

Gainsborough Town Council

Richmond House, Richmond Park, Morton Terrace

Gainsborough, Lincolnshire, DN21 2RJ

Tel: 01427 811573

Website: gainsborough-tc.gov.uk



PERSONNEL COMMITTEE AGENDA

To: Committee members:

Councillor Sean Brennan
Councillor Dennis Dannatt
Councillor Richard Doy
Councillor Stuart Morley
Councillor Kenneth Woolley

Councillor Richard Craig
Councillor Caz Davies
Councillor Paul Key
Councillor James Plastow

Notice is hereby given that a meeting of the **Personnel Committee** which will be held on **Wednesday 13 March 2024** commencing at **7:00pm** in the meeting room, **Richmond House, Richmond Park, Morton Terrace, Gainsborough, DN21 2RJ** and your attendance at such meeting is hereby requested to transact the following business.

AGENDA

PC24/099 Apologies for Absence

To note apologies for absence.

PC24/100 Declarations of Interest

To receive any declarations of interest in accordance with the requirements of the Localism Act 2011.

PC24/101 Dispensation Requests

To consider any dispensation requests received by the Town Clerk in relation to personal and/or disclosable pecuniary interests, not previously recorded.

PC24/102 Items for Exclusion of Public and Press

To determine which items on the agenda, if any, require the exclusion of public and press under the Public Bodies (Admissions to Meetings) Act 1960 1 (2) and resolve to exclude public and press for these items.

PC24/103 Minutes of the Previous Meeting

To receive the minutes of the previous Personnel Committee meeting and resolve to sign these as a true and accurate record.

Paper A Wednesday 14 February 2024 (pages 4 to 7)

PC24/104 Equality and Diversity Policy

To review and adopt the NALC model Equality and Diversity Policy.

Paper B (pages 8 to 19)

PC24/105 HR Audit 2024

To consider an HR compliance report from the Council's HR consultant and any necessary action resulting from it and note the certification gained.

Paper C (pages 20 to 44)

PC24/106 Flexible Working

To consider flexible working request.

Paper D (pages 45 to 52)

PC24/107 Staff Structure Review

To consider potential changes to the staffing structure.

Exclusion of Public and Press recommended due to personal nature of discussion.

Paper E (pages 53 to 58)

PC24/108 Interim Town Clerk trial

To consider trial of the Interim Town Clerk and make recommendation to Full Council following a report from the Leader of the Council.

Exclusion of Public and Press recommended due to personal nature of discussion.

Paper F (pages 59 to 60)

PC24/109 Appraisals

To note the staff appraisal reports.

Exclusion of Public and Press recommended due to personal nature of discussion.

Papers G & H (pages 61 to 64)

PC24/110 Items for Notification

To receive any items for notification to be included on a future agenda (for information only)

- Sickness Absence Policy
- Health and Safety Policy Review
- Maternity Leave Policy Review
- Paternity Leave Policy Review
- Shared Parental Leave Policy Review
- Adoption Leave Policy Review
- Parental Bereavement Policy Review
- Child and Vulnerable Adult Welfare and Safeguarding Policy Review
- Volunteer Policy Review
- Lone Worker Policy Review
- No Smoking Policy Review
- Employee Code of Conduct Review
- Staff Training Policy Review
- Staff Appraisal Policy Review
- Wellbeing Policy Review
- Electronic Information and Communication Systems Policy
- HR Management Software

PC24/111 Time and Date of Next Meeting

To note the date and time of the next Personnel Committee meeting is scheduled for Wednesday 10 April 2024 at 7:00pm.

Rachel Allbones
Interim Town Clerk
Richmond House
Gainsborough

Friday, 08 March 2024

PAPER A

Gainsborough Town Council

Richmond House, Richmond Park, Morton Terrace

Gainsborough, Lincolnshire, DN21 2RJ

Tel: 01427 811573

Website: gainsborough-tc.gov.uk



DRAFT PERSONNEL COMMITTEE MINUTES

Minutes of the Personnel Committee meeting held on **Wednesday 14 February 2024 at 7:00pm** in the meeting room, Richmond House, Richmond Park, Morton Terrace, Gainsborough, DN21 2RJ.

Councillors Present: Councillor Dennis Dannatt (Vice Chairman)
 Councillor Caz Davies Councillor Richard Doy
 Councillor Paul Key

In Attendance:
 Rachel Allbones Interim Town Clerk (ITC)

PC24/086 Apologies for Absence

Apologies for absence were received from Councillors R Craig, S Morley, J Plastow and K Woolley.

PC24/087 Declarations of Interest

No declarations of interest were made.

PC24/088 Dispensation Requests

No dispensation requests were received.

PC24/089 Items for Exclusion of Public and Press

RESOLVED: to exclude the public and press from items PC24/094, PC24/095, PC24/096 in accordance with the Public Bodies (Admissions to Meetings) Act 1960 1 (2) due to the confidential nature of the business to be discussed.

PC24/090 Minutes of the Previous Meeting (Paper A)

RESOLVED: that the minutes of the Personnel Committee meeting held on Wednesday 17 January 2024 be approved as a as a true and accurate record and signed by the Chairman.

Note: Councillors Davies and Key abstained from voting on the above resolution.

PC24/091 Whistle Blowing and Confidential Reporting Policy (Paper B)

RESOLVED: to adopt the Whistle Blowing and Confidential Reporting Policy, noting that this replaces the individual Whistle Blowing Policy and Confidential Reporting Policy.

PC24/092 Equality and Diversity Policy (Paper C)

RESOLVED: to defer until the next meeting and issue the current policy alongside the review.

PC24/093 Dignity at Work Policy (Paper D)

RESOLVED: to adopt the Dignity at Work Policy, this replaces the Bully and Harassment Policy.

Note: Councillor Key voted against the above resolution.

Note: Councillor Dannatt abstained from voting on the above resolution.

PC24/094 Staff Management Matter (Paper E)

RESOLVED: under Standing Order 3z to allow the meeting period to exceed 2 hours.

RESOLVED: to speak to HR and write to the employee stating the Council is seeking advice and review in 3 months.

Note: Councillor Dannatt abstained from voting on the above resolution.

PC24/095 Staff Structure Review (Paper F)

RESOLVED: to defer until the next meeting.

PC24/096 Interim Town Clerk Trial Review (Paper G)

RESOLVED: to defer until the next meeting to receive a report from the Leader.

PC24/097 Items for Notification

RESOLVED: to **NOTE** the items for notification to be included on a future agendas:

- Equality and Diversity Policy – March
- Data Protection Policy for HR - March
- Staff sickness, absence and leave report – March
- Staff Appraisal Report - March
- Staff Structure Review - March
- Interim Town Clerk Trial review - March
- Sickness Absence Policy
- Health and Safety Policy Review
- Maternity Leave Policy Review
- Paternity Leave Policy Review
- Shared Parental Leave Policy Review
- Adoption Leave Policy Review
- Parental Bereavement Policy Review
- Lone Worker Policy Review
- No Smoking Policy Review
- Employee Code of Conduct Review
- Staff Appraisal Policy Review
- Wellbeing Policy Review
- Staff Training Policy Review
- Volunteer Policy Review
- Electronic Information and Communication Systems Policy

- HR Management Software

PC24/098 Time and Date of Next Meeting

RESOLVED: to **NOTE** the date and time of the next Personnel Committee meeting scheduled for Wednesday 13 March 2024 at 7:00pm at Richmond House, Morton Terrace.

The meeting closed at 9:32pm

Signed as a true record of the Meeting: _____ Dated _____
Presiding chairman of approving meeting

DRAFT

PAPER B

[ENTER COUNCIL NAME] EQUALITY AND DIVERSITY POLICY

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Our commitment

The council is committed to providing equal opportunities in employment and to avoiding unlawful discrimination.

This policy is intended to assist the 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.

The law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste 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.

The council will 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.

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

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

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

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

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

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

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

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

Equal opportunities in employment

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

Recruitment

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.

Working practices

The 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 the council considers it has good reasons, unrelated to any protected characteristic, for doing so. The council will comply with its obligations in relation to statutory requests for contract variations. The council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Equal opportunities monitoring

The 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.

The council treats personal data collected for reviewing equality and diversity in accordance with the data protection policy. Information about how data is used and the basis for processing is provided in the council's privacy notices.

Dignity at work

The council has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

People not employed by the council

The council will not discriminate unlawfully against those using or seeking to use the services provided by the council.

You should report any bullying or harassment by suppliers, visitors or others to the council who will take appropriate action.

Training

The council will [provide training in/raise awareness of] equal opportunities to those likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The council will [provide training to/raise awareness of] all staff engaged to work at the 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. [The council will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.]

Your responsibilities

Every employee is required to assist the 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, the 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 the 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 should use the 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.

The 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.

Monitoring and review

This policy will be monitored periodically by the council to judge its effectiveness and will be updated in accordance with changes in the law. [In particular, the 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, the 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 relevant data protection legislation.]

This is a non-contractual procedure which will be reviewed from time to time.

Date of policy: December 2019

Approving committee:

Date of committee meeting:

Policy version reference:

Supersedes: [Name of old policy and reference]

Policy effective from:

Date for next review:

— policy ends here —

Notes

This is an example policy that should be adjusted to reflect the procedures and policy of the council. It is important that any commitment made in the policy is applied in practice.

1. Green Book terms

The Green Book sets out practical principles that councils can adopt and acknowledges that local councils will need to select the appropriate measures to match their circumstances.

The guidance covers:

- Developing and action plan to establish and monitor progress
- Recruitment and Selection Procedures
- Training
- Pay, Grading and Conditions of Service
- Dealing with Harassment

Guidance

Where there is text in [square brackets] this part may be updated or be deleted if not relevant. An alternative option may have been provided.

Important notice

This is an example of an employment policy designed for a small council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This document was commissioned by the National Association of Local Councils (NALC) in 2019 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

This document has been written by the HR Services Partnership – a company that provides HR advice and guidance to town and parish councils. Please contact them on 01403 240 205 for information about their services.

Equality and Diversity Policy

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Document History

Adopted by Council –
Reviewed & Adopted -

1. Vision Statement

Gainsborough Town Council is committed to promoting equal opportunities in Gainsborough. The Council values diversity and encourages fairness and justice. The Council wants equal chances for everyone in Gainsborough to work, learn and live free from discrimination and victimisation. The Council will combat discrimination throughout the organisation and will use its position of influence in the Town, wherever possible, to help overcome discriminatory barriers.

2. In seeking to achieve this vision, the Council will strive to:

- 2.1 Encourage equality of opportunity for all people and actively promote good relations.
- 2.2 Eliminate any conditions, procedures and individual behaviour that can lead to discrimination even where there was no intent to discriminate, with particular regard to:
Race; Gender; Disability; Sexuality; Age; Religion and Belief.
- 2.3 Recognise that individuals may experience disadvantage on more than one level.
- 2.4 Offer services fairly to all people, ensuring that anyone in contact with the Council is treated with respect, making provision for those groups within the community whose needs and expectations are less well met.
- 2.5 Comply with all legislation dealing with discrimination and the promotion of equality, following the codes of practice issued to support this legislation.
- 2.6 Ensure all employment policies procedures, guidelines and circulars reflect and reinforce the Councils' commitment to equality.
- 2.7 Ensure mechanisms are in place for responding to complaints of discrimination and harassment from employees and the public.
- 2.8 Encourage disadvantaged groups and individuals to participate in the community.
- 2.9 Make this policy known to all Councillors, employees, job applicants, local citizens and partner organisations.
- 2.10 Operate procurement practices and partnership arrangements that ensure others commissioned to provide services for the Council to have similar policies that cover equal opportunities.

3. Supporting Guidelines

- 3.1 The Equal Opportunities Policy is reinforced by guidelines specifically relating to accessibility and the Council's role as an employer.

4. Equal Opportunities - Accessibility Guidelines

- 4.1 Gainsborough Town Council exists to maximise the well being of the people of Gainsborough. In pursuing this aim, it will strive for a just society which gives everyone equality.

5. Vision Statement:

- 5.1 The Council's services must be accessible to and appropriate for all the members of the community who might wish or need to use them.

- 5.2 The Council will take all reasonable steps to ensure its employment arrangements are accessible.

6. In seeking to achieve this vision, the Council will strive to:

- 6.1 Facilitate physical access into the buildings it controls. The Council will prioritise access into as many of its existing public buildings as possible. If unable to, it will provide a reasonable alternative method of making the service in question available to all groups.
- 6.2 Monitor and evaluate accessibility in order to make improvements. In particular using consultation to understand the needs and expectations of service users, potential users and the workforce.
- 6.3 Use communication methods that are appropriate and sensitive.
- 6.4 Publicise the variety of ways in which services can be accessed.
- 6.5 Improve the accessibility of employment arrangements or physical features of the workplace to meet the needs of staff and applicants with disabilities or other needs.
- 6.6 Work with partner organisations and agencies delivering services on behalf of the Council, to enhance access to services across Gainsborough.
- 6.7 Explore multi-channel access to information and services that extend choice and convenience to the public.

Employment Training and Organisational Development

7. Statement of Principles

- 7.1 Gainsborough Town Council is committed to ensuring that all its employment policies, procedures, guidelines and circulars will reflect and reinforce the Councils' commitment to equality.

8. The Council will through its policies and training seek to create a:

- 8.1 Prejudice-free and supportive working environment.
- 8.2 Workforce which reflects the diversity of the local population, ensuring that people from all sections of Gainsborough's local communities have equality of opportunity to obtain employment in all areas and levels of the Council.

Recruitment and Selection

9. The Council will strive to:

- 9.1 Ensure that all employees are recruited and promoted on the basis of ability and other objective relevant criteria.
- 9.2 Work towards ensuring that through recruitment that its workforce better represents the community it serves.
- 9.3 Be committed to equality of opportunity for all people and protect against all forms of discrimination, with a particular regard to:

Gender; Race; Disability; Religious and Belief; Age; Sexuality

- 9.4 Ensure that it communicates job opportunities to all sections of the community. We will scrutinise the recruitment process to ensure that we do not discriminate or discourage applications from any section of the community.
- 9.5 Ensure that all its employees and members who are part of the recruitment selection panel are trained on equalities issues.
- 9.6 Work with disadvantaged sections of the community in support of recruitment
- 9.7 Use appropriate legislation as a framework for action to support the recruitment process in a positive way.
- 9.8 Collect and use recruitment information to support a fair and effective recruitment process.

Training and Organisational Development

10. The Council will:

- 10.1 Seek to ensure that all employees are developed by the provision of appropriate and accessible learning opportunities in line with organisational needs.
- 10.2 Provide training that complies with the Councils Equalities Policies.
- 10.3 Include equalities training as part of its management development programme.
- 10.4 Provide equalities awareness training as part of its corporate training and organisational development programme.

Monitoring and Evaluation

11. The Council will:

- 11.1 Continually monitor its workforce profile against the community profile to work towards a workforce that is reflective of the community it serves.
- 11.2 Specifically monitor recruitment, promotion, and training opportunities and take up of training, pay, grievance, disciplinary and exit from employment.
- 11.3 Monitor its performance against national best value performance indicators in respect of all equalities issues.
- 11.4 Receive an annual report from the Clerk on progress against targets that have been set.
- 11.5 Continue to review its monitoring processes to comply with changes in legislation.

Equal Opportunities policy - Supporting statements

Race Equality: Gainsborough Town Council is committed to promoting a cohesive society and eliminating unlawful racial discrimination. The Authority will promote equality of opportunity and good relations between people of different racial, national and ethnic groups.

Disability Equality: Gainsborough Town Council will not treat a person less favourably directly or indirectly on the basis of his/her disability and will promote equality of opportunity for people with disabilities.

The Council will also make all reasonable adjustments within its capabilities and resources to help accommodate Employees whose work is affected by disability issues, including:

- The offer of alternative work
- Changing an Employee's work activities
- Altering an Employee's work environment to improve accessibility.

Gender Equality: Gainsborough Town Council will not treat a person less favourably directly or indirectly due to gender or marital status.

Equality of Employment: Gainsborough Town Council will through its policies and training seek to create:

A prejudice free and supportive working environment;

A workforce which reflects the diversity of the local population ensuring that people from all sections of Gainsborough's local community have equality of opportunity to obtain employment in all areas and levels of the Council. This will include working with disadvantaged sections of the community to support and encourage recruitment. (See Employment and Training Guidelines).

Accessibility: The Council's services must be accessible and appropriate for all members of the community who might wish or need to use them. The Council will ensure its employment arrangements are accessible. (See Accessibility Guidelines).

Sexual Orientation: Gainsborough Town Council will not discriminate directly or indirectly on the grounds of sexual orientation.

Gender Reassignment: Gainsborough Town Council will not discriminate directly or indirectly on the grounds of gender reassignment.

Religion and Belief: Gainsborough Town Council will not discriminate directly or indirectly on the grounds of religion or belief.

(This is defined as any religion, religious belief or similar philosophical belief. It excludes philosophical or political beliefs unless those beliefs are similar to a religious belief, e.g. the belief has a profound affect on the person's way of life.)

Age: A person's age will not lead to unfair discrimination.

PAPER C

Certificate of Achievement

Gainsborough Town Council

Has achieved

Gold Status

over

95%

rating

Annual Compliance Survey

29/01/2024

9 LORD STREET, GAINSBOROUGH DN21 2DD T 01427 678 660
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Compliance Survey

Gainsborough Town Council

January 2024



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Executive Summary

This audit was undertaken at the Council's site at Richmond House, Gainsborough, DN21 2RJ on 29/01/2024, in order to carry out a full review on the Council's current HR management system. This is in order to allow Stallard Kane to understand your current working practices and get a feel for how you have worked in the past and how you wish to operate moving forward.

The following list is a guide to some of the work required to improve current Human Resources standards. It is intended to be used as an action list to enable remedial work to take place and should be used in conjunction with the Compliance Survey. To reflect the relative importance, Action Levels are indicated against each item.

This document also contains a copy of the Compliance Survey which details my findings at the time of audit. As always this was a high scoring audit with only one action point regarding exit interviews.

Should you require any further assistance, Stallard Kane Ltd will be happy to assist where necessary.

Stefan Atkinson
Human Resources Advisor

Action Levels

The action levels used in this report are for you to quickly gain an insight to the overall assessment and result of the audit.

For reference:

Immediate action required: Red

The colour Red is used to draw attention to an action that requires an immediate change to a practice or its implementation. There may also be a need for retrospective action. This will be outlined in the comments.

Breach of Council Policy and Procedure: Amber

The colour Yellow is used to show where action is required to correct a practice that is either inconsistent or absent. It is also used to make recommendations for improvements to the current management system.

Good Practice carried out noted: Green

The colour Green indicates the evidence of good practice. It is not meant to imply that no further improvements might be made.

Stallard Kane Ltd makes every effort to ensure that the information provided within all HR paper Audits, website uploads and HR online services is accurate and up to date, but no legal responsibility is accepted for any errors, omissions or misleading statements and the HR service is for information purposes only. We are not responsible for, and cannot guarantee the accuracy of, information within HR Audit documentation, that it does not manage; nor are in the possession of or within its control. It is the obligation of the client to provide accurate and truthful information and documentation to ensure the integrity of the HR Audit process is maintained.

DEFECTS AND RECOMMENDED ACTION LIST

BREACH OF LEGISLATION	Immediate action required to address deficiencies.
BREACH OF BEST PRACTICE/ COUNCIL PROCEDURE	Action should be taken in the short/medium term to address deficiencies.
BEST PRACTICE	The Council should continue to follow best practice.

Action Plan - Breach of best practice/ Council Procedure

Subject	Recommendation/Action	Completion Date	Completion Signature
Exit Interview	When an employee decides to leave their employment it is advised that they be required to undergo an exit interview. This will give the employee the opportunity to raise any issues they may have and for the employer to investigate these as necessary. This may allow the Council to put things into place that means the employee decides to stay or at least make the Council aware of the issues rather than the first thing they know about the issue being a claim for constructive dismissal.		

Stallard Kane Ltd – HR Compliance Audit

Name of Client: Gainsborough Town Council	Name of Auditor: Stefan Atkinson	Number of Employees:11	Date of Audit: 29/01/2024
Name of person seen: Rachel Allbones	Marking Guide: <ul style="list-style-type: none"> • N/A - Not Applicable • 0 - Not Compliant • 1 - Not Fully Compliant • 2 - Compliant 		

Section	Remarks	Advice/Actions	Mark
General			
Young Workers (under 18)	No, the Council currently do not employ anyone under the age of 18.	There is a requirement to undertake a Young Person's Risk Assessment for an employee under the age of 18. The school leaving age has now changed and children should not leave school until the age of 18 unless they are undertaking an apprenticeship or further education from the age of 16	N/A
Disabled Workers	Yes, the Council have disabled employees and they have looked at the reasonable adjustments.	Good practice, no further action	2
Expectant Mothers	No, currently the Council believe they do not have any expectant mothers.	No further action required	N/A

General			
Sub-Contractors	Yes, individuals are genuinely self employed	<p>Only two bodies can decide the employment status of an individual, be it employee, worker or self-employed, those being an employment tribunal or HMRC. There is an employment status for tax questionnaire and the link is as below:</p> <p>https://www.tax.service.gov.uk/check-employment-status-for-tax/setup</p> <p>which on completion will indicate the employment status of an individual.</p>	2
Part Time Workers	Yes, there are 2.	Part-time workers should be treated no less favourably to full time employees.	N/A
Full Time Workers	Yes, there are 9.		N/A
Do you have any staff on Zero Hours Contracts?	No	<p>No further action required, should the Council require a zero-hour contract SKA will be happy to assist.</p> <p>Under the Government good work plan, individuals on a zero hour contract for 26 continuous weeks will be able to request a permanent contract.</p>	N/A
Agency Workers	Yes	The below rule will apply.	N/A

General			
If the Council use Agency workers, is the Council aware of the Agency workers Regulation Act Oct 2011?	Yes, Rachel is fully aware of the rules around this type of employment.	<p>After a 12-week qualifying period, an agency worker will be entitled to the same basic conditions of employment as if they had been directly employed by the hirer on day one of the assignment, specifically:</p> <p>Pay - including any fee, bonus, commission, or holiday pay relating to the assignment. It does not include redundancy pay, contractual sick pay, and maternity, paternity or adoption pay.</p> <p>Working Time Rights - for example, including any annual leave above what is required by law.</p>	2
HR Manual			
Is the HR Manual available and are the policies current?	Yes	The HR Manual has been checked and is up to date. An electronic HR Manual will be provided alongside the HR Audit this year. The HR manual should be kept securely but be easily accessible should any employees require to see full copies of the policies within.	2
Do the Council operate CCTV on site? Do you have a CCTV policy in place?	No, there is no CCTV in operation on site.	Should the Council decided to operate CCTV on site, it is advised that an adequate policy is in place that informs the employees of this fact. Employees should also be informed who, how and how often the footage will be monitored and stored in line with the Council's General Data Protection Regulations.	N/A
Employee Handbook			
Is the current handbook still outstanding to be printed?	No	Good practice	2

Employee Handbook			
Are there any amendments needed to the current version?	No	The employee handbook has been checked and is up to date.	N/A
Have all new employees received a handbook and is there evidence it has been signed for?	Yes	Good practice, the signed receipt should be kept on file	2
Do the Council undertake DBS checking? is this covered in the Employee Handbook?	No, the Council does not require its employees to undergo DBS checks.	No further action required.	N/A
Recruitment & Selection			
Does the Council use Application forms as part of the recruitment process?	Yes - application form doesn't identify any protected characteristics	No further action required. Continued use of this form is important to capture unspent convictions and the declaration that the information provided is the truth.	2
Does the Council use an interview assessment form?	Yes, Council use interview assessment forms	This is good practice and could help defend against of discrimination from unsuccessful candidates. Copies of these should be kept on file for up to 6 months after the interview.	2
Is there evidence that the Health Questionnaire is being completed at the correct time?	Yes, at or after the offer of employment stage	Good practice, no further action required	2
Is there evidence that Health Questionnaires are being updated regularly?	Yes, annually. This is something the Council are currently undertaking with all it's employees.	No further action required	2
Does the Council take up references and in what format?	Yes, two references where possible.	No further action required	2

Recruitment & Selection			
Does the Council ask all new employees to show Right to Work in UK under the Immigration, Asylum and Nationality Act 2006?	Yes	Best practice	2
Ask the Employer what evidence they would ask for?	Yes, the relevant information is taken from the Council and a copy kept in personnel files	<p>From the 1 July 2021 you are not able to employ an individual until you have completed the required right to work checks. Evidence must be on file for all employees, including British workers.</p> <p>For foreign candidates, individuals who applied to the EU settlement scheme will be required to prove their right to work via an online share code.</p> <p>EU/EEA and Swiss citizens who arrived in the UK after the 31st of December 2020 will be required to hold a visa to live and work in the UK as the new system treats EU and non-EU citizens equally. Also, if you are intending to hire someone to come to the UK, you will need to hold a valid sponsor licence.</p> <p>Those with indefinite leave to remain are not affected.</p>	2
Have staff signed an opt out form for 48 hr week if applicable?	No		N/A
Are personnel files kept secure and who has access?	Yes, locked away with restricted access.		2

Contractual			
Are employees issued their main terms and conditions of employment on day one of employment?	Yes	Issuing main terms and conditions of employment on day one is good practice and in line with the organisations legal duties which from April 2020, requires employers to provide the principal statement of main terms and conditions of employment on the first day of employment and the wider written statement within 2 months of the start of employment.	2
Are the Council aware of the current NMW rates and the increase from 6th April 2023: Apprentice £5.28, 16-17 £5.28, 18-20 £7.49, 21-22 £10.18, age 23 and over £10.42 (note that where the National Living Wage used to apply to those age 25 and over, this now applies to those age 23 and over)	Yes, the Council are aware of and pay in line with NW and NLW	Ensure employee's pay rates are reviewed alongside future increases to NMW and NLW	2
Training			
Is Induction Training given and does the Council use an Induction form to record the details?	Yes, this covers what equipment they have gone through for example.	No further action required	2
Are training cost agreements being used?	Yes, but no current ones in place.	No further action required	N/A
Are there any current skill gaps within your workforce that you wish to address?	No		N/A

Employee Relations			
Does the Council carry out annual appraisals with employees?	Yes	No further action required	2
Does performance continue to be discussed throughout the year?	Yes, as and when required. In addition regular toolbox talks take place.	No action required.	N/A
Discipline and Grievance			
Are all employees made aware of the discipline and grievance process?	Yes, this is covered in the employee handbook.	Good practice	2
Are there any current disciplinary or grievance issues to discuss? If so at what stage and is the Council following the correct procedure?	Yes		N/A
Have there been any dismissals through discipline in the last 12 months?	No		N/A
Sickness and Absence			
Do staff receive SSP or Council sick pay?	Staff receive enhanced sick pay, as per their main terms and conditions of employment		N/A
Is absence monitored and how?	Yes, using self cert and return to work interview forms.		2
Is sickness and absence an issue for the Council?	No		N/A

Sickness and Absence			
Do employees self cert when returning from a period of sickness of 7 days?	Yes, the management team are responsible.	Employees can self-certify for up to 7 days. When an employee returns to following a period of absence of less than 7 days, they should be required to fill in a self-cert form, this should then be kept on the individual's personnel file.	2
Do you carry out return to work interviews?	Yes	No further action required	2
Do you have any employees on LTS?	No		N/A
Have you requested access to the medical reports?	No		N/A
Have you requested OH to conduct a medical examination?	No		N/A
Have the Council considered medical capability termination?	Yes	Following receipt of all the relevant medical information, including a report from the individuals GP and an Occupational health assessment the employer can look at the next steps. One of the potential outcomes could include termination of employment due to medical capability, if there are no relevant reasonable adjustments or reasonable alternative employment available.	N/A
Do the Council have any staff who are Mental Health First aid trained?	No	Although this is not a legal requirement, this is good practice.	N/A
Is the Council concerned about any employees from a mental health perspective? Any advice required?	Yes, we do have concerns about one individual but are trying to ascertain what the severity is.		N/A

Leavers			
How many leavers have you had in the last 12 months?	The Council have had 1 leaver in the last year		N/A
Have any leavers been due to redundancy?	No	Should the Council need to undergo a redundancy process, it is advised to contact SKA for advice throughout.	N/A
Have leavers received an exit interview?	No, I have enclosed a template form for you to consider using moving forward.	When an employee decides to leave their employment it is advised that they be required to undergo an exit interview. This will give the employee the opportunity to raise any issues they may have and for the employer to investigate these as necessary. This may allow the Council to put things into place that means the employee decides to stay or at least make the Council aware of the issues rather than the first thing they know about the issue being a claim for constructive dismissal.	1
Have any issues been raised from these, and have you actively investigated the issues?	No	Advised that should issues be raised, to contact us for further advice.	N/A
Legal Requirements			
Is the Council aware that the GDPR came into effect on the 25th May 2018 and what processes do you have in place to ensure compliance with the regulations?	The Council are aware of the legislation and have appropriate processes in place.	The Council have the relevant policies in place and undertake regular reviews of their personnel files to ensure Compliance.	2

Legal Requirements			
Are you aware of the Tribunal decision in regard to Holiday pay and Overtime? What is the Council doing regarding the changes?	No	Following recent case law, when an employee takes holiday, they should not only be paid their basis hours, but the employer should also take into consideration any regular overtime, bonuses, commission etc. When on holiday an employee should be paid an average of what they have been earning over the previous 52 weeks rather than their basic hours. This is only applicable to the first 4 weeks holiday entitlement as prescribed and not the full 5.6 weeks as prescribed by UK law. The additional 1.6 weeks and any further entitlement can be paid at the normal rate of pay.	N/A
During the Covid-19 pandemic, did you place any employees on Furlough?	No, as they are a local authority.	For information only, no further action required	N/A
Do you have any workers who work for part of the year, that have a permanent contract? If so, how do you calculate their holiday entitlement?	No		N/A

Legal Requirements			
Are you aware of the range of Employment Law updates proposed throughout 2024?	Yes	In November 2023 the Government published a response to a consultation they conducted in respect of reforms to retained EU employment law. This consultation came about following our exit from the EU and places a key focus on amending, removing, or replacing unnecessary employment laws we have retained from the EU, thereby simplifying some areas of complex legislation we find ourselves working with. Please refer to the 'Employment Law Update - Quick Reference Guide', which has been provided alongside your HR Audit report, for a full overview of the updates expected throughout 2024. Key areas affected are: updates to the Equality Act (2010), the re-introduction of rolled up holiday pay, the introduction of Carer's Leave, changes to statutory Paternity Leave, updates to Flexible Working regulations, changes to TUPE consultation requirements, plus many more.	N/A
Safety Management			
Does the Council have a Safety policy in place?	Yes, this is located on the website.	No action required.	2
Do staff report safety issues to the Management Team?	Staff report H&S issues to Stephen.	<p>If an employee see's something in a workplace that they think is breaking health and safety law and is likely to cause serious harm, they can report it.</p> <p>It may be possible to put some health and safety problems right without contacting HSE. The employee should look to firstly speak to the person in charge of the work, the employer or their union or employee representative.</p>	N/A

Safety Management			
Are First Aiders certificates in date?	Yes, nearly all staff are qualified.	The Health and Safety (First-Aid) Regulations 1981 require employers to provide adequate and appropriate equipment, facilities and personnel to ensure their employees receive immediate attention if they are injured or taken ill at work. These Regulations apply to all workplaces including those with less than five employees and to the self-employed.	2
Are all staff issued with the relevant PPE (if applicable and is it signed for)	Yes, all staff have received PPE and it has been signed for.	No further action required.	2
Is there an accident book available and where is it located?	Yes, the accident book is located in Stephens Office.	No further action required	2
If night workers are employed do they have an annual assessment?	N/A	no further action required.	N/A
Is there a Fire Risk Assessment in place?	Yes	A 'Competent person' must carry out and regularly review a fire risk assessment of the premises. This will identify what you need to do to prevent fire and keep people safe. You must keep a written record of your fire risk assessment if your business has 5 or more people.	2
Does the Council have an evacuation plan in place?	Yes		2
Council Vehicles			
Does the Council obtain copies of Driving Licences for any employees that drive Council vehicles or use their own vehicles for Council business?	Yes	Good practice, no further action required	2

Council Vehicles			
Do Council Vehicles have trackers? Do the Council have a policy on Tracking?	No, Council vehicles do not have trackers fitted.	No further action required	N/A
Compliance			
Do you have responsibility for this building (or any other work premises) and its core maintenance? If Yes, who is responsible for overseeing this?	Yes	If a Council has responsibility for a premises - either through the terms of their lease or through ownership of the building itself - they have responsibility for certain statutory maintenance items in order to remain compliant. This can range from ensuring electrical items are PAT tested, fire extinguishers are serviced, the electrical installation is inspected, to having an Asbestos Management Survey (if the building was build pre-2000) and a Legionella Risk Assessment.	N/A
Are you aware of the range of services SK Compliance can offer?	Yes		N/A

Employee Files	Yes	No	N/A	Comments
HR Certificate in date and displayed	✓			
Are personnel files kept secure?	✓			
Application Form	✓			
Interview Assessment Form	✓			
Right to work in UK	✓			
Terms and Conditions	✓			
Job Descriptions		✓		
Induction check list	✓			
Evidence of Handbook signed for		✓		
Health Questionnaire & evidence of re issuing	✓			
Driving Licence			✓	
Health and Safety Training	✓			
Appraisals	✓			
Return to Work Forms			✓	
Self Cert Forms			✓	
Opt Out Form			✓	
Fit Notes			✓	

Employee Files	Yes	No	N/A	Comments
P45/46	✓			
PPE signed for	✓			
Is the client aware of the Members area?	✓			

Compliance Survey Score	
Possible:	62
Actual:	61
Percentage:	98.39%



This is to certify that

Gainsborough Town Council

have engaged the services of Stallard Kane Ltd
to ensure compliance with Employment Law Practices and Procedures

Registration Date **January 2024**

Renewal Date **January 2025**



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one of the team



**HR &
EMPLOYMENT LAW**

Employment Law Updates 2024

A Quick Reference Guide

Prepare for significant changes in employment law throughout 2024, including new regulations around carer's leave, updated flexible working options, an extension for the protected period for maternity, adoption or shared parental leave, and compulsory proactive measures to prevent workplace sexual harassment. We round up the key details and dates for the year ahead.

Changes to Statutory Paternity Leave. 6th April 2024
Fathers will be entitled to split their paternity leave into 2 blocks of 1 week and will be entitled to take their leave at any point within 52 weeks of the child's birth (rather than 8 weeks as it is currently).

Pregnancy and Family Leave Act 2023 (Protection from Redundancy) 6th April 2024
Currently, any employee at risk of redundancy who is on maternity leave, adoption leave or shared parental leave is in a "protected period" and has the right to be offered first refusal of any suitable alternative vacancies.

The Flexible Working (Amendments) Regulations 2023 6th April 2024
Employees will have the right to request flexible working from day one of employment (rather than having to wait 26 weeks) and will be entitled to make not only one, but two requests per year. Employers must make a decision on the request within 2 months (rather than the existing 3).

The Employment (Allocation of Tips) Act 2023 May 2024
It will become a legal requirement for tips, gratuities and service charges paid by customers to be distributed fairly to workers, without deductions, no later than the end of the following month after receipt from the customer.

Changes to TUPE consultation requirements. Applies to any TUPE transfer which takes place on or after 1 July 2024.
Small businesses (with fewer than 50 employees) undertaking a transfer of any size, and businesses of any size undertaking a small transfer (of fewer than 10 employees), will be entitled to consult with employees directly, but only if there are no existing worker representatives in place.

The right to request a more predictable working pattern - The Workers (Predictable Terms and Conditions) Act 2023. September 2024
Legislation will grant irregular hours and fixed-term workers the right to request a more predictable working pattern.
Employers will have the right to refuse a request provided they have a business reason for doing so. It is anticipated that the overall process will broadly reflect the existing process for handling flexible working requests.

Sexual Harassment in the Workplace - The Worker Protection (Amendment of Equality Act 2010) 2023. 26th October 2024
Will impose a new obligation on employers to take reasonable steps to prevent sexual harassment in the workplace. Failure to do so could give rise to the tribunal awarding a claimant additional compensation of up to 25%.



Legislative change	Expected date	Key details
Equality Act (2010) Amendments.	1st January 2024	Employees' existing level of protection under the Equality Act has been maintained. The right to claim indirect discrimination 'by association' with others has been added. The definition of disability has been updated to include a reference to "a person's ability to fully participate in working life on an equal basis with other workers".
Working time record keeping requirements.	1st January 2024	The legal requirement to keep records of daily working hours for all staff has been removed but employers are still required to keep adequate records of working time to evidence compliance with working time and minimum wage regulations. (under The Employment Rights (Amendment, Revocation and Transitional Provisions) Regulations 2023)
Re-introduction of rolled up holiday pay for irregular hours and part-year workers.	Applies to annual leave years starting on or after 1st April 2024.	Rolled up holiday pay is where employers pay an additional amount on top of an employee's standard hourly rate of pay to represent their holiday pay entitlement. This practice has been unlawful since 2006; however, the Government has reintroduced rolled-up holiday pay for irregular hours workers and part-year workers. If implemented, holiday pay should be itemised separately on an employee's pay slip. (under The Employment Rights (Amendment, Revocation and Transitional Provisions) Regulations 2023)
Holiday pay calculations for irregular hours and part-year workers.	Applies to annual leave years starting on or after 1st April 2024.	The government has committed to re-introducing the 12.07% method as a means of calculating annual leave for irregular hours workers (including those who work under a zero hour contract) and part-year workers. (under The Employment Rights (Amendment, Revocation and Transitional Provisions) Regulations 2023)
The Carers Leave Act Regulations 2023	6th April 2024	From day 1 of employment, employees will be entitled to take up to one week's unpaid leave in a 12-month period to care for a dependent with long-term care needs.

Stallard Kane is a specialist risk solution service provider offering expert advice and solutions in Health and Safety, HR, Risk Solutions and Training.

Understanding that no one size fits all, we tailor our services to meet each company's needs. We pride ourselves on offering accessible, effective answers to any query.

Our Solutions

Health & Safety Solutions

T: 01427 420 402 **E:** healthandsafety@skaltd.co.uk

We offer a range of bespoke Health and Safety services designed to meet the specific needs of each of our clients. Our dedicated and qualified Health and Safety advisors work closely with each business to help create, implement, and manage their H&S systems. We provide on-premises support, annual auditing, unlimited telephone and email support, and access to a free online portal to help our clients manage their risks and meet their legal obligations.

Employment Law & HR Solutions

T: 01427 420 403 **E:** hr@skaltd.co.uk

Our Employment Law and HR support services offer peace of mind to our clients. Our dedicated HR advisors are available to offer guidance and support on all aspects of employment law. We conduct HR audits, review employee handbooks, policies, procedures, and terms and conditions of employment annually, and offer unlimited access to our advisors via telephone and email.

Training Solutions

T: 01427 420 405 **E:** training@skaltd.co.uk

Training is an important part of our services, and we offer bespoke training solutions designed to meet the specific needs of each business. Our nationwide training provision ensures that our clients comply with legislation and offers additional training solutions.

Compliance and Risk Solutions

T: 01427 420 404 **E:** riskolutions@skaltd.co.uk

Our Compliance and Risk Solutions team comprises highly specialised consultants, experienced engineers, competent certified inspectors, and surveyors. They provide practical advice and solutions to help our clients comply with health and safety legislation and reduce their exposure to risk. Our approach is to offer a practical and accessible service, understanding that the initial survey or report is just the starting point. By supporting the implementation of the advice given, our clients can ensure their business and everyone operating in it is safe and compliant.



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PAPER D

Flexible Working Policy

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Document History

Adopted by Council – 5 September 2023
Reviewed & Adopted -

What is flexible working

Every staff member has a contract of employment that sets out the working hours. A request to work flexibly is a request from the employee to change either the number of working hours, when or where they are worked. Flexible working does not mean a member of staff can work the hours they wish from day-to-day, week-to-week.

Flexible working arrangements take account of employees' preferences, interests and non-work responsibilities whilst also meeting the needs of the Council. Common examples of flexible working include part-time working; zero-hours / casual working; variable hours; flexitime; job-sharing; term-time working; compressed hours; career breaks; and sabbaticals.

Flexible working can result in benefits to Councils, in that such arrangements can help make the most of today's diverse workforce and improve the Council's ability to recruit and retain staff. It is good practice to make flexible working open to all staff.

This policy has been written to explain the process which we will use to respond to requests by staff to vary hours, pattern or place of work.

Scope

You have a statutory right to request a change to your contractual terms and conditions of employment to work flexibly provided you have been continuously employed with us for at least 26 weeks at the date the application is made, regardless of whether you work full or part-time or have a temporary contract of employment. It does not apply to agency staff.

Policy

Our policy is to comply with both the spirit and the letter of the law on the right to request flexible working. To this end its aim is to inform all staff of their right to request flexible working and to ensure those rights are understood and that staff feel confident any decisions regarding their requests will be handled objectively, fairly, free from discrimination, and that staff will not be treated detrimentally because they have asked for flexible working arrangements.

Making the request

To apply for flexible working, please provide the following information in writing, and submit this to the Town Clerk. In the case of the Town Clerk, the request should be submitted to the Chair of the Council:

- The date of the application,
- A statement that this is a statutory request,
- Details of how you would like to work flexibly and when you want to start,
- An explanation of how you think flexible working might affect the council and how this could be dealt with, e.g. if you're not at work on certain days, and,
- A statement saying if and when you've made a previous application.

You can only make one statutory request in any 12-month period. You are asked to let us know if you are making the request because you consider the change could be a reasonable adjustment to support a disability. In such a case some of the requirements of this policy would not apply (i.e. the minimum period of service; one request per annum).

Responding to your request

Once we receive your written request, we will arrange a discussion with you as soon as possible, unless we agree immediately to your request. It may be that we need to ask you to supply further details before the meeting. If there is likely to be a delay in discussing your request, we will inform you. You may be accompanied at the meeting by a work colleague or trade union representative.

Having the right to request a change to your working arrangements does not necessarily mean that your request will be accepted. Your request will be fully discussed at the meeting. We will carefully consider your request looking at the benefits of the requested changes on working conditions for you as an employee and the council and weighing these against any adverse impact of implementing the changes.

Having considered the changes, you are requesting and weighing up the advantages, possible costs and potential logistical implications of granting the request, we will write to you with the decision. The decision will be either:

- To accept the request and establish a start date, with or without a trial period and review date. Where the request is granted, we will set out what changes will be made to your terms and conditions of employment, or,
- To propose an alternative, which may require further discussion, or,
- To confirm a compromise agreed at the discussion, or,
- To reject the request, setting out the reasons, how these apply to the application and the appeal process.

Requests to work flexibly will be considered objectively, however we may not always be able to grant a request to work flexibly if it cannot be accommodated. If we turn down your request, it will be because of one, or a combination of the following reasons, and we will explain why.

- The burden of additional costs is unacceptable to the Council
- Detrimental effect on the council's ability to deliver for the community
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes to the Council

If you are only looking for an informal change for a short period to your working hours or conditions, for instance to pursue a short course of study, we may consider allowing you to revert back to your previous conditions after a specified period, e.g. three months, or after the occurrence of a specific event, such as the end of a course of study.

You must be aware that if your request is approved you do not have a statutory right to make a further request for a period of 12 months, although you may still ask without the statutory right.

Timeframe for dealing with requests

We will do what we can to respond to your request as soon as possible although the law requires the consideration process to be complete within three months of first receiving a request, including any appeal. If the request cannot be dealt with within three months, we may ask to extend the consideration process, provided you agree to the extension.

Handling requests in a fair way

We may receive more than one request to work flexibly closely together from different employees and it may or may not be possible to accept all requests. If we agree to a request for flexible working arrangements this does not mean that we can also agree to a similar change for another employee. Each case will be considered on its merits looking at the business case in the order they have been received. We may need to take others' contractual terms into account and we may ask you if there is any room for adjustment or compromise before coming to a decision.

Appealing the decision

If we decline your request and you wish to appeal, you must do so, in writing, within 5 working days of receiving the letter informing you of the outcome. We will then write to you to arrange a meeting to discuss your appeal. This meeting will be held as soon as reasonably possible and will normally be with a sub-committee of councillors. You may wish to be accompanied at that meeting by a work colleague or trade union representative.

There may be circumstances when the council is unable to meet within the required timeframes, in which case a meeting will be held as soon as is practically possible.

The effect on your contract of employment

Any change in your hours or pattern of work will normally be a permanent change to your contractual terms and conditions. This means that you will not automatically be able to revert back to the previous working pattern (unless otherwise agreed). So, for example, if your new flexible working pattern involves working reduced hours, you will not automatically be able to revert to working full time hours.

Changes to your working pattern may affect other terms and conditions of employment. For example, reducing your hours of work will mean that your pay and leave will be pro-rated accordingly. Your pension may also be affected.

Any changes to your terms and conditions as a result of a change to your working pattern will be confirmed in your decision letter, however if you have further queries about how a proposed change to your pattern of work might affect your terms and conditions please speak to the Clerk or Chair of the Council in the first instance.

Data protection

When managing a flexible working request, we will process personal data collected in accordance with the data protection policy. Data collected from the point at which we receive a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual procedure which will be reviewed from time to time.

Notes

The wording of this policy is based on an employee's statutory right to make a request to change their working arrangements. Adopting and applying this policy as it stands will support the council to comply with this right.

1. Scope

The statutory right is limited to employees with 26 weeks' service. Councils can, if they wish, extend the right to all staff.

The statutory right is limited to one request per annum. Councils can, if they wish, consider requests made more frequently.

2. Considering requests

Employers are not compelled to agree to flexible working requests. The policy sets out some reasons that may mean the request cannot be accepted. This list is based on the legislation. Employers must carefully consider the request, but if the proposal is likely to lead to difficulties with the operation of the council, you should discuss the problems, see if they can be reasonably mitigated, but if not, you can decline the request.

With the exception of a request to support an employee with a disability (see below), the reason for the request should not affect whether the council accepts or declines a request.

Important note: If a request has been made to support the health and wellbeing of a staff member, then this may be considered to be a 'reasonable adjustment'. Employers have a legal duty to consider making changes to work arrangements to prevent disadvantage to a disabled worker. If an employer does not consider making such 'reasonable adjustments', or doesn't implement such adjustments, this may lead to unlawful discrimination.

A disability is a physical or mental impairment which has a substantially adverse and long-term effect on their ability to carry out normal day-to-day activities. A 'reasonable adjustment' may be to allow an employee with long-term anxiety to arrive at work 30 minutes late to avoid rush hour.

Please refer to ACAS (www.acas.org.uk/disability) for further information.

3. Fairness

You may receive a flexible working request from one team member, agree to the request and confirm the changes to their contract. You may then receive a similar request from another team member doing the same job. Your agreement to the first request does not mean that you have to agree to the second request. Each request will need to be considered against the contractual arrangements in place.

4. Trial period

If you are not sure whether a proposed working pattern will work, you can agree to a trial period to test it out. If you do so, it will be important to put this in writing and be clear about the duration of the trial and that the working pattern will automatically revert to the previous arrangements unless the council agrees to the contrary.

5. Written outcome

If a request is agreed on a temporary or permanent basis, it will be important to confirm the outcome in writing and ensure this is placed on the HR file. If there is a change to

the terms set out in the employment contract (whether temporarily or permanently), it will be important to issue a letter to confirm the changes that have been agreed.

PAPER E

PAPER F

PAPER G

PAPER H