

Yeovil Town Council



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Policy, Resources and Finance Committee

Members of Yeovil Town Council are summoned to attend:

The Meeting... **Policy, Resources and Finance Committee**

The Time... **7.00pm**

The Date... **Tuesday 25th July 2017**

The Place... **Town House, 19 Union Street, Yeovil**

**Meetings are open to the Press and Public
If you need this information in large print, Braille, audio
or another language, please ring 01935 382424**

Amanda Card
Town Clerk

19th July 2017

To: All Members of the Policy, Resources and Finance Committee:

Terry Ledlie

Faye Purbrick

Mike Lock

David Recardo (Ex-Officio)

Pauline Lock (Vice Chairman)

Manny Roper

Tony Lock (Chairman)

Darren Shutler (Ex-Officio)

Sarah Lowery

Alan Smith

Graham Oakes

Rob Stickland

Evie Potts-Jones

Equality Act 2010

The *general* public sector equality duty places an obligation on a wide range of public bodies (including town and parish councils) in the exercise of their functions to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

The protected characteristics are:

Age	Race
Disability	Religion or Belief
Gender Reassignment	Sex
Marriage and Civil Partnership	Sexual Orientation
Pregnancy and Maternity	

Recording of Council Meetings

The Local Audit and Accountability Act 2014 allows both the public and press to take photographs, film and audio record the proceedings and report on all public meetings (including on social media).

Any member of the public wishing to record or film proceedings must let the Chairman of the meeting know prior to, or at the start of, the meeting and the recording must be overt (i.e. clearly visible to anyone at the meeting), but non-disruptive. Please refer to our Policy on audio/visual recording and photography at Council meetings at www.yeovil.gov.uk This permission does not extend to private meetings or parts of meetings which are not open to the public.

Members of the public exercising their right to speak during the time allocated for Public Comment who do not wish to be recorded or filmed, need to inform the Chairman who will instruct those taking a recording or filming to cease doing so while they speak.

PUBLIC COMMENT (at the Chairman's discretion up to 15 minutes)

A G E N D A

9/212. APOLOGIES FOR ABSENCE AND TO CONSIDER THE REASONS GIVEN

Council to receive apologies for absence and to consider the reasons given.

LGA 1972 s85(1)

9/213. DECLARATIONS OF INTEREST

Members to declare any interests, including Disclosable Pecuniary Interests (DPI) they may have in agenda items that accord with the requirements of the Town Council's Code of Conduct and to consider any requests from members for Dispensations that accord with Localism Act 2011 s33(b-e). (NB this does not preclude any later declarations).

9/214. MINUTES

To approve as a correct record the Minutes of the meeting held on 30 May 2017.

9/215. EXCLUSION OF PRESS AND PUBLIC

Due to the confidential nature of the business of item 9/224, under the Public Bodies (Admission to Meetings) Act 1960 s3, it is likely a motion to exclude members of the public and press during discussion of this item will be considered by the Councillors.

Public Bodies (Admission to Meetings) Act 1960 s3

9/216. APPLICATION FOR GRANT AID

Applications received from: (Circulated Separately)

- **Girlguiding (£700)**
- **Revitalise (£708)**

9/217. CAPITAL AND REVENUE RESERVES

Members review the statement of Capital & Revenue reserves as at 31st May 2017 at page 3.

9/218. FINANCIAL STATEMENT – APRIL 2017 / MAY 2017

Members to review the Financial Statement for the months of April 2017 and May 2017 attached at pages 4 to 27.

9/219. SICKNESS AND CAPABILITY PROCEDURES

Members to consider the report and the Sickness and Capability Procedures attached at pages 28 to 45.

9/220. LONE WORKING POLICY

Members to review the Lone Working Policy and newly created Lone Working Checklist attached at pages 46 to 52.

9/221. TRAINING AND DEVELOPMENT POLICY

Members to review the Training and Development Policy attached at pages 53 to 57.

9/222. RECOMMENDATIONS FROM YEOVIL CREMATORIUM AND CEMETERY COMMITTEE

Members to consider the recommendations from Yeovil Crematorium and Cemetery Committee held on 19th July 2017.

9/223. FORWARD PLAN

The Forward Plan (attached at page 58) lists the items due to be discussed and the decisions due to be made by the Policy, Resources and Finance Committee. The timings given are indicative and occasionally may be rescheduled and new items added as required.

It is **RECOMMENDED** that the Policy, Resources and Finance Committee approve the Forward Plan.

Public Comment (at the Chairman's discretion up to 15 minutes)

The Committee will consider a resolution (see item 9/215) to exclude the press and public from the remainder of the meeting in accordance with Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

9/224. STAFF IN CONFIDENCE

Members to consider the verbal update from the Town Clerk.

Background

The Sickness and Capability Procedures were first introduced to this Committee at its meeting on 30th May 2017. It was agreed to defer approving the procedures so that they could be reviewed taking on board Members' comments. Comments were raised concerning:

- (1) The expectation of staff to call before 9am on the first day of illness;
- (2) recurring absences and how they could be objectively identified;
- (3) disability related and pregnancy related illnesses and how the procedures could be applied;
- (4) disclosure of medication on the Return to Work After Sickness Questionnaire;
- (5) Returning to work after a long term sickness.

Consideration to Concerns Raised**(1) Contacting Office before 9am**

It was recognised it could be troublesome to ring in by 9:00am on the first day. The policy now states that someone can phone in on behalf of the officer and as a last resort a text or e-mail can be sent. However, a phone call later in the day is still required.

(2) Recurring Absences

A definition of a recurring absence has now been included in both the Sickness Procedures for Staff and the Sickness Procedures for Managers. This definition enables staff to know that they are being treated equitably.

(3) Disability and Pregnancy Related Illnesses

It was recognised that there were certain types of illnesses that would need to be considered. The policy now highlights that both disability and pregnancy related illnesses would not be considered as a recurring absence, and that there are different routes to follow for each. The detail can be found on 2.1 and 2.2 of the Sickness Procedure for Manager.

(4) Disclosure of Medication on the Return to Work After Sickness Questionnaire

The Data Protection Act needs to be considered as the Council should only hold information that it deems necessary. The employer can request health data but must do so only if they satisfy one of the Act's "sensitive data conditions". Employers can only meet a sensitive data condition if:

- The collection of health information is necessary to maintain health and safety; or
- The collection is needed to prevent discrimination against disable workers.

The Return to Work After Sickness Questionnaire has been amended to reflect the above. The words “**ALL INFORMATION REMAINS CONFIDENTIAL**” has also been put on the form. The Council need to be aware of repercussions of breaching the requirement of the Data Protection Act.

(5) Returning to work after a long term sickness

There is now a section on returning to work after a long term sickness which uses the advice provided on the Fit Note to meet the requirements on a case by case basis.

Sickness Procedure

There are 2 sickness procedures – one for the staff (which explains what their responsibilities are) and one for the Manager. However, it is expected that all staff will have reference to both sets of procedures. Incorporated within the Sickness Procedure is the Absence Management Procedure

Absence Management Procedure

Section 3 of the Sickness Procedure – Manager, highlights the Absence Management Procedure. There is a flow chart to pictorially represent the narrative.

Capability Procedure

The Capability Procedure is designed to ensure that concerns regarding the capability of an employee to perform their duties and responsibilities are handed on a fair and consistent basis.

The Committee is **RECOMMENDED**:

- (1) to note the report;
- (2) to consider, approve and adopt the Sickness Procedures (along with the Absence Management Procedure);
- (3) to consider, approve and adopt the Capability Procedures.
- (4) that if (2) and (3) are improved that these procedures are reviewed annually.

(Amanda Card, Town Clerk – 01935 382424)

YEOVIL TOWN COUNCIL



SICKNESS PROCEDURE - STAFF

Reporting Sick

You must make contact with your Manager/Supervisor on the first day of absence. A telephone call should be made as soon as possible but not later than 9:00am on the first day of your absence giving self-diagnosis and an indication of the possible duration of your absence. If you are unable to call yourself, you may ask someone to make contact on your behalf, or as a last resort, you may text or e-mail your Manager/Supervisor. However, you must ensure that you speak with your Manager/Supervisor later the same day or as soon as practicable thereafter. This is important so that arrangements to cover your work can be made. In addition, your colleagues are likely to worry about you until they know you have not arrived at work.

If you fail to notify your Manager/Supervisor within the specified time, this will result in the absence being classified as an unauthorised unpaid absence. Therefore, it is likely that there would be no entitlement to Statutory Sick Pay or Yeovil Town Council sick pay for the days until you report in. Neither will it be possible to convert this absence to annual leave at a later date.

If you do not make contact within the required time, your Manager/Supervisor will try and contact you, so that they can find out what is happening, and to make sure that you are safe.

If your absence is expected to last for more than one day, then you are required to keep your Manager/Supervisor informed at regular or agreed intervals (at most 3 working days apart from the first day of absence).

Getting authorisation for your absence

If you are absent for more than seven calendar days, i.e. including Saturday and Sunday, then you should submit a doctor's medical certificate to your Manager/Supervisor.

Thereafter you must submit continuous intermediate and final doctor's certificates in the same way.

If you feel well enough to return to work before the expiry of a doctor's medical certificate, you may be required to obtain clearance from your doctor confirming that you are fit to return.

In addition you will be required to complete and sign a copy of the Council's "Return to Work After Sickness" form, which covers the first seven days of your absence even if you were absent for half a day.

Return to Work Interview

Your Manager/Supervisor will conduct a return to work interview with you following every period of absence. This is to establish the cause of your absence and to countersign your claim form to authorise that the claim is genuine. The "return to work" interview is important as this gives you the opportunity to explain the reason for your absence and complete the second side of the "Return to Work After Sickness" form. It is also an opportunity for your manager to:

- Emphasise the importance of good attendance and explain why absence is continually monitored;
- Raise any concern regarding your attendance record;
- See whether you need any further support; and
- Decide if further action should be taken regarding your attendance record. In the event that you have an unacceptable attendance record (see the definition of recurring absence in the overview document) this will be managed in accordance with the Absence Management Procedure, outlined in the procedure for Managers and with the framework of the Capability/Disciplinary Policy.

Any dishonest claim that may have been made, may result in pay being withheld and disciplinary action being taken.

Managing Recurring Absence

A reasonable definition of "Recurring Absence" would be an employee who has:

- Four separate absences, during a 12-month rolling period
- Absence resulting in a loss of 10 or more working days, during a 12-month rolling period
- Any recognised pattern of sickness absence, e.g. Monday/Friday absences, school holidays

This would be irrespective of whether the absences were self-certified or a doctor's statement was produced. All instances of absence must be checked upon return to work and the Return to Work Sickness Declaration (both sides) must be completed.

If your Manager is concerned that you are having excessive sickness absences, the Absence Management Procedure will be followed, which your manager will explain.

YEOVIL TOWN COUNCIL



SICKNESS PROCEDURE – MANAGER

These guidelines have been written in conjunction with Yeovil Town Council's Capability Procedure, to assist managers to take the appropriate actions, in the interests of the employee and also within employment law. They are available to any employee to read so that they will know what to expect.

The monitoring of sickness absence is the responsibility of the employee's manager and this includes keeping suitable records.

Upon the employee's return to work, a return to work interview should be conducted to complete the return to work form and discuss any initial concerns over their sickness record. Failure to do this will mean that the absence is recorded as open-ended and may affect sick pay entitlements.

1. Return to Work Interviews

The purpose of the return to work interview is to establish the cause of the absence and to countersign the claim form to authorise that the claim is genuine. The "Return to Work" interview is important as this gives the employee the opportunity to explain the reason for their absence and for you to complete the second side of the "Return to Work After Sickness" Form with them. It is also a good opportunity for you to:

- Emphasise the importance of good attendance and explain why absence is continually monitored;
- Raise any concern regarding the attendance record;
- See whether any further support is needed; and
- Decide if further action should be taken regarding the attendance record. In the event that they have an unacceptable attendance record (see the definition of recurring absence in the overview document) this will be managed in accordance with the Absence Management Procedure, outlines in the procedure for Managers and with the framework of the Capability/Disciplinary Policy.

If you become suspicious that a dishonest claim may have been made you should consult with the Town Clerk. This may result in pay being withheld and disciplinary action being taken.

2. Managing Recurring Absence

A reasonable definition of "Recurring Absence" would be an employee who has:

- Four separate absences, during a 12-month rolling period

- Absence resulting in a loss of 10 or more working days, during a 12-month rolling period
- Any recognised pattern of sickness absence, e.g. Monday/Friday absences, school holidays

This does not include pregnancy-related sickness absence or disability-related sickness absence (see 2.1 Pregnancy-related Sickness Absence and 2.2 Disability-related Sickness Absence below).

This would be irrespective of whether the absences were self-certified or a doctor's statement was produced. All instances of absence must be checked upon return to work and the Return to Work Sickness Declaration (both sides) must be completed.

If a Manager, is concerned that a particular employee is having excessive sickness absences Absence Management Procedure should be followed.

2.1 Pregnancy-related Sickness Absence

Women are protected in equality legislation from being treated unfavourable because of their pregnancy or illnesses related to their pregnancy. This applies within a 'protected period' starting from the beginning of pregnancy and stopping at the end of maternity leave, or when they have returned to work. Any pregnancy-related sickness must be recorded separately from other sick leave, so that pregnancy-related sickness absence is not used as a reason for disciplinary action, dismissal or redundancy.

If an employee is off sick with a pregnancy-related illness (other than odd days of illness) in the last four weeks before the expected week of childbirth, the Town Clerk can ask the employee to start their maternity leave.

2.2 Disability-related Sickness Absence

The employer must be mindful to make reasonable adjustments in the particular circumstances of the individual case. What is reasonable can depend on the alteration being sought by the disabled employee for an illness linked to their disability. A reasonable adjustment in the management of sickness absence would be to proportionally modify policies or absence triggers so a disabled employee is not at a disadvantage to a non-disabled employee. This could include, but not limited to:

- Allowing 'disability leave', for instances for medical treatment, recuperation or rehabilitation, with a time limit agreed between employer and employee
- Recording disability-related sickness absence separately from other illness absence for a time limit agreed between employer and employee
- Discussing changes with the employee, and possibly an expert advisor, so they can return to work – for instance, a phased return, working from home on some days, etc.

3. Absence Management Procedure

Notes should be kept at every stage of the process.

The procedure below recommends the necessary steps, which a Manager/Supervisor should take when interviewing a member of their team. This procedure appears complex, but is necessary to make sure the right steps so the Council can:

Get all the information needed so that the Manager can understand the medical condition, i.e. what the illness is, how long the employee is expected to be off sick, what is the likelihood of the sickness re-occurring and any support that can be provided etc;

- Be open and honest with each other; about the medical condition, and about the need to minimise absence;
- Make sure that the employee is seeing a Doctor if appropriate
- Explain clearly the steps that the Council expects within the process.

3.1 Stage One – Initial Review

- The Manager should obtain all relevant documents and records relating to the absence(s) under review.
- Arrange for an absence interview with the employee, clearly explaining the reasons for this and giving at least 10 days' notice of the date, time, venue etc. If the employee is agreeable the interview can take place before 10 days has elapsed.
- Ensure that you keep a written record of the interview by completing the absence review meeting record.
- Ensure you notify the employee, in writing, of the outcome of the interview.

The main purpose of this meeting is to discuss your concerns with the employee and establish any underlying causes relating to the absence such as a medical issue or personal problems that the employee may be experiencing. If there is any support that can be offered to assist the employee to improve their attendance this should be discussed a note made.

Where appropriate, dependent on the individual circumstances, you may wish to set attendance targets as acceptable guidelines as to the levels of absence that can be tolerated and agree timescales reviewing attendance. An oral warning should be issued. It should be made clear that failure to improve attendance will result in further action being taken. An improvement note can be issued which clearly outlines the concerns and the action required to improve. This should be placed on the employee's personal file. In the case of recurring absence due to an underlying medical condition you should discuss a referral to the Occupation Health Unit.

3.2 Stage Two – Follow Up Review

Review subsequent attendance over the timescale agreed and arrange further review meetings as required. Where there is an improvement in attendance, ensure this

documented and that the employee is encouraged to sustain this improvement over a further agreed timescale.

If the attendance does not improve to the required standard and there is no underlying medical reason, you should arrange a second absence interview. As this meeting may result in formal action being taken, the employee should be given the right to representation. The main purpose of this meeting is to clarify the expectations that were set and ensure that any support agreed has been actioned. Where the employee has been given every opportunity to improve and there is no new information presented at the second absence interview a first written warning should be issued. Further agreement should be reached regarding the improvement required and the action that will be taken should an improvement not be achieved.

Follow up this interview in writing to the employee ensuring they are informed of the right of appeal against this decision. Continue to monitor for the agreed timescale where there is an improvement in attendance, ensure this is documented and the employee is encouraged to sustain this improvement.

3.3 Stage Three – Follow Up Review

If attendance does not improve a further meeting should be arranged with the employee. As this meeting may result in formal action being taken the employee should be given the right to representation. During this meeting the employee should be offered a referral to Occupation Health to determine whether there is an underlying health problem. If they refuse a referral a note should be made and the meeting can continue. Where a referral is actioned, the meeting should be postponed pending the outcome of the referral and reconvene when possible.

Where an underlying health problem is identified, further discussion should take place with the employee, the Town Clerk and the Occupation Health Unit as appropriate, to determine what support/adjustments are required to achieve an improvement in attendance.

Where there is no underlying health problem, the meeting should reconvene and a final written warning issued. It should be made clear at this stage that a further failure to improve will result in dismissal. The outcome of the meeting should be confirmed in writing and the employee given the right of appeal against this decision.

3.4 Stage Four – Final Capability Review

Stage four of these procedures is regarded as the dismissal stage.

If you are satisfied that the employee

- Has been given every opportunity to improve their attendance
- There is no underlying medical condition.

Dismissal proceedings should be instigated in accordance with the Council's Capability Procedure. The Town Clerk should conduct this meeting.

The outcome of the meeting should be confirmed in writing and the employee given the right of appeal against the dismissal decision.

4. Long Term Sickness Absence with an Underlying Medical Condition

Due to the possible long-term nature of some conditions the Capability Procedure should still apply. However, at what stage this will be implemented depends on each individual case.

Definition of Long-Term Absence: A member of staff who is absent for more than 28 consecutive working days due to a known underlying medical condition or a single acute sickness incident.

Here we are concerned with employees who have a genuine illness, and in such cases it is important to manage the situation with sensitivity and kindness, and to consult fully to achieve an appropriate and fair outcome.

The principal question to be answered is how the medical condition is likely to affect the person's ability to perform the job that they are contracted to do, in the short and long term.

5. Consultation period

The procedure must be followed in a sensitive and understanding manner.

Contact the member of staff to arrange a meeting or a home visit as appropriate. Notes should be taken and kept using the record of a home visit form. If necessary advise them that you would like to refer them to the Occupation Health Unit.

If a member of staff refuses to co-operate in giving consent for a report, or to be examined by the Occupation Health Unit, they must be advised in writing that a decision regarding continued employment will be taken on the basis of available information and that it could result in dismissal.

If the absence is long term due to a single acute sickness incident then it is particularly important to ensure that regular contact is maintained throughout the consultation procedure.

If the medical prognosis is that it is no longer appropriate to continue in a current job, or the likely date of return is operationally unacceptable. The employee should be kept fully informed if their employment is at risk.

In cases of genuine or serious ill health that affects the employee's ability to do daily tasks, the employee may fall under the cover of the provision of the Equality Act 2010.

If after full consultation the person's job can no longer be kept open, then the employee will normally be given notice of dismissal on grounds of capability.

6. Returning to work after a long term Sickness

When an employee returns to work after a long term sickness, a Fit Note will be requested. The Fit Note was introduced so that the GP can provide simple, clear and practical advice about an employee's fitness to work. The Fit Note provides the opportunity for the employee and the Town Clerk to work together to find the best approach to return to work. This could include (and not limited to) phased returns, altered hours, amended duties or workplace adaptations.

7. Currency of Warnings

If a warning is withdrawn following review, appeal or for any other reason, all reference to it on the employee's file will be removed. An employee may require the Town Clerk to remove from his/her file any warning in relation to the performance deficiency normally after 12 months. However, if the period of training or support is longer than 6 months, the warning will remain on file for an agreed period, which may be longer than 12 months.

The Town Clerk will accede to the request unless indicated otherwise in the warning or there are special circumstances to warrant retention of the warning on file. In such event, the Town Clerk will advise the employee of these special circumstances. If the employee is unhappy with the decision he/she can submit a grievance.

8. Right of Appeal

In the event of dismissal the employee has the right of appeal to the Council's Appeals Panel. Any such appeal must be lodged within 10 working days of receipt of the decision and must be in writing stating the name of the person to whom any appeal must be addressed.

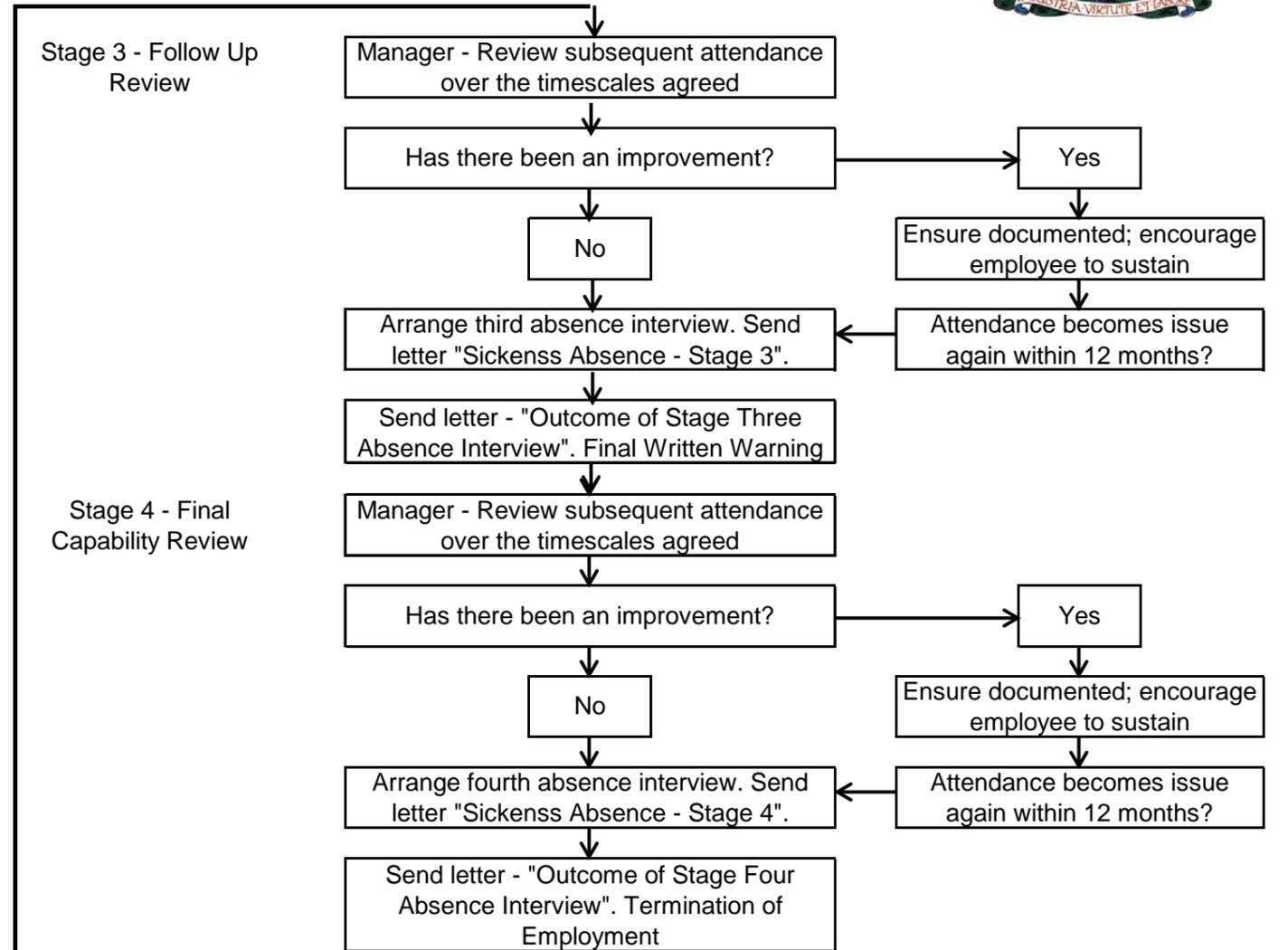
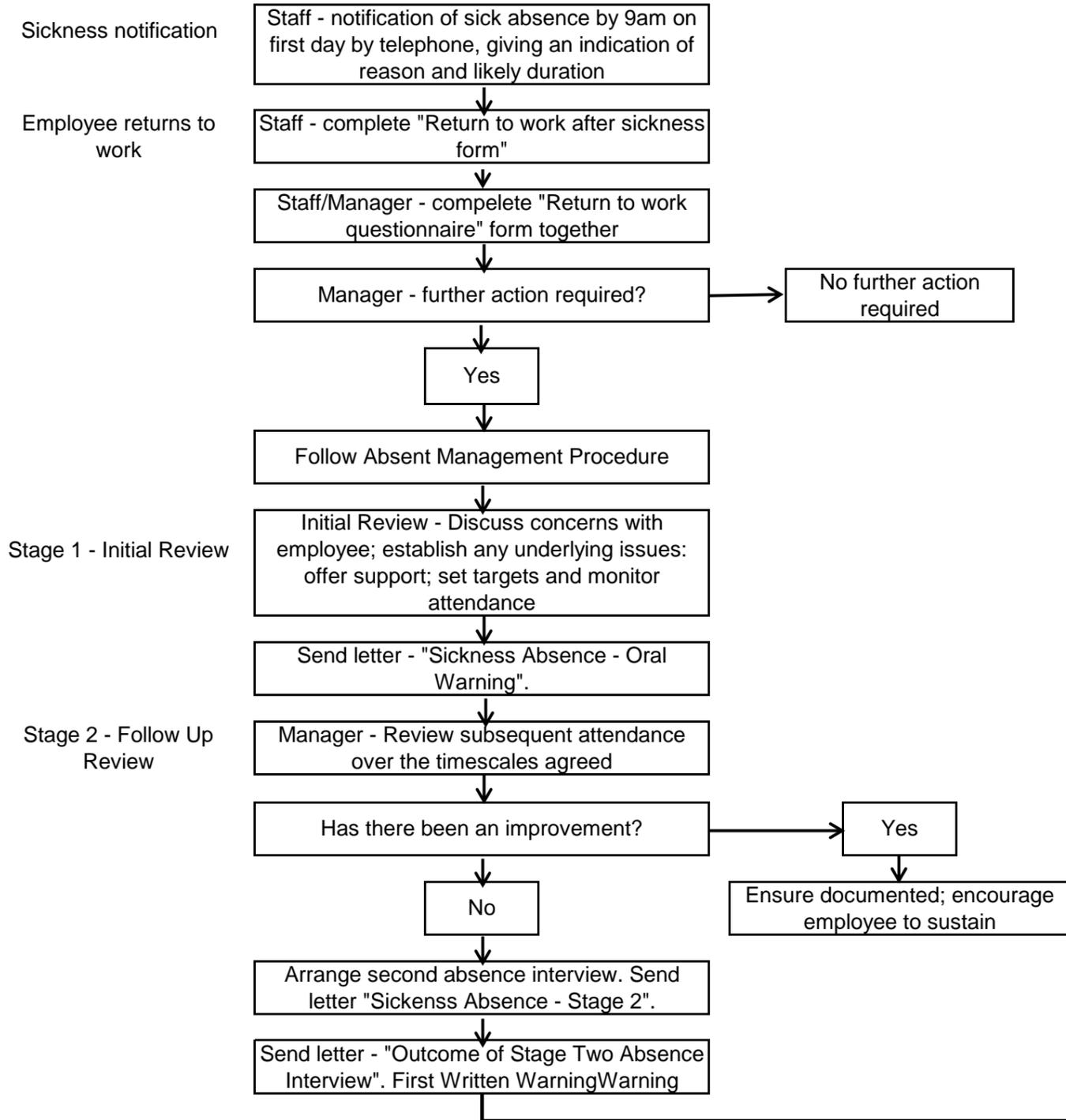
An employee who decides to appeal, will, together with his/her representative (if any), be notified of the time, date and venue of the hearing. Under normal circumstances the date and time will be fixed in consultation with the employee or his/her representative. Such a hearing will take place as soon as possible.

The decision reached by the Appeals Panel will be final.

YEOVIL TOWN COUNCIL



ABSENCE MANAGEMENT PROCEDURE





Yeovil Town Council

Return to Work After Sickness

This form should be completed for all sickness absence, even half a day. If you have already submitted a Doctors Certificate you still need to fill this in. Once completed, please hand to the Town Clerk.

Full Name: _____

Place of Work: _____

1. What was the reason for your absence? *(Please be specific, words like sick or unwell are insufficient)*

2. Please tick if you saw a doctor
Doctors Certificates are needed for absences of more than 7 calendar days including Saturday and Sunday

3. What was your first day of absence from work? (please circle)

Mon / Tues / Wed / Thurs / Fri / Sat / Sun What date was this? _____

What was your last day of absence from work? (please circle)

Mon / Tues / Wed / Thurs / Fri / Sat / Sun What date was this? _____

If you left during the working day please specify time _____

When did you return to work? (please circle)

Mon / Tues / Wed / Thurs / Fri / Sat / Sun What date was this? _____

4. How many of your working days were you absent? _____

5. Was your absence caused at work? (please circle) Yes / No
If YES make sure there is a record of the incident in the Accident Book

6. Tick any of the following DSS benefits you have received in the eight weeks before absence?

Invalidity Benefit Maternity Benefit Sickness Benefit

Remember: If you are ill during pre-booked annual leave you can claim back the days you were ill, but only if you can provide a Doctor's Note.

I declare that the details given above are true and understand that by knowingly making a false declaration, I may render myself liable to action under the appropriate disciplinary procedure.

Employee's Signature _____ Date _____

Manager / Head of Service Signature _____ Date _____

YEOVIL TOWN COUNCIL



CAPABILITY PROCEDURE

1. Purpose and Scope

This procedure deals with Capability which, as defined by the Employment Rights Act 1996 refers to the skill, aptitude, health or any other physical or mental quality of the individual. It is distinguishable from misconduct, which would be dealt with under the Council's Disciplinary Procedure.

This procedure applies to all Yeovil Town Council. It is designed to ensure that concerns regarding the capability of an employee to perform the duties and responsibilities of their post are handled with fairness and consistency.

The procedure will be applied in the following circumstances:

- a) when the Council's normal performance management processes have not resulted in job performance being improved to the required standard
- b) in cases where an employee cannot undertake their role due to some form of statutory ban or failure to acquire a qualification which is essential for that role
- c) in cases of repeated short-term absence due to ill-health and application of the Absence Policy and procedure has not resulted in a sufficient improvement in attendance.
- d) in cases of long-term sickness absence, the Absence Policy will be the primary focus, but where all parties agree to a conclusion that the prospects for a return to work are slight, the Capability Procedure will be adopted

In relation to ill-health, this Procedure should only be invoked once the provisions of the Absence Policy have been followed and particular care will be taken when the absence is due to work-related stress and/or the direct result of alleged or actual harassment.

Managers should always be alert to a possible underlying issue or problem, which could explain a dip in performance, apparent inefficiency or unacceptable attitude. Action to address any matters identified as causing or contributing to the poor performance or prolonged absence should be taken, where possible, before invoking this Procedure.

2. Invoking the Capability Procedure

2.1 Capability relating to skill or aptitude

The Council's performance management processes should ensure that job standards, goals/targets are clear and understood by both managers and their staff.

Job performance will be the subject of monitoring and review through informal discussion and formal joint review (appraisal). Where shortfalls are evident, these should be dealt with through such performance management discussions and appraisal, which may result in further clarification of standards and goals/targets and in training, coaching and other performance improvement actions.

This Capability Procedure should only be invoked as a last resort when Performance Management processes have failed to produce a performance of the required standard.

2.2 Capability related to ill health

Similarly the Council's Absence Policy and Procedure will aim to address cases of ill-health absence, be they a series of sickness/injury-related absence (from single or multiple causes) or long-term absence due to sickness or injury. That procedure may result in the consideration of medical evidence and advice from Occupational Health, as well as review meetings between managers and staff. They may also result in adjustments to working conditions, methods and the working environment in order to accommodate a return to work.

Therefore health-related capability is primarily to be handled constructively through the Absence Policy and Procedure, including the requirement to make reasonable adjustments to working terms and conditions and to working methods in the case of those classifiable as disabled under the Equality Act 2010.

In some cases an inability to continue working due to ill-health will lead to early retirement on ill-health grounds and there will be no need to invoke this Procedure. In others, however, this option will not be possible and dismissal on the grounds of ill health is a possibility. In such cases, the Council is obliged to follow the statutory dismissal procedures, which this Procedure reflects.

In long-term illness cases, normally the Capability Procedure will only be invoked when an employee's entitlement to sick pay has, or is soon to be, exhausted and, in the case of disabled employees all avenues to make reasonable adjustments (including the possibility of redeployment and flexible working) have been pursued.

2.3 Statutory Ban

In rare instances, employees may be subject to a legal restriction that means they cannot undertake the duties of their job. The most obvious instance is a driving ban where driving is an essential part of the duties.

There may also be instances where new or existing Regulations stipulate that a particular qualification is required in order to undertake a particular role and an employee is unable to acquire that qualification in the requisite and/or reasonable timescale.

In both these cases full discussions will take place with the employee to consider: whether the role can be effectively undertaken in spite of the ban, or without the requisite qualification, by making appropriate and reasonable adjustments to working methods or through a reasonable reallocation of duties within work teams. It should also be considered whether there is another role, which the employee can undertake without the ban or lack of qualification having an impact.

This might be on a permanent basis or temporarily for the duration of the ban or while the employee seeks to obtain the qualification.

Where these options are not reasonably practicable then the Council will have to consider dismissal and this Capability Procedure will be invoked.

3. The Procedure

In any formal meetings held under this Procedure, employees have the right to be accompanied by a trade union officer or a work colleague. Similarly, managers chairing meetings (including appeal meetings) should be accompanied whenever possible.

The Procedure has three stages:

Stage One - Notification

The Town Clerk will set out in writing the nature of the issue faced, together with a summary of the discussions and actions taken to date to address the issue. In this letter the employee will be invited to a meeting to review the matter, at which they will have the right to be accompanied by a work colleague or trade union officer.

The venue and timing for the meeting will be determined with all due consideration and sympathy to the employee's health where ill-health capability is the matter for consideration. In all cases reasonable notice will be given to allow the employee time to organise accompaniment and to prepare.

Stage Two - Meeting

This will be one more opportunity to fully consider the circumstances and for the employee to offer further response and evidence.

After due consideration, Town Clerk will decide on what action, if any, to take. This may include:

- further action and/or support to help resolve the issue, or
- further action/support, combined with a final warning that dismissal may result if there is no resolution within laid down timescales. In such cases, should there be no improvement, and dismissal is contemplated, the three stages of the Procedure will be followed again

dismissal with notice – for a first meeting under the Capability Procedure, this outcome is only likely in the cases of long-term ill-health (i.e. after all reasonable steps under the Absence Policy Procedure have been exhausted) or a statutory ban (after all reasonable alternative options have been considered)

If there is a decision to dismiss for incapability, alternative employment options (to positions more suited to the individual's capability) will be considered and, if available, may be offered as an alternative to dismissal. Such options should already have been considered fully in respect of employees whose performance has been adversely affected by ill-health, injury or disability.

The meeting outcome will always be confirmed in writing. In the case of outcomes b) and c), the letter will confirm the right to appeal the decision and in the case of a) details of actions and support agreed with the employee.

Stage 3 - Appeal

Where applicable an appeal should be lodged within a reasonable time and usually within five working days of receiving the written decision.

An appeal will be heard at a meeting, at which the individual has the right to be accompanied by a work colleague or a trade union officer, by the Town Clerk and three elected Council Members selected from the Policy, Resources and Finance Committee. In this instance the appeal meeting will always represent a full re-hearing of the case.

The decision on appeal is final, unless exceptionally the manager hearing the appeal substitutes dismissal for a final warning, in which case there will be a further right of appeal as above. Employees are to be advised that they must exercise their right of appeal if they wish to subsequently pursue a claim to an Employment Tribunal.

4. Records

Where warnings are issued, they will be kept on file with the meeting documents and letters and will be retained on file for the period specified on the warning. This period would normally be:

- 12 months for an improvement notice and warning.
- 24 months for a final written warning

If consideration is given to possible further sanctions, any warnings, which are 'spent', will not be considered and, in any event, more recent warnings will carry greater weight than those more than twelve months old. Once the period is 'spent' the warnings will be removed from the personal file.

Even when a warning is 'spent' and documents removed from the personal file, in order that the Council can meet any possible obligations under the TUPE regulations, all documentation in relation to Capability proceedings will be retained for a total of two years before being destroyed. In such cases, the records will be securely stored and kept separate from any personal file that may be available to managers generally. Information relating to 'spent' warnings will not be made available to those involved in selection decisions.

YEOVIL TOWN COUNCIL



LONE WORKING POLICY

1. Introduction

The Council recognises that its employees are required to work by themselves for significant periods of time without close or direct supervision in the community, in isolated work areas and out of hours. The purpose of this policy is to protect such staff so far as is reasonable practicable from the risks of lone working.

The Council also recognises it has an obligation under Health and Safety at Work (1974) and the Management of Health and Safety at Work Regulations (1999), for health, safety and welfare at work of its employees.

2. Scope of Policy

The policy applies to all situations involving lone working arising in connection with the duties and activities of the Council's employees.

3. Definition of Lone Workers

The Health and Safety Executive defines lone workers as "those who work by themselves without close or direct supervision". This covers all Council's employees, all of whom are required to carry out their duties for all or part of their working day working in isolation. This may be within the office or outside the office.

4. Aims of Policy

The aim of the policy is to:

- a) Increase staff awareness of safety issues relating to lone working;
- b) Recognising and reducing risk by ensuring that the risk of lone working is assessed in a systematic and ongoing way, and that safe systems and methods of work are put in place to reduce the risk so far as reasonably practicable;
- c) Ensure that appropriate training is available to all staff in all areas that equips them to recognise risk and provides practical advice on safety when working alone;
- d) Ensure that appropriate support is available to staff who have to work alone;
- e) Encourage full reporting and recording of all adverse incidents relating to lone working.

5. Responsibilities

5.1 Town Clerk

The Town Clerk on behalf of the Town Council is responsible for:

- Ensuring that there are arrangements for identifying, evaluating and managing risk associated with lone working;
- Providing resources for putting the policy into practice;
- Ensuring that there are arrangements for monitoring incidents lined to lone working and that the Council regularly reviews the effectiveness of this policy;
- Ensuring that all staff are aware of the policy;
- Ensuring that risk assessments are carried out and reviewed regularly;
- Putting procedures and safe systems of work into practice which are designed to eliminate or reduce the risks associated with working alone;
- Ensuring that staff are given appropriate information, instruction and training;
- Ensuring that appropriate support is given to staff involved in any incident;
- Managing the effectiveness of preventative measures through an effective system of reporting, investigating and recording incidents.

5.2 Employees

Employees are responsible for

- Taking reasonable care of themselves and others affected by their actions;
- Co-operating by following rules and procedures designed for safe working;
- Reporting all incidents that may affect the health and safety of themselves or others and asking for guidance as appropriate;
- Taking part in training designed to meet the requirements of the policy;
- Reporting any dangers or potential dangers they identify or any concerns they might have in respect of working alone.

6. Risk Assessment

Risk assessment is essential to good risk management.

Assessment will be carried out for and by all staff whose working practice makes them vulnerable. This includes staff that are site based but work in isolation as well as mobile staff whose work takes out into the community. Recommendations will be made to eliminate or to reduce the risk to the lowest level reasonable practicable.

A lone workers' checklist will be completed. This will be used as a tool to identify if the existing control measures are adequate and if not, what modifications or additional actions can be considered necessary to help reduce the risks associated with lone working.

Once the checklist has been completed a risk assessment will be carried out and documented in a risk assessment form.

Risk assessments for site based lone workers will include:

- Safe access and exit;
- Risk of violence;
- Safety of equipment for individual use;
- Channels of communication in an emergency;
- Site security;
- Security arrangements i.e. alarm systems and mobile telephones;
- Level and adequacy of on/off site supervision.

Risk assessments for mobile lone works will, additionally, include:

- Travelling between sites;
- Reporting and recording arrangements;
- Communication and traceability;
- Personal safety/security.

Following completion of the Risk Assessment, consideration will be given to any appropriate action that is required.

7. Mandatory Procedures

7.1 Security of Buildings

To ensure the security of buildings

- Appropriate steps should be taken to control access to the building, and that emergency exits are accessible;
- Alarm systems must be tested regularly;
- Staff work alone must ensure they are familiar with the exits and alarms;
- There must be access to a telephone and first aid equipment for staff working alone;
- If there is any indication that the building has been broken into, a staff member must not enter alone, but must wait for back up.

7.2 Personal Safety

To ensure personal safety

- Staff must not assume that having a mobile phone and a backup plans sufficient. The first priority is to plan for a reduction of risk;
- Staff should take all reasonable precautions to ensure their own safety;
- Before working alone, assessment of the risks involved should be made in conjunction with the line manager;

- Staff must inform their line manager or other identified person when they will be working alone, giving details of their location and following an agreed plan;
- If a member of staff does not report as expected, an agreed plan should be put into operation, initially to check on then situation and then to respond as appropriate;
- Where staff work alone for extended periods and/or a regular basis, managers must make provision for regular contact, to monitor and to counter the effect of working in isolation.

8. Incident Reporting

An incident is defined as “an unplanned or uncontrolled event or sequence of events that has the potential to cause injury, ill health or damage”.

In order to maintain an appropriate record of incidents involving lone workers it is essential that all incidents be reported to the Clerk who will prioritise each incident and identify any immediate action. Staff should ensure that all incidents where they feel threaten or “unsafe” are reported. This includes incidents of verbal abuse.

9. Contacting/Involving the Police

The Council is committed to protecting the staff from violence and assault and will support criminal proceedings against those who carry out assault. All staff are encouraged to report violent incidents to the police and will be supported by the Council throughout the process.

Except in the cases of emergency, employees should inform the Clerk of any incident immediately. The Clerk will thereafter take responsibility for contact the police to report the details of the incident.

10. Support for Staff

Employees working for the Council should know that their safety comes first. Staff should be aware of how to deal with situations where they feel they are at risk, or unsafe. Staff should also be able to recognise how their own actions could influence or even trigger an aggressive response. The Clerk will ensure that all lone workers training needs are assessed and that they receive the appropriate training.

11. Immediate Support Following a Violent Incident

In the event of a violent incident involving a lone worker, the Clerk will immediately ensure that the employee received any necessary medical treatment and/or advice. If an incident occurs out of hours the Chair of Policy, Resources and Finance Committee should be contacted.

The Clerk will also consider whether the employee needs specific information or assistance relating to legal or insurance aspect. The Clerk will also ensure appropriate written and verbal reporting of any violent incident.

Adopted: 26th July 2016
To be reviewed: July 2017

YEOVIL TOWN COUNCIL



LONE WORKING CHECKLIST

Checklist completed by:

Date completed:

Location: Town House
 Milford Community Hall
 Monmouth Community Hall
 Goar Knap Workshop
 Allotments
 Ski Centre
 Around Yeovil
 (* circle as necessary)

Main Issues of Concern

Do staff work alone?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Do staff work outside normal office hours?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Do staff meet with members of the public in an isolated location?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Is there enough security provision?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Is there safe access to the building?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Do staff activities involve working in confined spaces?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Do staff activities involve handling dangerous substances?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Do staff carry out work in high-risk locations?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Do staff carry out work in isolated areas?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

Control Measures for Consideration

Do you provide joint working for high risk activities?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Do you carry out regular supervisor or colleague checks during activities?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

Do you use entrance security systems? (i.e. digital locks)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Is there security lighting around access points and parking areas?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Have you installed panic buttons linked to manned locations?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Do staff have information and training on basic personal safety?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Is staff trained in strategies for preventing and managing violence?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Do staff have access to forms for reporting incidents or near misses and appreciate the need for this procedure?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Do you provide accompanied visits when there are concerns about safety?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Do you share risk information with other agencies?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Are there systems for monitoring staff whereabouts and movements for regularly reporting to base?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Have you issued mobile phones?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Have you issued personal attack alarms?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Do staff carry forms for reporting incidents or near misses and appreciate the need for this procedure?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

Are the existing control measures adequate? Yes No

If "no", what modifications or additional actions are necessary?

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YEOVIL TOWN COUNCIL



TRAINING & DEVELOPMENT POLICY

1. Objectives of the Training and Development Policy

The objectives of this policy are to:

- Encourage Members and Officers to undertake appropriate training to ensure that they have the skills, knowledge, experience and resources they need to perform well in their roles.
- Equality of awarding training and development opportunities
- Ensure that all training is evaluated to assess its value
- Recognise that it is essential to develop the abilities of individuals and satisfy not only current needs but future needs of Yeovil Town Council.

2. Introduction

This document forms Yeovil Town Council's Training and Development Policy. It sets out:

- The Council's commitment to training and development
- The identification of training needs
- Compulsory training
- Training delivery
- Assistance to study (financial and time)
- Short courses/workshops
- Members training and development
- Evaluation of training
- Links with other policies
- Reporting on progress.

3. Commitment to Training

Yeovil Town Council is committed to the ongoing training and development of all Members and employees to enable them to make the most effective contribution to the Council's aims and objectives. Yeovil Town Council recognises that the most important resources are its Members and Officers and its commitment to

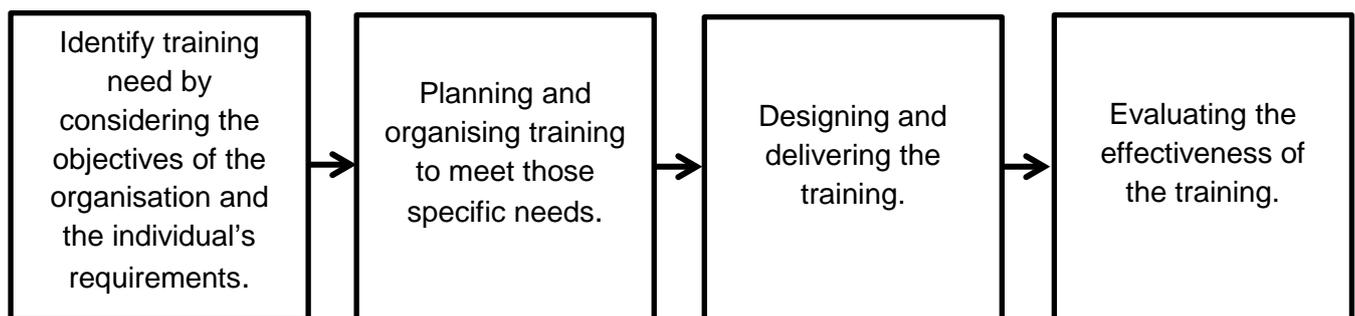
encouraging all to enhance their knowledge and qualifications through further training. Some training is necessary to ensure compliance with legal and statutory requirements.

Training provides the Council with many benefits:

- Improves the quality of the services and facilities that Yeovil Town Council provides
- Enables the organisation to effectively achieve its corporate aims and objectives
- Improves the skill base of employees, producing confident, highly skilled Officers working as part of an effective and efficient team
- Provides resilience
- Demonstrates that employees are valued.

Yeovil Town Council has a dedicated budget to support the training and development of its Members and Officers, which is reviewed on an annual basis.

The process of training and development:



4. Identification of Training Needs

Employees will be asked to identify their development needs with advice from their line manager during their annual appraisal.

There are a number of additional ways that training needs of both Members and Officers may be recognised:

- Questionnaires (skills audit)
- During interview
- Following confirmation of appointment
- Formal and informal discussion.

Other circumstances may present the need for training:

- Statutory, legislative and Health & Safety requirements
- Service developments and delivery needs
- Personal development and continuous professional development.

5. Compulsory Training

Where statutory or legislative training needs are identified by the Council, it will be mandatory for Officers to attend and the Council will endeavour to accommodate this within normal working hour. Failure to attend may result in disciplinary action.

6. Training Delivery

Learning, training and development opportunities are available in many forms including:

- Formal training courses
- Conferences and network meetings
- Shadowing, coaching and mentoring
- Distance and E-learning
- Guided reading
- On the job training
- Continuous Professional Development
- Work experience and secondment

7. Financial Assistance

It is important to note that all sponsored training must be appropriate to the needs of the Council, be relevant to the individual's role and is subject to the availability of financial resources.

Each request will be considered on an individual basis and the benefits to the individual and the organisation will be identified.

Other considerations include the following:

- Implication of employee release for training courses on the operational capability of the council
- The most economic and effective means of training
- Provision and availability of training budget.

For approved courses Members and Officers can expect the following to be sponsored:

- The course fee
- Examination fees
- Associated Membership fees

Members and Officers attending assisted courses are required to inform the Town Clerk immediately of any absences, giving reasons.

Yeovil Town Council operates a Learning Agreement. Any employee undertaking post-entry qualifications funded by the Council must be aware that should they leave Yeovil Town Council employment within two years of completion of the qualification they will be required to repay all costs associated with the undertaking of such

training. If the employee takes up employment with another Local Authority this agreement may be waived.

8. Study Leave

Employees who are given approval to undertake external qualifications are granted the following:

- Study time to attend day-release courses
- Time to sit examinations
- Study time of one day per examination, up to a maximum of three days

9. Short Courses/Workshops/Residential Weekends

Where attendance is required at a short course, a full day of paid leave will be granted

Members and Officers attending approved short courses/workshops/residential weekends can expect the following to be paid:

- The course fee
- Travelling expenses in accordance with the Council's current policy
- Subsistence in accordance with the Council's current policy.

10. Members Training and Development

Members are responsible for their own personal development and are advised by the clerk after consulting with the Chairman of Policy, Resources and Finance Committee of the range of training opportunities. New Members are particularly encouraged to attend training as part of their induction and existing Members should attend courses as relevant to keep their knowledge up to date.

Training is regularly provided by NALC (National Association of Local Councils), SALC (Somerset Association of Local Councils) and South Somerset District Council. No Member of the Planning Committee is permitted to vote unless they have undertaken the relevant training delivered by South Somerset District Council.

Member training relevant to their role will be paid for by the council and Members must book training through the clerk. If a Member fails to attend training paid for by the council, they may be asked to refund any costs incurred; those costs will be recovered from Members' Allowances.

For training outside Yeovil Town, Members are entitled to claim mileage, accommodation and subsistence expenses in the normal way.

11. Evaluation of Training

Records of all training undertaken by employees will be kept in the personnel files of each Officer. Records will be maintained all training undertaken by Members.

As part of Yeovil Town Council's continuing commitment to training and development, employees are asked to provide feedback on the value and

effectiveness of the training they undertake highlighting in particular the key implication of new legislation, guidance and/or best practice of the ongoing efficiency of the authority.

12. Links with other Council Policies

- Equality of opportunities in all aspects of Member and officer development
- Risk Strategy – a commitment to Training and Development greatly assists in achieving good governance and an effective system of Risk Management
- Health and Safety Policy – ongoing training and development is key to ensuring a positive approach to Health and Safety is embedded through the authority.

13. Reporting on Progress

A central record of all Member and officer training will be maintained by the Clerk. A report will be made annually to the Policy, Resources and Finance Committee, detailing attendance at training over the year, as well as the inclusion of Member and Officers evaluation of courses attended.

14. Conclusion

The adoption of this training policy should achieve many benefits for the Council. It will assist in demonstrating that the Council is committed to continuing professional development and enhancing the skills of both Elected Members and Officers.

Adopted: 26th July 2016
To be reviewed: July 2017

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FORWARD PLAN

Date	Item
Policy, Resources & Finance 26 September 2017	<ul style="list-style-type: none"> • Financial Statements June/July 2017 • Capital and Revenue Reserves 31st July 2017 • Applications for Grant Aid • Town Clerk Update • Youth Services Update • Financial Regulations • Scheme of Delegation • Standing Orders Relating to Contracts
24 th October 2017 6:00pm	<ul style="list-style-type: none"> • Budget Setting Workshop
Policy, Resources & Finance 28 November 2017	<ul style="list-style-type: none"> • Financial Statements August/September 2017 • Capital and Revenue Reserves 30th September 2017 • Applications for Grant Aid • Draft Budgets 2018/19 • Action Plans • Allotment Rents from 1st January 2019 • Community Hall Charges 2018/19 • Christmas Opening Arrangements
Policy, Resources & Finance 30 January 2018	<ul style="list-style-type: none"> • Financial Statements October/November 2017 • Capital and Revenue Reserves 30th November 2017 • Applications for Grant Aid • Risk Management Strategy and Risk Register • Budgets 2018/19
Policy, Resources & Finance 27 March 2018	<ul style="list-style-type: none"> • Financial Statements December 2017/January 2018 • Capital and Revenue Reserves 31st January 2018 • Applications for Grant Aid • Town Clerk Update
Policy, Resources & Finance 29 May 2018	<ul style="list-style-type: none"> • Financial Statements February/March 2018 • Capital and Revenue Reserves 31st March 2018 • Applications for Grant Aid