Where any service is delivered indirectly by contractors, partners or volunteers, the Council will ensure that they understand its Equal Opportunities Policy and adhere to it.

8.6 Equality in Community Leadership

Local residents, members of local organisations, businesses and visitors have the right to expect fair and non-discriminatory treatment when engaging with the Council. The Council recognises the diversity within the community and seeks to reflect this in the work it undertakes within that community.

The Council will always look for ways to make it easier for everyone to engage with it.

8.7 Equality in Democracy

Where councillors are to be elected the Council will make information available as widely as possible about the election, and help people who are interesting in standing for election, with the objective of reflecting the diversity of the town.

When the Council seeks a co-opted member it will advertise widely and will ensure that every applicant has an equal opportunity. Selection will be made against objective criteria.

The Council will always promote democracy, encourage all people to engage with it and vote at elections. It will make special efforts to engage with any 'hard to reach' groups.

9 HEALTH AND SAFETY

9.1 Health and Safety Policy

This is the statement of general policy and arrangements for:		Warminster Town Council
Heather Abernethie – Town Clerk		has overall and final responsibility for health and safety
Veronica Mills – Administration Officer		has day-to-day responsibility for ensuring this policy is put into practice
Statement of General Policy	Responsibility of: Name/Title	Action/Arrangements (What are you going to do?)
Prevent accidents and cases of work-related ill health by managing the health and safety risks in the workplace	Heather Abernethie (TC): Town Council offices Ann Hedges (FM): Civic Centre Mike Herriott (CTS): Dewey House Stuart Legg (DSS): Outside spaces and equipment	Relevant risk assessments completed and actions arising out of those assessments implemented. Risk assessments are reviewed regularly.
Provide clear instructions and information, and adequate training, to ensure employees are competent to do their work	Heather Abernethie (TC) Ann Hedges (FM) Mike Herriott (CTS) Stuart Legg (DSS)	Staff and contractors given necessary health and safety induction and provided with appropriate training (including working at height and manual handling) and personal

		protective equipment. We will ensure that suitable arrangements are in place to cover employees engaged in work remote from the Civic Centre and Dewey House.
Engage and consult with employees on day-to-day health and safety conditions	Heather Abernethie (TC) Veronica Mills (AO) All staff	Staff routinely consulted on health and safety matters as they arise and health and safety is a permanent item on staff meetings agenda. LCRS checklists completed regularly, actions followed up and report discussed at every HR Committee.
Implement emergency procedures – evacuation in case of fire or other significant incident.	Heather Abernethie (TC) Ann Hedges (FM) Mike Herriott (CTS) Stuart Legg (DSS)	Escape routes well signed and kept clear at all times. Evacuation plans tested from time to time and updated as necessary. Tenants, Wiltshire Council hot deskers and contractors made aware of escape routes. Emergency Plan issued to all hirers of the Civic Centre indicating escape routes.
Maintain safe and healthy working conditions, provide and maintain plant, equipment and machinery, and ensure safe storage/use of substances.	Heather Abernethie (TC) Ann Hedges (FM) Mike Herriott (CTS) Stuart Legg (DSS)	Toilets, washing facilities, staff room and drinking water provided. System in place for routine inspections and testing of equipment and machinery and for ensuring that action is taken promptly to address any defects.

Key:

TC = Town Clerk
 FM = Facilities Manager
 CTS = CCTV Supervisor
 DSS = Direct Service Supervisor
 AO = Administration Officer

Health and safety law leaflet	Issued to all employees and volunteers
First-aid boxes are located:	Civic Centre: Reception, Staff Room, Kitchen, Bar Dewey House: CCTV Control Room
Accident books are located:	Civic Centre: Civic Centre filing cabinet in Town Council offices (completed reports kept in Town Clerk's locked cabinet) Dewey House: CCTV Control Room

9.2 Display Screen Equipment – Health and Safety for Users

The vast majority of employees now use computer screens (VDUs) in their work. The Health and Safety (Display Screen Equipment) Regulations 1992 (as amended in 2002) apply to all employers and employees who use such equipment. The following points are drawn from the information published on the matter.

9.2.1 Employer's duty to comply

An employer must analyse workstations and assess and reduce risks by carrying out a risk assessment. They must look at the whole workstation including equipment, furniture and the working environment. They must also consider the work being done and any special needs of individual staff (see Equality Act 2010).

9.2.2 The workstation

The employer should ensure that good features are in place, i.e. adjustable and safely balanced chairs and appropriate desks, good lighting, a good work environment, adequate computer equipment and appropriate software.

9.2.3 Breaks and changes of activity

The need for breaks depends on the nature and intensity of the work. The general principle to be followed is: short frequent breaks are better than longer, less frequent ones. The person doing the work should have a large measure of control over when these breaks need to be taken.

9.2.4 Eye tests and the provision of spectacles

Training must be provided to ensure that employees are aware of the regulations and can use their equipment safely to avoid health problems. The information booklet provided by the Health and Safety Executive should be provided either for each employee or identified to each employee at an accessible location in the workplace. If an employee uses a computer screen (VDU) as a principal part of your work then he or she is entitled to have eyesight tests paid for by his or her employer. In some cases spectacles will also have to be provided. Employees should check on this with their optician.

9.2.5 Comfort

The equipment should be adjusted to suit employees' individual physical requirements. The chair and the computer screen (VDU) should be adjusted so that, as a broad guide, employees' forearms should be horizontal and their eyes at the same height as the top of the computer screen (VDU). There should be adequate space for documents to be managed on the top of the desk. A document holder can help the position of the head relative to the computer screen (VDU) and prevent neck discomfort. Sunlight or artificial light should not be allowed to bounce off the screen and there should be adequate space beneath the desk to allow free movement of legs. Excess pressure on the back of the knees and legs should be avoided and a footrest used where necessary.

The keyboard and mouse should be adjusted to suit employees' hand movements. A wrist rest in front of the keyboard will help alleviate strain and the possibility of repetitive strain injury. If an employee is not a trained keyboard operator it will be worthwhile their taking training to improve their technique. Use the most up-to-date mouse possible. The preferred model operates without a roller-ball and has a central wheel for scrolling.

Employees should not sit in the same position for long periods. They should take a break and move away from the desk to exercise their limbs by doing something else. If there are no such natural breaks in their job then their employer should plan them and agree them into the employee's working arrangements. If there is a problem, an employee should talk to their employer or the local office of the Health and Safety Executive.

9.3 Protective Clothing

Protective clothing and other items issued for an employee's protection because of the nature of their job must be worn at all times. Failure to do so may contravene the Health and Safety at Work Act. Once issued an employee should wear this protective wear on any and all relevant occasions, as not to do so may jeopardise their welfare and breach a condition of the Council's insurance policy.

9.4 Hygiene – As Applied to Posts in Particular Circumstances

- (a) Any cut or burn on the hand or arm must be covered with a suitable approved dressing.
- (b) If an employee is suffering from an infectious or contagious disease or illness, or if they are suffering from a bowel disorder, boils, skin or mouth infection, they must not report to work without clearance from their doctor. In these circumstances, even after obtaining clearance from their doctor, they must get clearance from the Town Clerk.
- (c) Any contact with a person suffering from an infectious or contagious disease must be reported to the Town Clerk before commencing work.
- (d) If working with or near foodstuffs, an employee must get clearance from their own doctor.

9.5 Health and Safety Arrangements

9.5.1 Risk assessments

Annual health and safety reviews take place in each area. Risk assessment forms are completed and copies held by each department manager and the Town Clerk. The person responsible for overseeing health and safety in a particular area will implement improvements to minimise significant risks.

9.5.2 Safety instruction

Safety instruction will primarily be provided 'on the job' but will be supplemented by more formal tuition when required.

9.5.3 Accident reporting

An Accident Report Book is held at both CCTV and the Civic Centre. All accidents should be recorded and completed accident forms will be kept in a locked cabinet in the Town Clerk's office. Where the accident is notifiable the Town Clerk will be informed and he/she will notify the appropriate authorities.

9.5.4 First aid

First aid kits are maintained in each work location operated by the Council. Body fluid spill kits are held in the staff room at the Civic Centre. Where a serious injury is sustained, professional help should be sought as soon as possible.

9.5.5 Fire

Fire procedures are posted at each Council work location.

10 LONE WORKING POLICY AND PROCEDURE

10.1 Lone Working Policy

The Council regards the promotion of health, safety, welfare and the environment as essential objectives. It therefore recognises and accepts the requirement for providing, as far as is reasonably practicable, a safe working environment for employees who may find themselves working alone. As an employer we have investigated the potential hazards faced by our staff if working alone and measures have been put in place, which all staff will follow, to control and avoid any potential risks.

- (a) Individuals should be medically fit to work alone. Lone workers should report any medical conditions which may make them unsuitable for lone working.
- (b) The following tasks should not be completed while working alone:
 - Moving bulky furniture on trolleys or manually, i.e. stacks of chairs and large tables
 - Working at height
 - Moving beer barrels
 - Operating the bar
 - Making repairs or investigations to any electrical equipment. N.B. *There are no qualified staff on the Council's books and therefore no member of staff has permission to make any alterations to the settings of electrical equipment in any of the Council's premises.*
- (c) A 'buddy' rota will be drawn up listing on-duty members of staff who can be contacted by the lone worker as necessary. The following safety measures should be taken by staff working alone:
 - A mobile handset should be carried at all times for use in emergencies
 - Rooms which are not occupied will remain locked
 - Lone workers must report any accidents or injuries (CCTV and the Civic Centre have their own accident books)
 - Lone workers must be aware of the first aid facilities available
 - Procedure in the event of a personal injury is to call the emergency services if required and the employee's 'buddy' to advise

- Procedure in the event of illness is for the employee to call their line manager or 'buddy' if they cannot perform their normal duties, or the emergency services if they need treatment
- Upon leaving the building always follow the closing down procedure (see Section 10.2 below)

10.2 Closing Down Procedure

The following lists are the procedures staff should follow when closing down the Civic Centre or Dewey House.

10.2.1 Warminster Civic Centre

- Turn off any appliances in the kitchen and staff room
- Turn off any computers
- Move personal belongings from staff lockers to the main office for easier access when preparing to leave the building
- Close down kitchen, bar and rear stock cupboard. Do not leave access doors pinned open
- While the hirer is clearing away, move around the building checking fire exits in those rooms furthest away from the front door first
- Check the toilets have been vacated including both the disabled toilet and personal care room
- Check the coffee bar and lobby have been vacated
- Ensure all rooms are locked after last hirer has left
- If it is felt necessary, staff should ask any hirer if they will join them in closing down the building
- If the hirer has now left the building, staff should lock the front door and collect their belongings from the main office
- Set the alarm and leave the building (lighting will switch off automatically as all switches are timed)
- Staff will arrange to contact a nominated 'buddy' if they feel it is necessary during the hours of darkness to let them know they have left the building safely and/or arrived home safely

10.2.2 CCTV, Dewey House

- Shut down all cameras and relevant electrical equipment
- Switch off air conditioning unit
- Draw curtains if this is not already done
- Put away any photographs or sensitive information
- Log out
- Switch off lighting
- Leave through the front door, setting the alarm if they are the last person in the building
- Be aware of tenants operating in the building when setting the alarm

11 IT AND EMAIL POLICY

The Council provides employees with email and internet access as required for the performance and fulfilment of job responsibilities. This policy outlines the regulations for acceptable use that staff are required to follow to ensure that Council business is transacted in an appropriate manner. The policy includes computers and smartphones.

11.1 Use of the computer, internet and email

- (a) The Council recognises that reasonable use of email facilities to communicate brief personal non-offensive messages is acceptable.
- (b) The Council recognises that access to professional information by email or through websites is a necessary requirement of the job of the Clerk to the Council and other staff and is permitted.

- (c) Staff and users are expected to use technology in a courteous, reasonable and responsible manner. The following activities are not acceptable and anyone found to be involved in them may face disciplinary action. In certain instances the matter will be considered to be gross misconduct:
- allowing non-authorised users to access the internet using employees' log-in or while logged on
 - visiting internet sites that contain obscene, hateful, pornographic or otherwise illegal material
 - passing on such material to colleagues or external people
 - using the computer to perpetrate any form of fraud, or software, film or music piracy
 - using the internet to send offensive or harassing material to other users
 - downloading commercial software or any copyrighted materials belonging to third parties, unless this download is covered or permitted under a commercial agreement or other such licence
 - hacking into unauthorised areas
 - publishing defamatory and/or knowingly false material about the Council, its employees, Members, your colleagues and/or customers on social networking sites, 'blogs' (online journals), 'wikis' and any online publishing format
 - undertaking deliberate activities that waste staff effort or networked resources
 - introducing any form of malicious software into the corporate network
 - gambling online
 - accessing chat rooms or gaming
 - disclosure of any confidential corporate information without express consent
 - accessing any files of the Council without requirement (such as staff files)
 - any other area that the Council reasonably believes may cause them problems
- (d) The Council cannot control and is not responsible for the accuracy or content of information gathered over the internet.
- (e) It is a requirement of the Council and the duty of all staff to avoid deliberate use of the Council's internet connections and technology for inappropriate personal use. Staff should immediately alert the Town Clerk of any suspect material found stored on any computer or elsewhere on the premises.

11.2 Hardware/Software

The computer equipment and software must be used as installed. Staff and users may not install/uninstall, delete or change anything on Council computers. Any requirements to change anything should be authorised by the Town Clerk.

Security is maintained by appropriate software, internal computer security settings and passwords. The Council uses a virus-checker on its computers, and staff are forbidden to load disks that have not been virus-checked by the system.

11.3 Social Media

Employees should be aware that entries entered on social media, such as Facebook and Twitter, which have a detrimental impact on the Council or colleagues may lead to formal disciplinary action. They are prohibited from naming the Council or colleagues or discussing internal Council matters on such sites. Use of smartphones to access messages and emails and for personal calls is tolerated as long as use is kept to a minimum, but staff are asked to avoid personal use of social media during working hours.

12 CAR USAGE POLICY

An employee of the Council may have use of a vehicle during their working hours. This may be in the form of using a private car after authorisation on official business or the use of a vehicle owned by the Council.

12.1 Scope

Under Health and Safety legislation, employers have a duty of care to employees driving their own vehicles on authorised business. Warminster Town Council is therefore required to assess risks and take reasonably practicable precautions regarding the employee's use of their private car.

12.2 Suitability

Any vehicle used should be fit for the purpose it is being used for, for example towing or delivering items. Employees must be aware that their vehicles may be subject to spot checks to ensure they are roadworthy and that they should carry out routine or spot checks on the vehicle before using it on Town Council business.

12.3 Mileage

Any mileage incurred on behalf of the Council will result in the employee being reimbursed for business mileage undertaken in the private vehicle. Mileage rates will be paid at the current HMRC guidelines and may be subject to change.

12.4 Maintenance

Employees must ensure that the car is kept in good condition. This includes keeping it clean and ensuring that the tyre pressure, lights, oil, water etc. are up to the required standard. Employees should not use their cars on Town Council business in an unroadworthy condition and should undertake to service their car on a regular basis in accordance with the car's servicing requirements.

12.5 Insurance

Employees must ensure that any vehicle which is used on Town Council business is adequately insured for personal business usage. It is recommended that employees produce evidence of insurance every year, so that the employer can double check they are still adequately insured, along with a copy of their driving licence.

12.6 Driving With a Mobile Telephone

It is an offence to use hand-held mobile telephones whilst driving. A driver will be liable for prosecution if he/she is holding a mobile telephone and any other type of hand-held device to send or receive any sort of data, be it through voice, text, internet or pictorial image. An employee is regarded as driving if they are in charge of a vehicle with its engine running on a public road, even if the vehicle is stationary. Therefore employees are strictly forbidden from using hand-held mobile telephones whilst driving their own vehicle on Council business or a Council vehicle.

A mobile telephone may only be used with a hands-free device, in which case the call should be kept to the shortest possible time and only to effect essential communications. Where employees need to operate the mobile phone or need to deal with a call through a caller's hands-free device for longer than receiving or giving a short communication, before doing so the driver must stop and park the car where it is safe and lawful to do so and with the engine switched off. Whilst driving, employees should not use the message facility on the mobile phone or, if available through such a phone, an image facility or internet access.

Any breach of the Council's rule on the use of a mobile phone whilst driving will render the employee liable to action under the Disciplinary Procedure (see Section 14) up to and including dismissal dependent on the circumstances.

12.7 Inspection of Documents

Employees will be expected to produce the following original documents at the request of the Town Council on an annual basis, or at the specific demand of their line manager if applicable:

- driving licence

- current MOT certificate, if required
- current car insurance, showing the employee is covered for personal business use

12.8 Council Vehicles

If a Council vehicle is provided to you as part of your contract of employment or you are required to drive a Council vehicle as part of your job, it is your responsibility to take care of the vehicle, keeping it in a clean and roadworthy condition. You should report any damage or fault immediately. The Council will arrange for appropriate maintenance or servicing to be carried out. If you incur any reasonable expenses in connection with the vehicle then these will be reimbursed, but you must check with the Town Clerk and comply fully with our expenses policy. The Council will not be obliged to reimburse any expenses incurred without authorisation.

Personal use of a Council vehicle will not be allowed under any circumstances.

Employees should sign the Car Usage Policy document (Form 12.6) to confirm they have read and agreed to the policy so that there can be no argument about their awareness of the policy's requirements.

13 DIGNITY AT WORK/BULLYING AND HARASSMENT POLICY

13.1 Purpose and Scope

13.1.1 Statement

In support of our value to respect others, Warminster Town Council will not tolerate bullying or harassment by, or of, any of their employees, officials, Members, contractors, visitors to the Council or members of the public from the community which we serve. The Council is committed to the elimination of any form of intimidation 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 Grievance Procedure and Disciplinary Procedure and the Elected Members Code of Conduct.

13.1.2 Definitions

Bullying

Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of 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

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.

These definitions are derived from the ACAS guidance on the topic. Both bullying and harassment are behaviours that are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, high staff turnover, damage to the Council's reputation and, ultimately, legal proceedings against the Council and payment of legal fees and potentially unlimited compensation.

13.1.3 Examples

Examples of unacceptable behaviour are as follows:

- spreading malicious rumours

- insulting someone
- ridiculing or demeaning someone
- exclusion or victimization
- unfair treatment
- overbearing supervision or other misuse of position or power
- unwelcome sexual advances
- making threats about job security
- making threats of physical violence against a person or their family
- deliberately undermining a competent worker by overloading work and/or constant criticism
- blaming a person for others' mistakes
- preventing an individual's promotion or training opportunities

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

13.1.4 Penalties

Bullying and harassment by any employed persons can be considered examples of gross misconduct which will be dealt with through the Disciplinary Procedure at gross misconduct level and may result in summary dismissal from the Council. If elected Members are bullying or harassing employees, contractors, fellow councillors or others, then a referral through the Standards process in place at the time reported as a contravention of the Member's Code of Conduct could be an appropriate measure. If an employee is experiencing bullying or harassment from a third party the Council will act reasonably in upholding its duty of care towards its own employees. In extreme cases harassment can constitute a criminal offence and the Council should take appropriate legal advice, often available from the Council's insurer, if such a matter arises.

13.1.5 The legal position

Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged, an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal.

Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the Council and the perpetrator(s) as individual named Respondents.

In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination. The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes; for instance, employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.

13.2 Process for Dealing with Complaints of Bullying and Harassment

13.2.1 Informal approach

Anyone – employee, contractor, Member or visitor – 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, or any intermediary, that their conduct is unacceptable, offensive or causing discomfort. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

13.2.2 Formal approach

Employees

Where the employee feels unable to resolve the matter informally, any complaint about harassment or bullying can be raised confidentially and informally, initially with the Mayor or another councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked. The employee will be expected to provide evidence of the conduct about which s/he is complaining.

Others

Any other party to the Council, other than an employee, who feels he or she is being bullied or harassed, should raise their complaint with the Council, where possible, if an informal notification to a Member has been unsuccessful at eliminating the problem. The complaint should then be investigated and a hearing held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any Members or officers of the Council should use the Council's official Complaints Procedure. It is important that the Member(s) being complained about do not prevent the Council operating impartially in its investigation and decision making in this regard.

13.2.3 Grievance – employees only

A meeting to discuss the complaint with the complainant will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the Council's Grievance Procedure (Section 15 below). This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by an officer as appointed by the committee of the Council which is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the aggrieved employee to demonstrate how the problem is to be resolved. It may be decided that mediation or some other intervention is required and the Council should contact NALC, an employer's body or ACAS to this effect or the Council may offer counselling. The employee will have a right of appeal. At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process, hence details of the full grievance will not be shared with the full Council without prior approval by the aggrieved. The Council will commit not to victimise the complainant for raising the complaint once the appropriate dispute resolution process has been concluded.

13.2.4 Disciplinary action

Following a grievance hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

Employees

For an employee found to have been bullying/harassing others this will follow the Council's Disciplinary Procedure under the ACAS Code of Practice on Dispute Resolution and would normally be treated as gross misconduct.

Members

For Members who the Council reasonably believe have been bullying or harassing another person(s) whilst undertaking Council activities, the range of sanctions available to the Council are limited and must be reasonable, proportionate and not intended to be punitive. In some cases counselling or training in

appropriate skill areas – e.g. interpersonal communication, assertiveness, chairmanship, etc. – may be more appropriate than a penalty. Sanctions may include:

- admonishment
- issuing an apology or giving an undertaking not to repeat the behaviour
- removal of opportunities to further harass/bully such as removal from a committee(s) where direct contact with the employee or decision-making about that employee will take place
- removing the right to representation on any outside bodies where there will be contact with the employee who has raised the complaint

A referral under the Code of Conduct to the relevant reviewing body is usually an appropriate step and there may be further disciplinary sanctions available as a result of the Standards Committee reviewing the evidence under the Code in place at the time.

A referral to the police under the Protection from Harassment Act 1997 may also be appropriate in the most extreme cases.

13.2.5 False allegations

False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/Member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or referral to the Standards process.

13.3 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 each individual can challenge the perpetrator and ask them to stop. There needs to be an agreement about how 'robust people management' and 'bullying' differ: effective management of performance will usually include feedback based on objective evidence, delivered by a committee specifically designated and often trained to manage and appraise staff, with dialogue occurring on a face-to-face basis in confidential surroundings. Bullying is more likely to be complained about when individual Members criticise staff, often without objective evidence, without the mandate from the corporate body of the Council and in environments which are open to the public or other employees or by way of blogs, social media comments, or in the pub or local playground.

The Council undertakes to share its policy with all Members and workers, and requests that each party signs to demonstrate acceptance of its terms. All new Members and employees will be provided with a copy of this policy. A review of the policy shall be undertaken each year and necessary amendments will be undertaken by the Clerk and reported to the full Council for approval. The Council will undertake to ensure that its Members and workers are trained in the processes required by this policy as deemed appropriate.

13.4 Useful Contacts

ACAS www.acas.org.uk tel: 0845 7 47 47 47

Local Government Ombudsman for England www.lgo.org.uk tel: 0300 061 0614

Equality and Human Rights Commission www.equalityhumanrights.com

SLCC www.slcc.co.uk

DirectGov website: www.GOV.uk

14 DISCIPLINARY PROCEDURE

14.1 Purpose and Scope

This procedure is designed to help and encourage all Council employees to achieve and maintain high standards of conduct whilst at work or representing the Council. The aim is to ensure consistent and fair

treatment for all. This procedure is prepared in accordance with the dismissal and dispute resolution procedures as set out in the Employment Act 2008 and the ACAS Code of Practice APR 2009.

14.2 Principles

- (a) No disciplinary action will be taken against an employee until the case has been fully investigated.
- (b) At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.

At all formal stages the employee will have the right to be accompanied by a trade union representative, work colleague or friend during the disciplinary interview.

- (c) No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty of dismissal without notice or payment in lieu of notice may be applied.
- (d) An employee will have the right to appeal against any disciplinary penalty imposed.
- (e) The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

14.3 The Procedure for Misconduct and Gross Misconduct

14.3.1 Misconduct

The following list provides examples of misconduct which will normally give rise to formal disciplinary action:

- Unauthorised absence from work
- Persistent short-term and/or frequent absences from work without a medical reason
- Lateness for work or poor time keeping
- Inappropriate standard of dress
- Minor breaches of Health and Safety or other rules or procedures
- Failure to perform your job to the standard expected or in line with your job description/objectives
- Time wasting
- Disruptive behaviour
- Misuse of the Council's facilities (e.g. telephones, computers, email or the internet)
- Refusal to carry out reasonable requests or instructions
- Smoking in unauthorised areas
- Failure to follow an agreed Council procedure

This list is not exhaustive and offences of a similar nature will result in disciplinary action being instigated. N.B. Persistent or frequent absence on medical grounds and long-term sickness absence will be dealt with using the procedure outlined in the Sickness Policy (Section 6 above).

14.3.2 Gross misconduct

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

- Theft, fraud, deliberate falsification of records, or other acts of dishonesty
- Fighting, assault on another person
- Deliberate damage to property of the Council, its workers or members
- Gross incompetence in the conduct of work
- Gross negligence which results in the Council or employees being put at risk
- Being under the influence of illegal drugs or excessive alcohol
- Acts of incitement towards or actual acts of discrimination, harassment or victimisation including on the grounds of sex, race, colour, ethnic origin, disability, sexual orientation, age, religion or belief

- Serious acts of insubordination
- Serious breach of duty to keep information of the Council, its service providers and its clients confidential
- Unauthorised entry to computer records
- Serious breach of the Council's Health & Safety Policy, IT Policy and Car Usage Policy
- Misuse of CCTV images or data
- Any action, whether committed on or off the premises, that is likely to or does bring the Council into disrepute
- Serious negligence which causes or might cause significant loss, damage or injury
- Accepting bribes or incentive payments from suppliers
- Unauthorised use of Council funds or credit
- Working with an external agency to provide information which would be detrimental to and cause commercial risk to the Council

This list is not exhaustive and other offences of a similar gravity will result in disciplinary action being instigated at gross misconduct level which carries a potential penalty of dismissal. Gross misconduct is generally any conduct which places extreme pressure on the mutual trust which exists in an employment relationship.

14.4 Informal Action

Minor misconduct will be dealt with informally usually in a confidential one-to-one meeting between the employee and line manager. In the case of the Clerk being the individual against whom there is a complaint or allegation the matter should be handled discretely by members of the HR (or similar) committee and involve an informal meeting initially. Where the matter is more serious or informal action has not brought about the necessary improvement the following procedure will be used.

14.5 Formal Action

The level of warning an employee may receive for misconduct/gross misconduct will depend on how serious the Council considers the alleged actions to be and the employee's previous conduct in all the circumstances. In the event of alleged gross misconduct the formal process may commence at Stage 4 (see Section 14.6 below).

14.5.1 Disciplinary letters

If there is a concern about an employee's conduct or behaviour a letter will be given to the employee advising him/her of the allegation(s) and reasons why this is unacceptable. The letter should invite the employee to attend a meeting at which the alleged misconduct will be discussed and will inform the employee of his/her right to be accompanied to the meeting. The letter will specify at which stage the Disciplinary Procedure is being invoked (see four stages in section 14.6) and if invoked at Stage 4 for gross misconduct the letter will warn that a potential outcome could be dismissal. The time, date and venue of the meeting will also be advised. Any documents to be produced at the meeting will also be provided.

14.5.2 Disciplinary meetings

The time and location of a disciplinary meeting should be agreed with the employee and it should be held in a private location with no interruptions. This will normally be without undue delay but allowing the employee to prepare their case, e.g. within five days of the letter being sent, where practically possible. At the meeting the manager (or in the case of the Clerk being disciplined, the Mayor, who is Chair of the Hearing Panel) will state the complaint against the employee and go through the evidence which has been gathered. The employee will also be allowed to ask questions, present evidence and call witnesses if advance notice has been given that they will do so.

If the employee is unable to attend the meeting due to unforeseeable reasons out of their control (e.g. illness) the Council will reasonably rearrange the meeting. However, if the employee fails to attend the meeting without good reason the meeting can be held in the employee's absence.

14.6 Outcomes and Penalties

Stage 1 – Oral Warning

In the instance of a first complaint that conduct does not meet acceptable standards, the employee will normally be given a formal ORAL WARNING. He or she will be advised of the following:

- the reason for the warning;
- that it is the first stage of the disciplinary procedure;
- the improvement that is required and the timescales for achieving this improvement;
- a review date and any support available (where applicable); and
- his or her right of appeal.

A brief note of the oral warning will be kept but it will be spent after 6 months, subject to satisfactory conduct.

Stage 2 – Written Warning

If the offence is a serious one, or if it is further to previous formal disciplinary action, a WRITTEN WARNING will be given to the employee by the line manager. This will give details of the complaint, the improvement required and the timescale. It will warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the right to appeal. A copy of this written warning will be kept on file but it will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct.

Stage 3 – Final Written Warning

If there is still a failure to improve and conduct or performance is still unsatisfactory, or the misconduct is sufficiently serious, a FINAL WRITTEN WARNING will normally be given to the employee. This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept by the line manager (or in the case of the Clerk being disciplined, by the Mayor, who is Chair of the Hearing Panel) but it will be spent after 12 months (in exceptional cases the period may be longer) subject to satisfactory conduct.

Stage 4 – Dismissal or Other Sanctions

If conduct is still unsatisfactory and the employee still fails to reach the prescribed standards, or where the Council reasonably believes gross misconduct has occurred, DISMISSAL may result. Only the appropriately convened Hearing Panel can take the decision to dismiss an employee. The employee will be given a written statement of allegations against him/her, invited to a meeting and then be notified in writing of the reasons for the decision taken at the hearing. Penalties at this stage may include dismissal with notice or summary dismissal (i.e. without any notice), Final Written Warning with/without demotion, loss of pay or loss of seniority. If dismissal is the outcome, the employee will be advised of the date on which employment will terminate. In all cases the employee has a right of appeal.

Very exceptionally, if an offence of gross misconduct is extremely serious, an employee can be dismissed immediately without a meeting. In this situation a letter setting out reasons for dismissal would be sent to the employee, offering the opportunity for an appeal hearing.

14.7 Suspension

If an employee is accused of any gross misconduct he or she may be suspended from work on full pay while the Council investigates the alleged offence. Only the appropriately convened committee has the power to suspend. This enables a swift and thorough investigation to occur. Whilst suspended pending

disciplinary investigation regular contact with a nominated person at the Council will be maintained, although access to premises, equipment or systems may be denied. The investigator who compiles evidence for the disciplinary hearing must play no part in the subsequent decision making, to ensure impartiality.

14.8 Appeals

The appeals stage of the disciplinary process is part of the Code of Practice to which an employee has a right. It can be exercised after any of the stages of disciplinary action for misconduct/poor performance or GROSS MISCONDUCT.

An employee who wishes to appeal against a disciplinary decision should inform the Mayor (or Chair of the relevant committee) within five working days, in writing and giving reasons for the appeal. An appeal may be raised if:

- the employee thinks the finding or penalty is unfair
- new evidence has come to light
- the employee thinks the procedure was not applied properly

Where possible the appeal will be heard by a separate panel of elected members who have not been involved in the original disciplinary hearing and who will view the evidence with impartiality. The employee will have the right to be accompanied by a colleague or accredited trade union official or lay member at the appeal hearing. The outcome of the appeal and reasons for it will be advised to the employee as soon as possible after the meeting and be confirmed in writing. At the appeal hearing any disciplinary penalty imposed will be reviewed but it cannot be increased. The decision taken during the appeal hearing will be final.

14.9 The Right to be Accompanied

At each formal stage of disciplinary interview an employee has the right to be accompanied and can make a reasonable request for a person to accompany them. An employee can ask any other employee or a trade union representative or an appropriately accredited official employed by a trade union to accompany them, to give support and help them prepare for the disciplinary interview. This right is enshrined in the 1999 Employment Relations Act. As this is an internal process there is no provision to have any external person accompany or represent an employee, e.g. partner, parent, solicitor etc. The companion can address the hearing, put and sum up the employee's case, respond on behalf of the worker to any views expressed at the meeting, confer with the employee. The companion cannot however answer questions on the employee's behalf or address the hearing if the employee does not wish him/her to, or prevent the employee explaining their case.

14.10 Hearing Panels

Warminster Town Council's Hearing Panel is its HR Committee, chaired by the Mayor. In situations where individual Members are implicated in the dispute or have undertaken an investigatory role they will be substituted as panel members. A note taker will be present at every Hearing Panel.

14.11 Grievances Raised During Disciplinaries

In some circumstances when a disciplinary process has commenced an employee may choose to exercise his/her right to raise an internal grievance about the employment relationship with the Council or individual Members. The SLCC recommends, in line with ACAS advice, that disciplinary matters are placed on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances it may be pragmatic to deal with the two disputes concurrently but the Council would seek specialist advice should this arise.

14.12 Criminal Charges or Convictions

If an employee is charged with or convicted of a criminal offence this does not automatically give rise to a disciplinary situation. Consideration needs to be given to how a charge or conviction may affect an employee's ability to undertake his or her job duties and their relationships with the employer, colleagues, subordinates or customers.

15 GRIEVANCE PROCEDURE

15.1 Purpose and Scope

It is the policy of the Council to give employees the opportunity to air and seek redress for any individual employment grievance which they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the Council. This section describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance. This procedure is produced in line with the ACAS Code of Practice 2009 as set out in the Employment Act 2008.

15.2 Principles

- (a) At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made.
- (b) Grievances will be dealt with promptly and consistently.
- (c) At all formal stages the employee will have the right to be accompanied by a work colleague or trade union representative during the grievance hearing.
- (d) An employee will have the right to appeal against any outcome of a grievance hearing.
- (e) At no time will an employee be penalised or victimised for having raised a grievance against the Council.

15.3 Procedures

15.3.1 Raising a grievance

Wherever possible, any grievance should be raised informally with the employee's line manager, or if this is inappropriate with the next level of management. In the case of the Clerk to the Council raising a grievance this should be directed to the Mayor of the Council unless the complaint is about the Mayor in which case another Member can be identified to handle the Clerk's concerns. The recipient of the grievance from a Clerk should share the grievance with the relevant committee established to handle employment matters and the issues should be treated with discretion and confidentiality at all times.

15.3.2 Written statement

If the employee does not consider it appropriate to raise the grievance informally, or if requested by the person the employee spoke to informally, then the employee should submit a formal grievance in writing to their line manager, or if this is inappropriate to the next level of management.

15.3.3 Meeting or hearing

Generally, within a reasonable period of time, e.g. five working days of receipt of a written complaint, the line manager or Chair of the appropriately convened committee or Hearing Panel will arrange a meeting with the employee. The Hearing Manager will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions. The manager will investigate the substance of the complaint and hear submissions from the employee concerned together with such other submissions or evidence as s/he shall consider appropriate and take such steps as s/he shall consider necessary to resolve the issue raised. It may be necessary to adjourn the meeting in order for an investigation to take place. Careful consideration of the evidence and the necessary steps required to resolve the problems will be given to the grievance. The employee may call witnesses by prior arrangement with the panel. There is no right for a Member or employee implicated in an employee's grievance to cross-examine the aggrieved during a grievance hearing but the panel may wish

to make its own investigations through interviewing these individuals and/or other witnesses separately. The Panel may ask the employee what he or she would like to happen as a result of raising the grievance and bear this in mind when preparing the response.

15.3.4 Response

The Hearing Manager will advise the decision to the employee in writing and, where appropriate, include an action plan to assist in the resolution of the problem.

15.3.5 Appeal

If the employee is dissatisfied with the decision of the line manager on his/her complaint, s/he may appeal against the decision to the Mayor or other elected Member by written notice within five working days of receiving the decision. An appeal may be raised if:

- the employee thinks the finding, or action plan, is unfair
- new evidence has come to light
- the employee thinks that the procedure was not applied properly

On receipt of the appeal the Council's Appeals Panel shall arrange to meet and consult with the employee, the line manager or Members concerned, and any other persons as s/he shall consider appropriate without unreasonable delay. The Appeal Hearing Chair shall consider the issues and shall then take all such steps as s/he may consider necessary to resolve those issues. Where the Council's Mayor has chaired the initial grievance meeting, the Deputy Mayor will hear the appeal as a hearing manager. The decision of the Appeal Hearing will be final. The Council will need to ensure that the Members involved in the hearings are able to act impartially and reasonably at all times. The outcome of the appeal should be conveyed to the employee in writing in a timely manner.

15.3.6 Bullying or harassment

If a grievance concerns alleged bullying or harassment the matter should be reported promptly to the employee's line manager, or another manager/Member if more appropriate, with an indication of the required action. The complaint will then be investigated and any action taken and any resolution achieved will be reported back. If the solution is not satisfactory to the complainant, the matter will be discussed further and, if appropriate, an alternative solution agreed. The decision at this stage will generally conclude the enquiry. If a further appeal or review is available the employee will be notified. As a result of an investigation into a claim of harassment disciplinary action may be instigated against any alleged perpetrators of the action or, in the case of alleged perpetrators being elected Members, a Code of Conduct complaint should be lodged by the Council.

Refer to the Dignity at Work/Bullying and Harassment Policy (Section 13 above) for further details.

15.3.7 Right to be accompanied

At any formal stage of the procedure an employee may be accompanied by a fellow employee of their choice or their trade union representative or official of a trade union (appropriately accredited), but as this is an internal procedure they will not be entitled to be accompanied by any external supporter, e.g. partner, parent, solicitor etc. This right to be accompanied is enshrined in the Employment Relations Act 1999. To exercise this right the employee should make a reasonable request. The companion will be allowed to address the hearing, put and sum up the employee's case, respond to views expressed at the hearing and to confer with the employee during the hearing (sometimes in adjournment), but is not allowed to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the employer from explaining their case.

15.3.8 Confidentiality

So far as is reasonably practicable, the Council will keep any grievance or complaint of harassment confidential between the manager or Member investigating the grievance or complaint, the employee

and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other employee or person, the employee will be so advised.

15.3.9 Record keeping

In all cases, written records of the nature of the grievance raised, the employer's response, action taken (with reasons), details of any appeal and subsequent developments will be retained and kept in accordance with the Data Protection Act 1998.

15.3.10 Grievances raised during disciplinarys

In some circumstances when a disciplinary process has commenced an employee chooses to exercise his/her right to raise an internal grievance about the employment relationship with the Council or individual Members. In such a case the Council will place disciplinary matters on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances it may be pragmatic to deal with the two disputes concurrently but the Council would seek specialist advice should this arise.

16 WHISTLEBLOWING CODE OF PRACTICE

16.1 Introduction

'Whistleblowing' means action by an employee – the 'whistleblower' – to disclose malpractice in the form of irregularity, wrongdoing or serious failures of standards at work. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of management any deficiency in the provision of the service.

'Employee' for the purpose of this policy means anyone who works for and receives remuneration from Warminster Town Council or who works for a contractor of the Council.

16.2 Scope of the Code

An employee's concerns about malpractice may include concerns about possible:

- (a) corruption and fraud
- (b) dangerous procedures risking health and safety
- (c) abuse of members of the public
- (d) evasion of responsibilities
- (e) harassment of other staff
- (f) damage to the environment
- (g) unauthorised use of public funds
- (h) other unethical conduct

The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied. This code is in addition to the Disciplinary and Grievance Procedures (see Sections 14 and 15 above).

16.3 Procedure

Where an employee has concerns about malpractice and it is not appropriate to raise them through other procedures, such as the Grievance Procedure, they should be raised with their line manager. If the employee thinks that management is involved the approach should be made to the Mayor.

An employee may put their concerns in writing and place them in an envelope which they should mark 'Private and Confidential'. This should then be sent to the line manager or Mayor. Complaints in writing, however, should not be anonymous and should be signed.

An employee should consider discussing their concern with a colleague first and may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns.

The whistleblower may invite their trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns raised.

Within ten working days of a concern being raised the person contacted will write to the whistleblower:

- acknowledging that the concern has been received;
- telling them whether any initial enquiries have been made;
- telling them whether further investigations will take place, and if not, why not;
- indicating how the Council proposes to deal with the matter if it is to be investigated.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. 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.

Where appropriate, the matters raised may:

- be investigated by management, internal audit or through the disciplinary process
- be referred to the external auditor
- form the subject of an independent inquiry
- be referred to the police

The amount of contact between the officers considering the issues and the whistleblower will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from the whistleblower.

Where any meeting is arranged (off-site if the whistleblower wishes) the whistleblower can be accompanied by a union or professional association representative or a friend.

16.4 Confidentiality

The Council will do as much as is reasonably possible to ensure the confidentiality of the whistleblower. If the concern leads to criminal proceedings against an employee the Council will do its best, as far as is reasonably possible, to use only evidence collated by the investigating officer to ensure the confidentiality of the whistleblower.

The Council will take steps to minimise any difficulties which the whistleblower may experience as a result of raising a concern. For instance, if whistleblowers are required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedure.

16.5 Completion of the Investigation

The Council will inform the whistleblower of the outcome of their complaint (subject to any legal constraints). The Town Clerk is responsible for the working of this code and records all complaints and their outcomes. S/he will report annually on the complaints and otherwise as necessary, preserving the anonymity of the complainants as far as possible.

16.6 How the Matter can be Taken Further

This code is intended to provide employees with an avenue within the Council to raise concerns. The Council hopes that whistleblowers will be satisfied with the outcome of their complaint. If not, and the employee feels it is right to take the matter outside the Council, the following are possible contact points:

- the external auditor
- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations

- the police

If the whistleblower does take the matter outside the Council they should ensure that no confidential information is disclosed. Clarification should be sought from the Town Clerk on what might constitute confidential information.

17 ORGANISATIONAL CHANGE AND REDUNDANCY POLICY

17.1 Introduction

Warminster Town Council places a high priority on maintaining job security for all its employees. However, financial constraints, changes in methods of service delivery and other planned or unplanned circumstances may result in the requirement to reduce the number of staff involved in a particular function, activity or category of staff. The purpose of this policy is to set out the Council's approach to managing the human resources implications of organisational change, including restructuring of services and teams and potential redundancy.

Under section 139 of the Employment Rights Act 1996:

an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is attributable wholly or mainly to:

- the fact that his employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by him, or has ceased, or intends to cease, to carry on that business in the place where the employee was employed; or
- the fact that the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where he was so employed, have ceased or diminished or are expected to cease or diminish.

Should a potential redundancy situation arise, the Council will aim to:

- develop strategies which reduce, avoid or limit the effects of redundancy;
- inform and involve the staff at the earliest opportunity;
- actively consider alternative employment;
- ensure that if redundancy occurs, it is handled in accordance with the law;
- where applicable, provide a selection procedure which is transparent, fair and reasonable;
- assist those affected to increase employability.

17.2 Measures to Avoid or Minimise Redundancies

The Council may, at its sole discretion, adopt one or more of the following measures in an attempt to avoid/minimise the need for compulsory redundancies:

- limit external and internal recruitment in relevant categories of employee;
- restrict appointments where a vacancy may provide suitable alternative employment for an employee facing dismissal;
- reduce the amount of non-contractual overtime where this would provide additional job opportunities;
- reduce or cease the use of agency, casual or other temporary employees;
- consider alternative working arrangements (e.g. job share, part-time working).

Where redundancies are required despite these measures being adopted, the Council may seek volunteers for redundancy from among the 'at risk' groups or from employees whose jobs would provide employment for displaced employees (sometimes called a 'bumped' redundancy), where this could reduce or remove the need for compulsory redundancies. Any requests for voluntary redundancy will be treated in the strictest confidence and will be explored without commitment on either side. In determining which, if any, employees are to be granted voluntary redundancy, the Council will take into account the following:

- the need to maintain efficient and effective services;
- the need to retain a balance of experience and skills in the remaining workforce to meet future needs;
- the cost implications.

The Council reserves the right to refuse to accept individual offers of voluntary redundancy.

17.3 Consultation

When considering organisation changes and/or reductions in staffing levels the Council will consult fully and at the earliest opportunity. This provides the opportunity for the affected employee(s) to put forward their views on the proposals and the various options for future changes so that they can be explored jointly before any firm decisions are taken or formal approvals given. Consultation will comply with any statutory requirements placed on the Council in circumstances where there may be potential redundancies. The length of the consultation period will vary depending on the particular circumstances, but it will be reasonable given the nature of the changes being considered.

Employees have the right to be accompanied by a trade union representative or work colleague at any individual meeting to consult on their personal circumstances within the proposed reorganisation. Consultation meetings will be undertaken with a view to reaching agreement on ways of:

- avoiding dismissals;
- reducing the number of employees to be dismissed;
- mitigating the consequences of any dismissals; and
- where applicable, selection criteria.

At individual consultation meetings the employee will be advised of:

- the proposed changes;
- how those changes will affect him/her personally, including whether he/she is at risk of redundancy;
- the reasons for the potential redundancies; and
- any intention on the part of the Council to seek volunteers for redundancy and the arrangements for this.

Any feedback from the employee will be recorded.

All employees who are vulnerable to redundancy as a result of proposed changes will be issued with formal written confirmation that they are 'at risk of redundancy'. The Council's preferred option is to secure agreement to any proposed changes with trade unions (where applicable) and employees affected. However, where agreement is not reached after proper consultation, the Council may decide to implement the changes without agreement.

17.4 Appointment to New Staffing Structure

This section sets out how the Council will make appointments to new staffing structures which arise where a group of posts is deleted and new posts are created in the process of achieving organisational change. The aim will be to protect employment. Any opportunity for promotion or professional development that arises for employees will be a secondary consideration.

The movement of employees from the 'old' structure to the 'new' structure will be achieved as effectively as possible through the quick and fair identification of job matches, slotting in, and ring fence recruitment. As new structures are drawn up the posts will be compared to existing posts to determine if there are any 'job matches'. If there is a job match the appointment will be offered to the existing postholder on the basis of an automatic slot. The post will be identified as suitable alternative employment and if the postholder declines to accept the new post he/she will be informed that when his/her existing post is deleted he/she will not be entitled to a redundancy payment as a result of declining an offer of suitable alternative employment.

If, through a reduction in the number of posts in the new structure, there are more people than posts, appointment will be made through a ring-fence selection interview process (see Section 8.2.5 below).

In the event of no employee applying through the ring fence the most suitable employee will be slotted into the post based on existing managerial information such as appraisal records. Job matches will be assessed on the basis of the similarity of:

- job purpose and status;
- job content (including the proportion of time spent on different aspects of the role);
- level and breadth of responsibility;
- skills and experience required; and
- grade.

Where a post is broadly similar but differences have resulted in a higher grade, a job match may be offered for a post with a grade in the next highest salary band. Job matches will not be offered for posts on lower grades unless the employee agrees. Where an employee, after assessment, has been identified as not having the necessary skills and experience to carry out the responsibilities of the new post, and could not have achieved them after reasonable induction, there will be no job match to the new post.

17.5 Ring-Fenced Recruitment

Ring-fenced recruitment is the process of appointing to one or more specified posts from within a group of employees who fall within a 'ring fence'. The ring fence will include those employees who are vulnerable to redundancy in a particular reorganisation if their existing posts are deleted. Ring-fenced employees will be invited to express a preference for one or more posts in the new structure. Job descriptions and person specifications will be provided. Employees will be asked to give brief details of skills and experience relevant to the job(s) applied for.

Where there is only one applicant for a post, the manager will conduct an interview to ascertain that the applicant meets the person specification criteria, or could do within a reasonable timescale given appropriate induction support. Where there are two or more applicants for a post, the manager will carry out a selection process which will include competitive interviews and may include selection tests. The manager will take account of the results of the interview and tests together with the skills and experience of the applicants, and any relevant qualifications, in determining who should be appointed to the post.

On completion of the ring-fenced recruitment successful employees will be informed of:

- the post to which they have been appointed by job match or through the ring-fenced recruitment process;
- the requirement to confirm in writing within seven days their acceptance of the post;
- that unreasonably refusing an offer of suitable alternative employment may result in the employee losing the right to be paid a redundancy payment and the employee will be dismissed with notice.

Employees who have not been appointed to the new structure will be informed in writing and placed in the redeployment pool.

17.6 Redeployment Process

The redeployment process is designed to ensure that the Council complies with its duties to seek to find suitable alternative employment for employees who are at risk of redundancy. It applies to all permanent employees of the Council and temporary employees with at least one year of continuous service, whose continued employment is at risk due to redundancy (including non-renewal of a fixed term contract). Redeployment will normally be to permanent alternative employment commensurate with the employee's experience, skills and abilities and, where practicable and appropriate, at a status and level of remuneration comparable with the former position.

Termination of employment due to redundancy will be a last resort, with the aim being to retain valuable expertise within the Council wherever possible and to minimise costs of redundancy.

Redeployee status will continue until whichever of the following events is soonest:

- the employee is offered and has accepted alternative employment;
- the date of termination of employment; or
- the employee is notified that he/she is no longer 'at risk' due to changed organisational circumstances.

Where suitable alternative employment is not available, the Town Clerk will write to the employee to convene a meeting with him/her to consider the termination of employment on the grounds of redundancy. The employee has the right to be accompanied and represented by a trade union representative or work colleague at this meeting. If the outcome of the meeting is a confirmation of redundancy, the Town Clerk will issue the employee with formal notice of termination of employment on the grounds of redundancy.

Efforts by the Council to find suitable alternative employment for staff issued with a formal notice of redundancy will continue throughout the notice period. The suitability of alternative employment will be determined, if necessary, by the Town Clerk taking into account all the relevant characteristics of the post, the location of the post, and the circumstances of the individual employee.

17.7 Redundancy Process

Where individual and specific posts are identified as redundant there will be no need for a selection process; the postholder(s) will be deemed to be redundant.

Where there is a need to reduce the number of similar or overlapping jobs in a work area, all postholders will form the 'pool' from which individuals will be selected for redundancy. Employees who are identified as falling within the 'pool' will be advised in writing. They will also be advised of:

- the selection criteria to be used and, where applicable, the weighting each is given;
- the selection process to be followed;
- the timescale for the selection process.

The selection criteria to be used, and their relative weighting, will normally be agreed during consultation. However, failure to agree will not preclude the Council from applying selection criteria which it considers to be fair and appropriate in the circumstances.

The following criteria may be used as a basis for consultation:

- skills and competencies
- experience (work related and other)
- qualifications
- attendance record
- disciplinary record

A written record will be kept of the assessment for each individual employee and the reasons for the decisions. The manager will use the assessment to select those employees who will be retained and those who will be made redundant.

Individual employees will be given feedback on the redundancy selection assessment as soon as possible after completion of the exercise. Employees will receive details of their own results, but not the results of other employees. The Town Clerk will write to the employee to convene a meeting with him/her to consider the termination of employment on the grounds of redundancy. The employee has the right to be accompanied and represented by a trade union representative or work colleague at this meeting. If the outcome of the meeting is a confirmation of the redundancy selection decision, the Town Clerk will issue the employee with formal notice of termination of employment on the grounds of redundancy.

Efforts by the Council to find suitable alternative employment for staff issued with a formal notice of redundancy will continue throughout the notice period. The suitability of alternative employment will be determined, if necessary, by the Town Clerk taking into account all the relevant characteristics of the post, the location of the post, and the circumstances of the individual employee.

17.8 Statutory Trial Period

Statutory trial periods apply only where an employee is under notice of redundancy. They take place after the notified date of termination of employment. An employee under notice of redundancy may be offered a position on different contractual terms under a statutory trial period. The trial period will last four calendar weeks from the notified date of termination of employment by reason of redundancy (the period may be extended for training purposes only). The offer of a statutory trial period will be made in writing before the termination date and during the notice period and it will specify the following:

- the job title and type of work;
- the location of the new job;
- the hours of work;
- the length of the trial period and any arrangements for training;
- details of entitlement to a redundancy payment if appropriate;
- the fact that confirmation of appointment is subject to satisfactory completion of the trial period by the employee.

If the employee or the Council decide that the trial period has not been a success the employment will be terminated and the employee will receive the redundancy payment originally due on the termination date set out before the trial period was agreed.

If the employee and the Council agree that the trial period has been successful the employee will be employed on the contractual conditions for that post.

17.9 Redundancy Pay and Time Off Provisions

Employees who are dismissed on the grounds of redundancy, and who have at least two years' continuous employment with the Council at the date of termination of employment, will be entitled to a statutory redundancy payment as determined by national government regulations.

If an employee at risk of redundancy or under notice of redundancy is successfully redeployed he/she will not be entitled to a redundancy payment.

An employee will also lose his/her potential entitlement to a redundancy payment and the opportunity to be considered for further redeployment if he/she:

- refuses an offer of alternative employment considered suitable by the Council, without good reason;
- is dismissed for misconduct during the notice period or agreed trial period for assessing suitability for alternative employment;
- resigns during his/her notice period without giving adequate 'counter notice'.

Employees who have been given formal notice of redundancy, and who have at least two years' continuous employment with the Council at the date of termination of employment will be entitled to take reasonable time off with pay to look for other employment or arrange training during the notice period. Employees should always check with the Town Clerk that it is operationally viable for them to take time off before arranging or confirming an appointment.

17.10 Notice Provisions

Written notice of at least the contractual or statutory minimum (whichever is the longer) will be given. Contractual notice is set out in the individual's contract of employment. Statutory notice is a minimum of one week, increasing by a week for each completed year of continuous local government service, up

to a maximum of 12 weeks. Previous service with any public authority will count towards the length of service for notice periods, providing that all service has been continuous.

The Council reserves the right to pay employees in lieu of notice.

17.11 Right of Appeal

An employee who is dismissed on the grounds of redundancy has the right of appeal against the decision. The employee must lodge his/her appeal in writing within seven working days of receipt of the written notice confirming his/her redundancy.

17.12 Annual Leave Provisions

Employees who have been given notice of dismissal on the grounds of redundancy will be expected to take any annual leave entitlement accrued up to the date of termination of employment. Where this is not possible for operational reasons, payment for any outstanding leave will be made. The Council will not seek to recover any annual leave taken or authorised to be taken before the issue of the notice of redundancy notice where it exceeds the entitlement at the date of termination of employment.

18 TERMINATION OF EMPLOYMENT

18.1 Notice of Termination of Employment

18.1.1 During probationary period

During the probationary period, either party may terminate the contract by giving one week's notice in writing.

18.1.2 After completion of probationary period

The length of notice which you are obliged to give to the Council to terminate your employment is one month in writing.

The length of notice which you are entitled to receive from the Council to terminate your employment is four weeks in writing until you have been continuously employed for four years and thereafter such notice entitlement increases by one week for each year of continuous service until you have completed 12 years of continuous employment after which time you will be entitled to 12 weeks' notice.

18.2 Termination of Employment by Employee Without Giving Notice

If you terminate your employment without either giving or working the required period of notice as indicated in your employment contract, you will have an amount equal to the balance of notice period not worked deducted from any termination pay which may be due to you. This is an express written term of your employment contract in accordance with the Employment Rights Act 1996 s.13.

18.3 Surrendering Council Property Following Termination of Employment

Within one week of the termination of your employment you are required to surrender to the Council all Council property including computers and other electronic devices and any documents and other materials, including copies that you have been holding on behalf of the Council. You shall irretrievably delete from your personal electronic devices all property of the Council and shall produce evidence of such as the Council may require.

18.4 Retirement

There is no Normal Retirement Age applied to persons working in local government. Continuation of employment beyond the statutory NRA (see Age Discrimination Act in force 1.10.2006), is a matter for agreement between the employee and the employer.

19 GENERAL MATTERS

19.1 Changes in Personal Details

You must notify us of any change of address, next of kin etc., so the Council can maintain accurate information on its records and make contact with you in an emergency. Such changes should be advised to the Town Clerk.

19.2 Indemnity

The Council undertakes to indemnify you from any acts of omission or commission that are carried out by you while acting in good faith on the Council's business.

APPENDIX A: LGPS Discretions Policy for Warminster Town Council

LGPS Discretions Policy for Warminster Town Council LGPS 2014 Scheme, Wiltshire Pension Fund

Discretion and Regulation	Policy on Individual Discretions
<p>1. Reg 31: Whether to grant additional pension to a member (up to £6500pa).</p>	<p>Warminster Town Council will only exercise this discretion in exceptional circumstances. This discretion will only be exercised with the express permission of the HR Committee after consideration of the costs that would apply.</p>
<p>2. Reg 16(2)e and Reg 16(4)d: Whether to make either a regular or lump sum Additional Pension Contribution (APC) to a member's account (part or whole funding this).</p> <p>(Note: this discretion only relates to cases when the member is working as normal rather than absent from work with permission but no pensionable pay – in the latter scenario, employers must fund it if necessary.)</p>	<p>Warminster Town Council will only exercise this discretion in exceptional circumstances. This discretion will only be exercised with the express permission of the HR Committee after consideration of the costs that would apply.</p>
<p>3. Reg 30(6) Whether all or some pension benefits can be paid if a member aged 55 or over reduces their hours/grade and continues to work ('flexible retirement').</p>	<p>Warminster Town Council will consider employee requests to take flexible retirement on a case by case basis after taking into account factors such as service delivery. The HR Committee will be responsible for agreeing (or otherwise) to all requests to take flexible retirement.</p>
<p>4. Reg 30(8) Waiving actuarial reduction on flexible retirement.</p>	<p>Warminster Town Council will only waive the actuarial reduction on flexible retirement in exceptional circumstances following approval from the HR Committee.</p>
<p>5. Reg 30(8) Waiving actuarial reduction on early retirement (age 55+) for both active and deferred members.</p>	<p>Warminster Town Council will only waive the actuarial reduction on early retirement in exceptional circumstances and as the result of the express permission of the HR Committee after considering the costs that would apply.</p>
<p>6. Regs 22(8 and 9) Whether to extend 12-month period to separate previous LG service.</p>	<p>Warminster Town Council will not allow an option to combine previous LG service.</p>

<p>7. Reg 9(3) Determine rate of employees' contributions.</p>	<p>Warminster Town Council will review all employees' contribution bands when there has been contractual change to a member's salary or hours at some point during the year. A member's contribution rate will not be reviewed as the result of one-off additional payments (such as honoraria).</p>
<p>8. Reg 100(6) Whether to extend 12-month period to allow a transfer-in of non-LG pension rights.</p>	<p>Warminster Town Council will not allow an option to combine previous non-LG service.</p>

Note: These regulations are from the Local Government Pension Scheme Regulations 2013, in force from 1st April 2014.