**Agenda item 7e**

**Wem Town Council**

**Staff Policies**

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**Adopted January 25th 2018 reviewed 30.5.19, 7.7.20**

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**Family Policies**

**Maternity/Paternity/Adoption Leave and Pay**

You may be entitled to maternity/paternity/adoption leave and pay in accordance with the current statutory provisions. If you (or your partner) become pregnant or are notified of a match date for adoption purposes you should notify the Clerk or in the case of the Clerk the Mayor at an early stage so that your entitlements and obligations can be explained to you.

**Parental/Shared Parental Leave**

If you are entitled to take parental leave or shared parental leave in respect of the current statutory provisions, you should discuss your needs with The Clerk or in the case of the Clerk the Mayor who will identify your entitlements and look at the proposed leave periods dependent upon your child’s/children’s particular circumstances and the operational aspects of the Council.

**Time Off For Dependants**

You may be entitled to take a reasonable amount of unpaid time off during working hours to take action that is necessary to provide help to your dependants. Should this be necessary you should discuss your situation with the Clerk or in the case of the Clerk the Mayor who, if appropriate, will agree the necessary time off.

**Flexible Working Policy**

Wem Town Council believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress and improve performance and productivity.

All employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered seriously by their employer.

**Requests for flexible working**

A request for flexible working could include a request for a change to the number of hours that the employee works, a request for a change to the pattern of hours worked, a request to job share or a request to perform some or all of the work from the employee's home.

All requests must be made in writing to your line manager. Any request made under this policy must include:

* the date of the application;
* the changes that the employee is seeking to his/her terms and conditions;
* the date on which the employee would like the terms and conditions to come into effect;
* what effect the employee thinks the requested change would have on Wem Town Council;
* how, in his/her opinion, any such effect might be dealt with;
* a statement that this is a statutory request;
* whether or not the employee has made a previous application for flexible working; and
* if the employee has made a previous request, when the employee made that application.

Where the request is being made by a disabled person as part of a request for a reasonable adjustment to his/her working arrangements, the employee should state this in the written application.

The Council should not reject out of hand a request that does not contain the required information. The Council should explain to the employee what additional or amended information he/she needs to provide and ask the employee to resubmit the request.

**Meeting to discuss a flexible working request**

Once the Clerk (or in the case of the Clerk the Mayor) receives the request, it will be dealt with as soon as possible, but no later than the deadline set out below. The Clerk will usually arrange a meeting to deal with the request. Where a request can without further discussion be approved in the terms stated in the employee's written application, a meeting should not be necessary.

An employee should be given the right to be accompanied by a work colleague at any flexible working meeting. The meeting should take place in a private meeting room so that the discussion is kept away from other employees. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and Wem Town Council.

**Outcome of a flexible working request**

After the meeting, the line manager will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to Wem Town Council against any adverse impact of implementing the changes. Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to his/her working pattern.

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the deadline set out below. The request may be granted in full or in part: for example, Wem Town Council may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee will be given the right to appeal the decision if the employee's request is not upheld or is upheld in part.

**Reasons for turning down a flexible working request**

The line manager will give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are:

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

The line manager must not reject a request for any other reason.

**Flexible working requests that are granted**

If the request is upheld, the employee and the line manager will discuss how and when the changes will take effect. Any changes to terms and conditions will be put in writing and sent to the employee as an amendment to his/her contract of employment as soon as is reasonably practicable.

**Timescales**

All requests will be dealt with within a period of three months from first receipt to notification of the decision on appeal. The line manager should hold the meeting within 28 days of receiving the request and notify the decision to the employee within 14 days of the meeting, so that there is enough time for any appeal to be concluded. Employees who are dissatisfied with the outcome of their request are allowed to lodge an appeal within 14 days of the notification, with the appeal to be heard within 14 days. The employee will be informed of the outcome of his/her appeal within 14 days of the appeal meeting. These time limits may be extended where both the employee and employer are in agreement. For example, the relevant manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

**Problems with a flexible working request**

If an employee is dissatisfied or unclear at any stage throughout the process, he/she should contact the Town Clerk. If an employee is dissatisfied with the way in which his/her request has been handled, he/she should raise a grievance under Wem Town Council's grievance procedure.

The Town Council will have regard to Wem Town Council's equal opportunities policy when considering any request.

**Lone Worker Policy**

Wem Town Council will avoid the need for employees to work alone where reasonably practicable. Where lone working is necessary, the organisation will take all reasonable steps to ensure the health and safety of employees working alone.

Wem Town Council will ensure that a risk assessment is conducted and that call in arrangements are in place for employees working alone.

Your manager will ensure that:

* lone working is avoided as far as is reasonably practicable;
* emergency procedures are in place so that members of staff working alone can obtain assistance if required, e.g.by providing a mobile phone;
* a risk assessment is completed by a person competent to do so prior to employees working alone;
* any employee working alone is capable of undertaking the work alone;
* call in arrangements are in place so that someone else is aware of a lone worker's whereabouts
* persons working alone are provided with adequate information, instruction and training to understand the hazards and risks and the safe working procedures associated with working alone; and
* training records are kept.

The person conducting the lone working assessment will:

* give consideration to the greater risks to expectant mothers and young persons;
* involve the employee who is working alone in the assessment process and the development of safe working methods;
* advise the employee undertaking the lone working of the findings of the assessment; and
* maintain a file of all lone working assessments.

Employees working alone will:

* follow the lone working procedures developed by the organisation for lone working;
* take reasonable steps to ensure their own safety; and
* inform their line manager/assessor of any incidents or safety concerns.

**Property**

Staff should have access to a phone at all times. An emergency route out of the office and the building to be kept clear at all times. Office doors are to be kept secured at all times and staff are always to be aware of their own safety. No access to the office is to be given if a member of staff is in any doubt as to the character of the visitor.

**Outside Workers**

Staff should be aware of their surroundings and look out for unstable or slippery surfaces. Do not under any circumstances enter confined spaces or dangerous structures. Staff must report all incidents or hazardous conditions to the office as soon as possible. All outside lone working staff must contact their manager at midday each day.

**Above all, staff should not put themselves at risk. If there is any danger, stop work or leave the location.**

**Home Working Policy**

**A) Introduction**

Under agreement with the Council and where you are able to work productively, you may be permitted to work from home on occasion or for agreed periods of time.

Where employees are approved to work from home they need to consider the following skills, which are key to ensuring that their home working can continue.

* time management and self-discipline
* motivation
* self-sufficiency
* communication
* technology

If, on any occasion, Council documents are used in the course of working at home, precautions must be taken to ensure third parties (including members of your family, visitors or other persons visiting or residing in your home) do not become aware of any information which is confidential. Information must not be left unattended when you are working and when materials are not in use they must be kept locked away in a secure place. Similar precautions must be taken when transporting documents in the course of your work.

**B) Hours of Work**

You should make yourself available for your contracted *specified* hours of work.

**C) Home Details**

The Council must be informed immediately of any actual or potential changes to:

* your address; your contact number;
* occupancy of the property by yourself and/or others;
* telephone communications with the property; and
* any other changes relevant to the use of your home as your work base.

You should make sure your home insurance company has been informed that it is being used for business purposes and that you are not in breach of any of their terms and conditions.

**D) Confidentiality**

All Council information is regarded as confidential. Customer and staff information held or known by you is subject to the provisions of the Data Protection Act 2018. Therefore you must take steps to protect Council records at all times against loss, unauthorised access, alteration or destruction.

You are required to take special care to secure all records and to prevent unauthorised disclosure of any Council information. Customer or customer contact information is particularly sensitive as customers have a legal right to expect personal information held about them to be held in utmost confidence. On behalf of the Council it is your legal obligation to ensure these rights are protected.

If you have any reason to believe that Council information is lost, altered or has been accessed by any unauthorised person, you must report this to your Manager or the Chairman without delay.

Use of any computer equipment owned by the Council, its software and computer discs are limited to you alone and to business applications. Peripheral equipment such as printer and modem may not be connected to any of the Council’s computers other than those issued to you by the Council. Information personal to you should not be stored on the computer.

**Alcohol and Drugs Policy**

Wem Town Council is committed to ensuring the health, safety and welfare of its employees and those affected by its activities. It will take all reasonable steps to reduce, if not eliminate, the risk of injuries or incidents occurring due to individuals suffering from the effects of alcohol or substance abuse. Wem Town Council recognises that for a range of reasons individuals can and do misuse drugs and alcohol and that this represents a problem for the individual and for the business. The effects of drug and alcohol misuse range from absenteeism, low productivity and increased disciplinary action to injury in the workplace.

This policy applies to all employees and all persons coming onto Wem Town Council premises. It does not form part of the employees’ terms and conditions of employment and may be subject to change at the discretion of the Council.

Wem Town Council prohibits the drinking of alcohol by employees and contractors at any time during working hours in the workplace or on Council business, including Council social outings.

Wem Town Council will take all reasonable steps to prevent employees and contractors carrying out work-related activities if they are considered to be unfit/unsafe to undertake the work as a result of alcohol consumption or substance abuse.

Wem Town Council expressly prohibits the use of any illegal drugs or any prescription drugs that have not been prescribed for the user. It is a criminal offence to be in possession of, use or distribute an illicit substance. If any such incidents take place on Wem Town Council premises, in Wem Town Council vehicles or at a Wem Town Council function, they will be regarded as serious, will be investigated by Wem Town Council, and may lead to disciplinary action and possible reporting to the Police.

No employee or other person under Wem Town Council's control shall, in connection with any work-related activity:

* report, or endeavour to report, for duty having consumed drugs or alcohol likely to render him/her unfit and/or unsafe for work;
* consume or be under the influence of drugs or alcohol whilst on duty;
* store drugs or alcohol in personal areas such as lockers and desk drawers; and
* attempt to sell or give drugs or alcohol to any other employee or other person on Wem Town Council premises.

Employees must inform their line manager regarding any prescribed medication that may have an effect on their ability to carry out their work safely, and must follow any instructions subsequently given e.g. drugs that cause drowsiness must not be used whilst at work.

Any employee suffering from drug or alcohol dependency should declare such dependency, and Wem Town Council will subsequently provide reasonable assistance, treating absences for treatment and/or rehabilitation as any other sickness absence. (Failure to accept help or continue with treatment will render the employee liable to normal disciplinary procedures.)

**DISCIPLINARY SANCTIONS**

Drug and alcohol misuse may become a matter for disciplinary action in accordance with the disciplinary or capability procedure, subject to the letter and spirit of this policy, particularly where help is refused and/or impaired performance continue.

Dismissal may result from disciplinary action.

**POSSESSION OF AND DEALING IN ILLEGAL SUBSTANCES WILL BE IMMEDIATELY REPORTED TO THE POLICE IN ALL CASES**

**NO SMOKING POLICY**

Wem Town Council recognises that the health, safety and welfare of employees, sub-contractors and anyone else directly affected by the organisation's operations are of prime importance. The organisation has therefore developed and enforces a dedicated smoking policy, conforming to the requirements of the smoke-free legislation.

**Application**

This policy is applicable to all employees at whatever level of the organisation's hierarchy, as well as sub-contractors who undertake activities on behalf of the organisation and any visitors to/customers on the organisation's premises. This policy and its mandatory application will be communicated to all employees, sub-contractors, visitors, clients and interested parties.

As part of the organisation's induction process, new starters should be told about this policy and shown where it is located in the organisation's staff handbook. Your line manager is responsible for informing job applicants of this policy. Employees are responsible for informing their visitors to the premises and clients of this policy.

**Prohibition on smoking**

Smoking is strictly prohibited on all parts of the organisation's premises, including at entrances or anywhere on its grounds. This includes areas that are outside but that form part of the organisation's premises.

Employees who go outside to smoke are restricted to taking one short smoking break in the morning and one in the afternoon, with a maximum of ten minutes per break. Employees should inform their manager if they wish to take a smoking break and ensure that there is sufficient cover before taking a break.

Smoking is prohibited in Council vehicles

**Electronic cigarettes**

The organisation acknowledges that some employees may wish to make use of electronic cigarettes ("e-cigarettes") in the workplace, particularly as an aid to giving up smoking.

Although they fall outside the scope of smoke-free legislation, the organisation prohibits the use of e-cigarettes in the workplace. The organisation's rationale for a ban on e-cigarettes is that:

* although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees; and
* some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for visitors/customers/other employees that it is acceptable to smoke.

**USE OF COMPUTER EQUIPMENT**

In order to control the use of the Council’s computer equipment and reduce the risk of contamination the following will apply:

* + 1. the introduction of new software must first of all be checked and authorised before general use will be permitted;
    2. only authorised staff should have access to the Council’s computer equipment;
    3. only authorised software may be used on any of the Council’s computer equipment;
    4. only software that is used for Council applications may be used;
    5. no software may be brought onto or taken from the Council’s premises without prior authorisation;
    6. unauthorised access to the computer facility will result in disciplinary action; and
    7. unauthorised copying and/or removal of computer equipment/software will result in disciplinary action, such actions could lead to dismissal.
    8. all user accounts created on the Council’s computer equipment must be password protected*.*

i) Limited personal use of the computer equipment is permitted during official breaks only.

**E-MAIL AND INTERNET POLICY**

**Introduction**

The purpose of the Internet and E-mail policy is to provide a framework to ensure that there is continuity of procedures in the usage of Internet and E-mail within the Council. The Internet and E-mail system have established themselves as an important communications facility within the Council and have provided us with contact with professional and academic sources throughout the world. Therefore, to ensure that we are able to utilise the system to its optimum we have devised a policy that provides maximum use of the facility whilst ensuring compliance with the legislation throughout.

This policy applies to all permanent and temporary staff/contract staff and elected Members. It also applies to any other user who is granted access by the Council to its computer equipment.

**Internet**

Where appropriate, duly authorised staff are encouraged to make use of the Internet as part of their official and professional activities. Attention must be paid to ensuring that published information has relevance to normal professional activities before material is released in the Council name. Where personal views are expressed a disclaimer stating that this is the case should be clearly added to all correspondence. The intellectual property right and copyright must not be compromised when publishing on the Internet. The availability and variety of information on the Internet has meant that it can be used to obtain material reasonably considered to be offensive. The use of the Internet to access and/or distribute any kind of offensive material, or material that is not work-related, leaves an individual liable to disciplinary action which could lead to dismissal.

**Procedures – Acceptable/Unacceptable Use**

Unauthorised or inappropriate use of the internet system may result in disciplinary action which could result in summary dismissal.

The internet is available for legitimate use and matters concerned directly with the job being done. Employees using the internet system should give particular attention to the following points:

* comply with all of our internet standards;
* the Council reserves the right to block access to categories of web sites which it considers are not appropriate to be accessed even during private usage sessions;
* you must not allow non-authorised users to access the internet using employees log in or while logged on;
* the internet use on the Council’s computer equipment must not be used to violate any laws.
* the Council will not tolerate the use of the Internet system for unofficial or inappropriate purposes, including:
  + accessing websites which put the computers at risk of (including but not limited to) viruses, compromising our copyright or intellectual property rights; non-compliance of our social networking policy;
  + downloading any music, films, ring tones or pirated data or software;
  + 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;
  + connecting, posting or downloading any information unrelated to their employment and in particular pornographic or other offensive material;
  + engaging in computer hacking and other related activities, or attempting to disable or compromise security of information contained on the Council's computers.

You are reminded that the last 2 activities may constitute a criminal offence.

**E-mail**

The use of the E-mail address is encouraged as its appropriate use facilitates efficiency. Used correctly it is a facility that is of assistance to employees. Inappropriate use however causes many problems including distractions, time wasting and legal claims. The procedure sets out the Council's position on the correct use of the E-mail system.

**Procedures - Authorised Use**

a) unauthorised or inappropriate use of the E-mail system may result in disciplinary action which could include summary dismissal.

b) the E-mail system is available for communication and matters directly concerned with the legitimate business of the Council. Employees using the E-mail system should give particular attention to the following points:

i) all comply with Council communication standards;

ii) E-mail messages and copies should only be sent to those for whom they are particularly relevant;

iii) E-mail should not be used as a substitute for face-to-face communication or telephone contact. Flame mails (i.e. E-mails that are abusive) must not be sent;

iv) if E-mail is confidential the user must ensure that the necessary steps are taken to protect confidentiality. The Council will be liable for infringing copyright or any defamatory information that is circulated either within the Council or to external users of the system;

v) in order to protect the Town Council’s equipment from viruses, email attachments which might contain macros (word processor and spreadsheet files) or applications, should not be opened if they are from a sender whom you do not recognise, simply delete; and

vi) offers or contracts transmitted by E-mail are as legally binding on the Council as those sent on paper.

c) The Council will not tolerate the use of the E-mail system for unofficial or inappropriate purposes, including:

i) any messages that could constitute bullying, harassment or other detriment;

ii) on-line gambling;

iii) accessing or transmitting pornography;

iv) transmitting copyright information and/or any software available to the user; or

vi) posting confidential information about other employees, the Council or its customers or suppliers.

d) Data protection

i) You must not include in the text of emails to be sent, or in files attached to them, sensitive personal data without appropriate protection in order to comply with the Data Protection Act 1998 and GDPR 2018.

ii) Email addresses should be treated as confidential and care taken that private email addresses are not wrongly circulated. Email to multiple addresses outside of Councillors and the Clerk should be sent as blind copy, (bcc).

**Monitoring**

We reserve the right to monitor all E-mail/Internet activity by you for the purposes of ensuring compliance with our policies and procedures and of ensuring compliance with the relevant regulatory requirements and you hereby consent to such monitoring. This includes monitoring of any additional accounts you may be requested to set up for the purposes of performing your work tasks, which are subject to the same rules as your work email account. Information acquired through such monitoring may be used as evidence in disciplinary proceedings.

**Use of Social Networking Sites**

Any work related issue or material that could identify an individual who is a customer or work colleague, and/or which could adversely affect the Council, a customer or our relationship with any customer must not be placed on social networking site, ‘blogs’ (online journals), ‘wikis’ and any online publishing format. This means that work related matters must not be placed on any such site at any time either during or outside of working hours and includes access via any computer equipment or mobile device.

For guidelines on the use of the Town Council’s own social networking sites please refer to the Council’s Social Media Policy.

**Liability for Loss and Damage**

Any damage to stock or property (including non-statutory safety equipment) that is the result of your carelessness, negligence or deliberate vandalism will render you liable to pay the full or part of the cost of repair or replacement.

Any loss to us that is the result of your failure to observe rules, procedures or instruction, or is as a result of your negligent behaviour or your unsatisfactory standards of work will render you liable to reimburse to us the full or part of the cost of the loss.

In the event of failure to pay, we have the contractual right to deduct such costs from your pay.

**PERFORMANCE APPRAISAL POLICY**

Each year, each member of staff will meet formally with his/her line manager to discuss his/her work performance. The objective of the meeting will be to review the previous year's achievements and to discuss any future training, development and career planning relevant to the individual and to Wem Town Council.

Continuous dialogue throughout the year between the manager and the appraisee should form the agenda of the meeting. The outcome of the discussion should be a clear plan for both participants to ensure that the appraisee can achieve his/her full potential in the work that he/she carries out for Wem Town Council.

**The objectives of the performance appraisal scheme are as follows:**

• To provide clear direction towards personal and organisational objectives, so that each individual is able to achieve his/her potential, gain maximum Job satisfaction and contribute towards Wem Town Council's success; and

• To identify individual training, development and career needs. Discussions on such needs should focus upon assisting the appraisee in acquiring the relevant skills, knowledge and competencies for him/her to perform well in his/her current role. Opportunities for advancement or alternative work may also be on the agenda.

**Timing of Appraisals**

New staff, who are still in their probationary period, will be seen at the end of their probationary period.

**Appraisal Preparation, Appraisal Meeting and Action Plans**

Employees will be provided with the form at least 5 days in advance of their appraisal meeting. The appraisal preparation form is designed to prompt thoughts to the areas that the appraisal meeting will address. The appraisal meeting forms must be completed as a record of the discussion that took place. The action plan should also be completed at the meeting and used as a guide so that any agreed outcomes are followed up conscientiously. Any paperwork should be completed within two weeks of the appraisal meeting and must be kept absolutely confidential. A copy must be lodged on the individual's own personnel file, but he/she must have a copy of the appraisal for his/her own safekeeping. The completed appraisal form and action plan must be viewed as working documents and as such be continually referred to and reviewed throughout the year.

**Request for Review**

Any appraisee, who feels that his/her appraisal was unsatisfactory or unfair to him/her, may ask that the Mayor or Chairman of the Finance and Corporate Governance Committee review the appraisal with him/her and the appraiser.

**Dignity at Work Policy**

This policy does not form part of employees’ terms and conditions of employment and may be subject to change at the discretion of the Council.

**Our commitment**

Wem Town Council is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

The Council deplores all forms of personal harassment, abuse, bullying and intimidation deriving from whatever source and seek to ensure that the working environment is sympathetic to all the Council’s employees. In support of the value to respect others Wem Town Council will not tolerate bullying or harassment by, or of, any of its employees, officials, members, contractors, visitors to the Council or members of the public from the community which it serves.

Harassment and bullying can have very serious consequences for individuals and Wem Town Council. Harassment or bullying may make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance and could cause them to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide. Effects on Wem Town Council can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to Wem Town Council's reputation. Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected. Serious harassment may be a criminal offence.

The Council recognises that it has a duty to implement this policy and all employees and Councillors are expected to comply with it. Wem Town Council will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. Wem Town Council will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

**The scope of this policy**

This policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work at Wem Town Council, whether by direct contract with Wem Town Council or otherwise. If the complainant or alleged harasser is not employed by Wem Town Council, e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that Wem Town Council could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after investigation and disciplinary proceedings.

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. business trips and work-related social events.

**What is bullying and harassment?**

**Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

**Harassment** is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

* has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
* is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others. Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him or her, e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him or her.

Harassment may also occur where a person engages in unwanted conduct towards another because he/she perceives that the recipient has a protected characteristic (for example, a perception that he or she is gay or disabled), when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease repeatedly an individual because of an incorrect belief that that the recipient is deaf. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if his/her child is disabled, wife is pregnant or friend is a devout Christian.

Harassment also includes circumstances where an individual is subjected to unwanted conduct from a third party, such as a client or customer. For example, it might be that a client makes a series of racist remarks to a black employee. If an employee feels that he/she has been bullied or harassed by customers, suppliers, vendors or visitors, he/she should report any such behaviour to their manager who will take appropriate action. Bullying or harassment of customers, suppliers, vendors or visitors or others will be dealt with through the disciplinary procedure.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under Wem Town Council's disciplinary policy. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offences, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

**Examples of bullying or harassment**

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter or e-mail (so-called "flame-mail").

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

* physical conduct ranging from unwelcome touching to serious assault;
* unwelcome sexual advances;
* the offer of rewards for going along with sexual advances, e.g. promotion, access to training;
* threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
* demeaning comments about a person's appearance;
* unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
* questions about a person's sex life;
* unwanted nicknames related to a person's age, race or disability;
* the use of obscene gestures;
* excluding an individual because he/she is associated or connected with someone with a protected characteristic, e.g. his/her child is gay, spouse is black or parent is disabled;
* ignoring an individual because he/she is perceived to have a protected characteristic when he/she does not, in fact, have the protected characteristic, e.g. an employee is thought to be Jewish, or is perceived to be a transsexual;
* the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups;
* spreading malicious rumours or insulting someone;
* picking on someone or setting him/her up to fail;
* making threats or comments about someone's job security without good reason;
* ridiculing someone;
* isolation or non-cooperation at work; and
* excluding someone from social activities.

**What is victimisation?**

**Victimisation** is subjecting a person to a detriment because he/she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he/she has made a complaint or giving him/her a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and Wem Town Council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

**What should I do if I think I am being bullied or harassed?**

You may be able to sort out matters informally. The person may not know that his or her behaviour is unwelcome or upsetting. An informal discussion may help him/her to understand the effects of his or her behaviour and agree to change it. You may feel able to approach the person yourself, or with the help of a manager, trade union representative or another employee. Alternatively, an initial approach could be made on your behalf by one of these people. You should tell the person what behaviour you find offensive and unwelcome, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your manager. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using Wem Town Council's grievance procedure. In the case of grievances about bullying or harassment, the normal grievance procedure is modified so that you can choose whether to raise your grievance with your manager. Wem Town Council will ensure that you can bring your complaint in the first instance to someone of your own sex, if you so choose.

In very serious cases, a criminal offence may have been committed and you may wish to report matters to the police. Your manager can arrange for someone to accompany you to make a complaint to the police.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance. You will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings. Wem Town Council will decide on a balance of probabilities, after considering all available evidence, whether or not harassment or bullying has occurred.

Wem Town Council will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so he or she is able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them. If the complaint is upheld, and a person who has been found to have harassed you is kept in Wem Town Council's employment, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.

Wherever possible, Wem Town Council will try to ensure that you and the alleged harasser are not required to work together while the complaint is under investigation. This could involve giving you the option of remaining at home on special leave, if you wish. In a serious case, the alleged harasser may be suspended while investigation and any disciplinary proceedings are underway.

When the investigation has been concluded a draft report of the findings and of the investigator’s proposed decision will be sent, in writing, to you and to the alleged harasser, abuser, or bully. If you or the alleged harasser, abuser or bully are dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within 5 working days of receiving the draft. Any points of concern will be considered before the final report is sent, in writing, to you and the alleged harasser.

If your complaint is upheld, and the person found to have bullied or harassed you remains in Wem Town Council's employment, every effort will be made to ensure that, if possible, you do not have to continue to work alongside the harasser, if you do not wish to do so. We will discuss the options with you. Given the size of the organisation and the work location of individuals, it is recognised that this limits options available.

If your complaint is not upheld, management will support you, the alleged harasser and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. Wem Town Council will consider making arrangements to avoid you and the alleged harasser having to continue to work alongside each other, if either of you do not wish to do this.

You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that you know to be untrue may lead to disciplinary action being taken against you.

Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings. Claims to an employment tribunal about unlawful discrimination must be presented to the tribunal within three months beginning with the act complained of.

**What can I do to help stop bullying and harassment?**

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help to do this by:

* being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking";
* treating your colleagues with dignity and respect;
* taking a stand if you think inappropriate jokes or comments are being made;
* making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
* intervening, if possible, to stop harassment or bullying and giving support to recipients;
* making it clear that you find harassment and bullying unacceptable;
* reporting harassment or bullying to your manager and supporting Wem Town Council in the investigation of complaints; and
* if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

Managers have a particular responsibility to:

* set a good example by their own behaviour;
* ensure that there is a supportive working environment;
* make sure that staff know what standards of behaviour are expected of them;
* intervene to stop bullying or harassment; and
* report promptly to your line manager any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

**What happens if I am accused of bullying or harassment?**

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence, that may well be the end of the matter.

If a formal complaint is made about your behaviour, this will be fully investigated and Wem Town Council may bring disciplinary proceedings, if appropriate. Wem Town Council will follow its disciplinary procedure and you will have the rights set out in that procedure. You will have the right to be informed of the allegations against you and to put your side of the story and to be accompanied to meetings by a trade union representative or work colleague of your choice. The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment will often be allegations of gross misconduct that, if proved, could lead to dismissal without notice.

Wem Town Council will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld, will normally require limited disclosure on a "need to know" basis. For example, some details may have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.

Wherever possible, Wem Town Council will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded.

If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, Wem Town Council could decide to transfer you to another post.

If a complaint is made against you that is not upheld and Wem Town Council has good grounds for believing that the complaint was not made in good faith, Wem Town Council will take disciplinary action against the person making the false complaint.

You must not victimise a person who has made a complaint in good faith against you or anyone who has supported him or her in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if Wem Town Council has good reason to think that you may have victimised the complainant or someone else.

If the complaint against you is not upheld, your manager will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. Wem Town Council will consider making arrangements to avoid you and the complainant having to continue to work alongside each other, if either of you do not wish to do this.

Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of Wem Town Council's disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts was brought against you. Criminal proceedings could lead to conviction and criminal penalties.

**Health and Safety Policy**

Wem Town Council is committed to the protection of the health, safety and welfare of its employees whilst they are at work. This protection also extends to invited visitors and contractors whilst on Wem Town Council premises. Wem Town Council recognises that effective management systems and procedures have an important role in the prevention of accidents/injuries and incidents of ill health.

The objectives of this policy are: -

* The progressive elimination, reduction or control of health and safety risks based on their assessment following the identification of hazards;
* Acceptance by all personnel of health and safety as a major responsibility; and
* The fulfilment of legal requirements and standards.

Wem Town Council will ensure that all reasonable steps are taken to:

* Safeguard the health, safety and welfare of all employees; and
* To protect non-employees, property and the environment from any hazard created by Wem Town Council’s operations.

To meet these responsibilities Wem Town Council will assess health & safety risk within its operations and develop, implement and monitor the effectiveness of suitable working standards to minimise such risk, as far as it is reasonably practicable.

All management and employees are required to be involved in achieving these objectives.

The Town Council is committed to and responsible for the achievement of the following objectives:

* Accept ultimate responsibility for the health, safety and welfare standards within Wem Town Council. Standards prescribed by legislation will form the minimum basis for operating;
* Provide and maintain a safe and healthy working and operating environment;
* Regularly reviewing and revise where necessary, Wem Town Council’s health & safety policy at regular intervals, as required by our Health and Safety Advisor;
* Providing adequate resources to ensure that standards are implemented effectively and that competent advice on health & safety matters is available to management;
* Consult with employees on matters affecting their Health & Safety;
* Prevent accidents and cases of work related ill health;
* To maintain safe and healthy working conditions;
* Ensure that all employees are aware of the health & safety risks connected with their duties and have received adequate training to enable them to perform and agree standards or work procedures; and
* Monitor the effectiveness of standards and work procedures, and regularly reassess the health and safety risks.

**Organisation, arrangements and responsibilities for carrying out the Health and Safety Policy.**

Wem Town Council has overall responsibility for health and safety. Its role is to:

a) Be aware of the requirements of the Health and Safety at Work Act 1974 and other Regulations relevant to the activities of the Council.

b) Implement the Health and Safety Policy.

c) Ensure that sound working practices are continuously observed.

d) Set a personal example in all matters relating to health and safety.

The Council’s Safety Officer is the Town Clerk. Her responsibility is:

a) To oversee, implement and monitor the policy.

b) The preparation of risk assessments.

c) The provision of information, instruction, supervision and training in relation to their specific areas of expertise.

d) The investigation of accidents and incidents and maintenance of safety records.

e) When an accident or hazardous incident occurs, take immediate action to prevent a recurrence or further accident and to complete the necessary accident reporting procedure.

f) Act as the contact and liaison point for the Health and Safety Inspectorate.

g) Advise the Council on resources and arrangements necessary to fulfil the Council’s responsibilities.

h) Ensure that matters of Health and Safety are regularly discussed at meetings of the Town Council.

i) Consider requesting contractors supply a written method statement prior to starting major works.

j) Make effective arrangements to ensure contractors or voluntary helpers working for the Council comply with all reasonable Health and Safety at Work requirements.

k) Ensure all contractors are given a copy of the Council’s Health and Safety at Work Policy.

l) Ensure that work activities by the Council do not unreasonably jeopardise the health and safety of members of the public.

m) Liaise with the Council’s insurers and ensure the Council is appropriately insured and/or indemnified.

n) As far as is reasonably practicable, keep up to date with Health and Safety legislation.

**Employee Responsibilities**

All employees must accept responsibility to:-

* Take reasonable care of their own and colleagues’ health & safety and that of other people who may be affected by their actions at work;
* Co-operate fully with management in ensuring that all health and safety standards and working procedures adopted by Wem Town Council are adhered to; and
* Report immediately to the Clerk any working situation which they consider to be a danger to the health, safety or welfare of themselves or others.

**Volunteers with appropriate experience:**

a) May carry out less hazardous work and will be covered by the Town Council’s insurance but only if they are working at the sole request of and under the sole control of the Town Council.

b) Where tools are required they must belong to the Town Council or be on hire from a bona fide company. Volunteers using their own tools should have the Town Council’s consent to use them and if requested provide evidence of certification and competency training. Volunteers using own tools in these circumstances are not covered under the Town Council’s insurance for loss or damage.

c) Volunteers must use appropriate footwear and, if necessary, wear safety goggles. Volunteers must not work at height using long ladders.

**Contractors have a responsibility to:**

a) Fully co-operate with the aims and requirements of the Health and Safety at Work Policy and comply with respective Codes of Practice, risk assessments, method statements and work instructions.

b) Confirm that they have their own health and safety policy for their staff which is available on site.

c) Provide evidence of their own public liability insurance cover including details of insurer, policy number and expiry date. There should also be an Indemnity to the Town Council as Principal.

d) Take reasonable care for their own Health and Safety, to use appropriate personal protective clothing and, where appropriate, ensure that appropriate First Aid materials are available.

e) Take reasonable care for the Health and Safety of other people who may be affected by their activities.

f) Provide evidence of being competent to carry out the work, for example have appropriate qualifications, references, experience.

g) Confirm that they will not work alone on ladders at height.

h) Ensure all plant and equipment brought onto site is safe and in good working condition, fitted with necessary guards and safety devices and with any necessary certification being made available for inspection prior to use.

i) Ensure all power tools or electrical equipment, transformers, generators, extension leads, plugs and sockets comply with the latest British Standards for industrial use and are in good condition. Any such equipment must be suitably certified and with all relevant documentation being made ready for inspection as required.

j) Not intentionally interfere with or remove safety guards, safety devices or other equipment provided for Health and Safety.

k) Not misuse any plant, equipment tools or materials so as to cause risks to Health and Safety.

l) Report any accidents or hazardous incidents to the Safety Officer.

**Before contracted work commences:**

a) The Contractor must provide Method Statements to the Safety Officer for all high risk activities showing details of how the site/work will be controlled to ensure the safety of the public and the length of time the job is likely to take.

b) Analysis of any/all risks associated with any substance, process or work activity that may be considered hazardous to health and safety must be handed to the Safety Officer before work commences.

c) The Safety Officer, or other appropriate person, will check with contractors, including self-employed persons that the contract is clear and understood by the contractors and the Town Council.

d) The Safety Officer, or other appropriate person, will make the contractor aware of any hazards that might be present but not obvious, for example, electricity cables, gas pipes, water pipes.

**Risk Assessment**

Risk assessments will be carried out for any/all potential hazards identified and held with this policy. Copies of risk assessments will be displayed in appropriate areas.

Where necessary a Point of Work risk assessment will be conducted for any work activity not already covered or where an unforeseen hazard is identified.

**Reporting of accidents, diseases and dangerous occurrences**

All accidents involving personal injury no matter how slight must be reported to a first aider for treatment and entered in the Accident Book, which is located in the office.

The current regulations governing the notification and recording of accidents are the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. These regulations require that certain prescribed events, injuries and diseases be formally reported. Under normal circumstance accidents must be reported immediately after they occur by entry into the accident book. In some circumstances this may not be possible (e.g. if an accident occurs off site and the injured person is absent from work). In such cases, the accident must be notified to Wem Town Council within 48 hours so that the necessary entry can be made in the accident book and an investigation can commence.

The report will detail:

* The circumstances of the accident including photographs and diagrams wherever possible.
* The nature and severity of the injury sustained.
* The identity of any eye witnesses.
* The time, date and location of the incident.
* The date of the report.

All eyewitness accounts will be collected as near to the time of the accident as is reasonably practicable.

Failure to comply with the above may result in disciplinary action unless there are genuine mitigating circumstances.

Employees are encouraged to report any hazards that they identify to their line manager.

**Risk Assessments**

Periodically, Health and Safety reviews will take place in each area. Risk Assessment forms will be completed and copies will be held by the person with responsibility for that area and the Clerk. The person responsible for overseeing Health and Safety in a particular area will implement improvements to minimise significant risks.

**Safety Instructions**

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

**Equality and Diversity Policy**

This policy does not form part of employees’ terms and conditions of employment and may be subject to change at the discretion of management.

**OUR COMMITMENT**

Wem Town Council is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against customers.

This policy is intended to assist Wem Town Council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. Wem Town Council has a separate dignity at work policy, which deals with these issues.

**THE LAW**

It is unlawful to discriminate directly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics”.

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics. Direct discrimination is explained below.

Indirect discrimination, which is explained below, is also unlawful unless it can be justified.

Staff should not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

**TYPES OF UNLAWFUL DISCRIMINATION**

**Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

**Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

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

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity). For example, if someone has a disabled child, then making decisions based on that person’s connection with the child would be associative discrimination on the grounds of disability.

**Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity). For example, calling a man homophobic names because of a ‘standing joke’ that he is gay when he is known to be not gay is on the grounds of the perception that he is gay, and therefore is discrimination on the grounds of sexual orientation.

**Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

* the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
* it must be aware that the previous harassment has taken place; and
* it must have failed to take reasonable steps to prevent harassment from happening again.

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings; such behaviour could amount to victimisation.

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

**Equal opportunities in employment**

Wem Town Council will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

Wem Town Council will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if Wem Town Council considers it has good reasons, unrelated to any protected characteristic, for doing so. Wem Town Council will comply with its obligations in relation to statutory requests for contract variations. Wem Town Council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Wem Town Council will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

Wem Town Council cannot lawfully discriminate in the selection of employees for recruitment or promotion, but Wem Town Council may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group that Wem Town Council identifies as being under-represented in particular types of job.

**Customers, suppliers and other people not employed by Wem Town Council**

Wem Town Council will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by Wem Town Council.

Employees should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

**Training**

Wem Town Council will provide training in equal opportunities to staff and others likely to be involved in recruitment or other decision-making where equal opportunities issues are likely to arise.

Wem Town Council will provide training to all existing and new employees and others engaged to work at Wem Town Council to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment.

**Your responsibilities**

Every employee is required to assist Wem Town Council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, Wem Town Council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under Wem Town Council's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

**Grievances**

If you consider that you may have been unlawfully discriminated against, you may use Wem Town Council's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

Wem Town Council will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith. Use of Wem Town Council's grievance procedure does not affect your right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

**Monitoring and review**

This policy will be monitored periodically by Wem Town Council to judge its effectiveness and will be updated in accordance with changes in the law. In particular, Wem Town Council will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, Wem Town Council will implement them.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

**Protocol – Councillor/Clerk Relations**

**Aim**

A Council’s reputation and integrity is often and significantly influenced by the way in which Councillors, the Clerk (and other staff) work together to support each other’s roles. The overall aim is effective and professional working relationships based upon mutual trust, respect and courtesy where close personal familiarity is avoided.

This Protocol is intended to assist both Councillors and the Clerk in their working relationships, particularly in approaching matters that may arise which may be of a sensitive nature.

**Roles and Responsibilities**

In summary:

Councillors and employees both serve the public and are indispensable to one another. Their responsibilities are different. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Councillors should promote the highest standards of conduct and ethics. They act collectively as employer. Officers are responsible to the Council. Their role is to give advice to Councillors and to the Council and to carry out the work and decisions of the Council under the direction and control of the Council (and its Committees).

**Councillors**

Councillors’ four main areas of responsibility are:

* To determine Council policy and provide community leadership
* To monitor and review Council performance in delivering services
* To represent the Council externally
* To act as advocates for their residents

Councillors have the same rights and obligations in their relationship with the Clerk (and any other employees), regardless of their status and should be treated equally.

Councillors should not involve themselves in the day to day running of the Council, as this is the Clerk’s responsibility. The Clerk acts on instructions from the Council (or its Committees) within an agreed Job Description. The Council may delegate some of its statutory functions and powers to the Clerk where no statutory prohibition applies (for example approving the Council’s annual accounts). These are set out in Standing Orders/Financial Regulations (or a separate Scheme of Delegation).

**Mayor/Chairman (Chairmen and Vice Chairmen of Committees)**

The Mayor/Chairman (and Committee Chairs and Vice Chairs) has (have) additional responsibilities meaning that their relationships with the Clerk/Officers may be different and more complex than those of other Councillors. However, they must still respect the impartiality of the Clerk/Officers and must not ask them to undertake anything, which would prejudice their impartiality.

**Clerk (other Officers)**

The role of the Clerk/Officers is to provide advice and information to Councillors and to implement the policies and decisions determined by the Council.

In giving advice and in preparing and presenting reports, it is the responsibility of the Clerk/Officers to express their professional views and recommendations. If a Councillor wishes to express a contrary view, the Councillor should not pressurise the Clerk to make a recommendation contrary to the Clerk’s professional view. Councillors should not victimise the Clerk/Officers for discharging their responsibilities.

**Expectations**

All Councillors can expect from the Clerk (and other Officers):

* A commitment to the Council as a whole, and not to any individual Councillor, group of Councillors or a political group
* A professional working relationship
* An understanding and support of respective roles, pressures and workloads
* A timely response to enquiries
* Professional advice not influenced by personal preferences, political views or personality
* Up to date, timely information on matters that can reasonably considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions held
* Awareness and sensitivity to the public and political environment locally
* Respect, courtesy, integrity and appropriate confidentiality
* Information on training and development opportunities to help them carry out their role effectively
* Not to have personal issues raised outside the Council’s agreed procedures
* Not to use their contact with Councillors to advance their personal interests or to influence decision improperly

The Clerk (and other Officers) can expect from Councillors:

* A working partnership
* An understanding and support of respective roles, pressures and workloads
* Leadership and direction
* Respect, courtesy, integrity and appropriate confidentiality
* Not to be bullied or put under pressure
* Not to have issues raised about them in public
* Not to use their position or relationship with the Clerk/Officers to advance their personal interests or those of others or to influence decisions improperly
* To comply at all times with the Council’s adopted Code of Conduct

General Principles:

* Equality and Diversity should be positively promoted
* Close personal familiarity should be avoided
* Close personal relationships between Councillors and Officers can confuse their separate roles and get in the way of the proper conduct of Council business, not least by creating a perception in others that a particular Councillor of Officer is getting preferential treatment
* Special relationships with particular individuals or party political groups should be avoided as it can create suspicion that an employee favours that Councillor or political group above others.

***Note on Political Groups***

*Town counCillors serve their local community as members of the community. It is the National Association of Local Councils’ policy that party politics should have no place in Town Councils. NALC provides advice or guidance on matters relating to party groups and operating within a political environment.*

**When things go wrong**

Procedure for Officers

The relationship between Councillors and the Clerk/other Officers does not always run smoothly. Should such relationship break down or become strained efforts should be made to resolve matters informally if this can be achieved. If not, then the formal grievance procedure should be followed which allows the Clerk/individual employees to raise concerns, problems or complaints about their employment in an open and fair way. Within this procedure, a small group of Councillors has delegated authority to hear the grievance. The Mayor/Chairman should not attempt to deal with grievances on their own.

For Councillors

If a Councillor is dissatisfied with the conduct, behaviour or performance of the Clerk, the matter should be raised with the Clerk in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke the Council’s disciplinary procedure.

**Whistleblowing Policy**

This policy applies to all employees of Wem Town Council, it does not form part of employees’ terms and conditions of employment and may be subject to change at the discretion of management. Other individuals performing functions in relation to Wem Town Council, such as agency workers and contractors, are encouraged to use it.

It is important to the business that any fraud, misconduct or wrongdoing by workers or officers of Wem Town Council is reported and properly dealt with. Wem Town Council therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. Hopefully employees will never have the need to use these instructions. However if a situation does arise which causes an employee worry or concern, the procedures outlined below are designed to enable employees to report to the right person who will know what to do next.

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

**THE PUBLIC INTEREST DISCLOSURE ACT 1998**

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that:

* a criminal offence; or
* a miscarriage of justice; or
* an act creating risk to health and safety; or
* an act causing damage to the environment; or
* a breach of any other legal obligation; or
* concealment of any of the above; is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is Wem Town Council's responsibility to ensure that an investigation takes place.

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

Wem Town Council encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager.

**PRINCIPLES**

* Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
* Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.
* No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern.
* Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
* If misconduct is discovered as a result of any investigation under this procedure Wem Town Council's disciplinary procedure will be used, in addition to any appropriate external measures.
* Maliciously making a false allegation is a disciplinary offence.
* An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to their Line Manager or Chairman.

**PROCEDURE**

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use Wem Town Council's grievance procedure. Please note that employees are not expected to know the precise nature of any wrongdoing nor its extent. In particular, employees are not authorised to carry out any investigation work on their own account to obtain evidence or to confirm suspicions.

1. In the first instance any concerns should be raised with the Line Manager. If he/she believes the line manager to be involved, or for any reason does not wish to approach the line manager, then the worker should proceed straight to stage 7.

2. Contact may be made either by telephone or in writing to the Council offices with the envelope marker “Private and Confidential – to be opened by the addressee only.”

3. It is important to note that you should not discuss your suspicions with anyone else.

4. Once the employee has reported their suspicions he/she should wait acknowledgement.

5. The line manager will arrange an investigation of the matter (either by investigating the matter him/herself or immediately passing the issue to someone in a more senior position). The investigation may involve the employee and other individuals involved giving a written statement or attending an interview. Any investigation will be carried out in accordance with the principles set out above. The employee's statement will be taken into account, and he/she will be asked to comment on any additional evidence obtained. The employee should keep a copy of any report or item submitted.

6. The Line Manager (or the person who carried out the investigation) will then report to the Finance and Corporate Governance Committee, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the line manager (or the person who carried out the investigation) will report the matter to the Finance and Corporate Governance Committee and start the disciplinary procedure. On conclusion of any investigation, the worker will be told the outcome of the investigation and what the board has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

7. If the worker is concerned that his/her Line Manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the board, he/she should inform the Finance and Corporate Governance Committee at Wem Town Council, who will arrange for another employee or Councillor to review the investigation carried out, make any necessary enquiries and make his/her own report to the Council as in stage 2 above. If for any other reason the worker does not wish to approach his/her Line Manager he/she should also in the first instance contact the Finance and Corporate Governance Committee. Any approach to the Finance and Corporate Governance Committee will be treated with the strictest confidence and the worker's identity will not be disclosed without his/her prior consent.

8. Employees should contact the Mayor if they are not satisfied in any way with the initial response they have been given, for example if you are asked to do anything in connection with your suspicions, which you consider improper or beyond the scope of your normal duties.

9. If on conclusion of the stages outlined above, the employee reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

* HM Revenue & Customs;
* the Financial Services Authority;
* the Office of Fair Trading;
* the Health and Safety Executive; and
* the Environment Agency.

The employee should remember that he/ she is not expected to form any judgement about the findings. The responsibility of every employee is primarily to notify one (or more if you wish) of the contacts above, who will know what further procedures will need to be taken.

**Anti Bribery Policy**

**A) Introduction**

Bribery is, in the conduct of the Council’s business, the offering or accepting of any gift, loan, payment, reward or advantage for personal gain as an encouragement to do something which is dishonest, illegal or a breach of trust.

Bribery is a criminal offence. The Council prohibits any form of bribery. We require compliance, from everyone connected with the Council, with the highest ethical standards and anti-bribery laws applicable. Integrity and transparency are of utmost importance to us and we have a zero tolerance attitude towards corrupt activities of any kind, whether committed by Wem Town Council employees or by third parties acting for or on behalf of Wem Town Council.

**B) Offences**

It is a criminal offence to:

* offer a bribe;
* accept a bribe;
* bribe a foreign official;
* as a commercial organisation, to fail to prevent a bribe.

You should be aware that if you are found guilty by a court of committing bribery, you could face up to 10 years in prison and/or an unlimited fine. The Council could also face prosecution and be liable to pay a fine.

**C) Purpose**

The purpose of this policy is to convey to all employees and interested parties of Wem Town Council the rules of the Council in relation to our unequivocal stance towards the eradication of bribery and our commitment to ensuring that Wem Town Council conducts its business in a fair, professional and legal manner.

**D) Definitions of Bribery and Corruption**

Corruption is the misuse of office or power for private gain. Bribery is a form of corruption which means in the course of business:

* Giving or receiving money, gifts, meals, entertainment or anything else of value
* As an inducement to a person to do something which is dishonest or illegal.

**E) Scope**

This policy applies to all employees of Wem Town Council regardless of seniority or site. It also extends to anyone working for or on our behalf e.g. those engaged by us on a self-employed basis or an agency arrangement.

1. We will encourage the application of this policy where the Council involves the use of third parties e.g. suppliers; contractors.

**F) Policy**

It is prohibited, directly or indirectly, to offer, give, request or accept any bribe i.e. gift, loan, payment, reward or advantage, either in cash or any other form of inducement, to or from any person or company in order to gain commercial, contractual or regulatory advantage for the Company, or in order to gain any personal advantage for an individual or anyone connected with the individual in a way that is unethical.

It is also prohibited to act in the above manner in order to influence an individual in his capacity as a foreign public official. You should not make a payment to a third party on behalf of a foreign public official.

If you are offered a bribe, or a bribe is solicited from you, you should not agree to it unless your immediate safety is in jeopardy. You should immediately contact the Clerk or, in their absence, the Mayor so that action can be taken if considered necessary. You may be asked to give a written account of events.

If you, as an employee or person working on our behalf, suspect that an act of bribery, or attempted bribery, has taken place, even if you are not personally involved, you are expected to report this to the Clerk or the Mayor. You may be asked to give a written account of events.

Appropriate checks will be made before engaging with suppliers or other third parties of any kind to reduce the risk of our business partners breaching our anti-bribery rules.

The Council will ensure that all of its transactions, including any sponsorship or donations given to charity, are made transparently and legitimately.

Wem Town Council takes any actual or suspected breach of this policy extremely seriously and will carry out a thorough investigation should any instances arise.

We will uphold laws relating to bribery and will take disciplinary action against any employee, or other relevant action against persons working on our behalf or in connection with us, should we find that an act of bribery, or attempted bribery, has taken place. This action may result in your dismissal if you are an employee, or the cessation of our arrangement with you if you are self-employed, an agency worker, contractor etc.

Staff are reminded of the Councils’ Whistleblowing Policy which is available in the Employee Handbook, or upon request.

**G) Gifts and Hospitality**

We realise that the giving and receiving of gifts and hospitality where nothing is expected in return helps form positive relationships with third parties where it is proportionate and properly recorded. This does not constitute bribery and consequently such actions are not considered a breach of this policy.

*Gifts* include money; goods (flowers, vouchers, food, drink, event tickets when not used in a hosted business context); services or loans given or received as a mark of friendship or appreciation.

*Hospitality* includes entertaining; meals or event tickets (when used in a hosted business context) given or received to initiate or develop relations. Hospitality will become a gift if the host is not present.

No gift should be given nor hospitality offered by an employee or anyone working on our behalf to any party in connection with the Council without receiving prior written approval from the Clerk or the Mayor. Similarly, no gift nor offer of hospitality should be accepted by an employee or anyone working on our behalf without receiving prior written approval from the Clerk or the Mayor.

**H) Record Keeping**

A record will be made of every instance in which gifts or hospitality are given or received.