

# 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 30th May 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

23 May 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](http://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**

### **9/188. 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)*

### **9/189. 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).

### **9/190. MINUTES**

To approve as a correct record the Minutes of the meeting held on 28 March 2017 and 9 May 2017.

### **9/191. EXCLUSION OF PRESS AND PUBLIC**

Due to the confidential nature of the business of item 9/201 to 9/203, 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*

### **9/192. CAPITAL AND REVENUE RESERVES**

Members review statement of Capital & Revenue reserves as at 31<sup>st</sup> March 2017 at page 3.

### **9/193. FINANCIAL STATEMENT – FEBRUARY/MARCH 2017**

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

### **9/194. INTERNAL AUDIT REPORT**

Members to consider the findings of the Internal Auditor following the second audit of the Council's financial procedures attached at pages 28 to 34. *Account & Audit Regulations 2015 s3*

### **9/195. RECOMMENDATIONS FROM BUILDINGS AND CIVIC MATTER COMMITTEE**

Members to consider the recommendations from Buildings and Civic Matter Committee held on 23<sup>rd</sup> May 2017.

**9/196. SOCIAL MEDIA POLICY**

Members to consider and approve the Social Media Policy attached at pages 35 to 38.

**9/197. YEOVIL TOWN COUNCIL FACEBOOK PAGE**

Members to consider and approve the creation of a Facebook page to engage with the general public and provide information and updates regarding activities and opportunities within Yeovil Town.

**9/198. TEAM STRUCTURE**

Members to note the Team Structure on page 39.

**9/199. SICKNESS AND CAPABILITY PROCEDURES**

Members to consider and approve the Sickness Procedures (for both staff and managers) attached at pages 40 to 49; and also the Capability Procedure attached at pages 50 to 54.

**9/200. FORWARD PLAN**

The Forward Plan (attached at page 55) 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 9/191) 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.*

**9/201. PRINTER AND PHOTOCOPIER SOLUTION (COMMERCIAL IN CONFIDENCE)**

See attached report by the Town Clerk at page 56.

**9/202. CHRISTMAS LIGHTS (COMMERCIAL IN CONFIDENCE)**

To note the verbal report from the Town Clerk and Chair of Promotions and Activities regarding Christmas Lights in Yeovil.

**9/203. STAFFING (STAFF IN CONFIDENCE)**



FINAL

Internal audit report 2016/17

Visit 2 of 3

# YEOVIL TOWN COUNCIL

Date: 24<sup>th</sup> April 2017

Report author: R Darkin-Miller  
Email: [r.darkin@darkinmiller.co.uk](mailto:r.darkin@darkinmiller.co.uk)

## **Introduction**

This report contains a note of the audit recommendations made to Yeovil Town Council following the carrying out of internal audit testing on site on 28<sup>th</sup> and 30<sup>th</sup> March 2017.

The audit work has been carried out in accordance with Appendix 9 of the 'Governance and Accountability for Local Councils: A Practitioners' Guide'.

An internal audit covers the review of the operation of the Council's internal control environment. It is not designed to review and give full assurance over every transaction carried out by the Council. Instead it enables the auditor, following the sample testing of a number of different types of transaction, to give an opinion as to whether or not the control objectives are being achieved across a range of financial and governance systems.

## **Audit Opinion**

As this audit report is an interim one, no audit opinion is offered at this stage.

The report issued after the final visit for 2016/17 (which will be in June 2017) will contain the audit opinion.

The following areas were reviewed during this audit visit:

1. Payments
2. Risk Management
3. Budgetary control
4. Petty Cash
5. Bank Reconciliation

## **Audit Recommendations**

Recommendations made during the audit are shown in appendix one to this report.

Recommendations are graded as follows:

<b>Rating</b>	<b>Significance</b>
High	Either a critical business risk is not being adequately addressed or there is substantial non-conformity with regulations and accepted standards.
Medium	Either a key business risk is not being adequately addressed or there is a degree of non-conformity with regulations and accepted standards.
Low	Either minor non-conformity with procedure or opportunity to improve working practices further.

The number of recommendations made at this audit visit and their priority are summarised in the following table:

<b>Rating</b>	<b>Number</b>
High	0
Medium	3
Low	7
<b>TOTAL</b>	<b>10</b>

I would like to thank Amanda Card – Town Clerk; Sally Freemantle – Deputy Town Clerk; Neil Gage - Finance Administrator; and Lucy Jones – Office Administrator for their assistance during this audit.

**Darkin Miller Chartered Accountants**  
**2016/17 INTERNAL AUDIT OF YEOVIL TOWN COUNCIL**  
**FINAL REPORT VISIT 2 OF 3: 24<sup>th</sup> APRIL 2017**

**Appendix 1 – Recommendations and Action Plan**

Recommendation number	Detail	Priority (Low/Medium/High)	Management Response	Responsible Officer	Due Date
2.1 – Review of Standing Orders and Financial Regulations	<p>The Council has a set of Standing Orders and Financial Regulations which were last formally reviewed in September 2012 and March 2011. The National Association of Local Councils has since issued a new set of model documents. A revised set of documents has been prepared but their adoption was deferred pending the appointment of a new Town Clerk, in order to enable that officer to assess what controls would be appropriate. The Town Clerk has now been in post for over a year and has put the consideration of the revised documents on the forward plan for the Policy, Resources and Finance Committee in May 2017.</p> <p>It is recommended that a revised set Standing Orders and Financial Regulations, which include consideration of the amendments to the model documents, are adopted as soon as possible.</p>	M	The Standing Orders and Financial Regulations are being updated and will be taken to Committee in May.	Amanda Card	June 2017
2.2 – Vat underclaimed	<p>I checked a sample of 35 payments to confirm that the VAT had been correctly identified and recovered. On one payment (for an expenses claim) I found that VAT had been under-recovered by £9.07. The total value of VAT reclaimed for that quarter was just under £29k.</p> <p>I recommend that the related claim is checked and any unrecovered VAT claimed on the Council's next VAT return.</p>	L	Agree.	Neil Gage	April 2017
2.3 – Paperwork attached to payment request	<p>I checked a sample of 25 payments to confirm that they were supported by invoices and authorised. I found that all samples had been certified as having been checked for accuracy and validity, but that there was no supporting paperwork on the payments file relating to two payments: the monthly Mayor's Allowance, and the payment of monies to the Mayor's Charity. I was subsequently provided with evidence supporting the value of both payments.</p>	L	Agree	Amanda Card/Neil Gage	On-going

	<p>It is recommended that paperwork is attached to the payment request to evidence that the value and payee are correct, and to improve the audit trail.</p>				
2.4 – Missing agenda papers	<p>I checked a sample of 25 payments (split across 35 different elements) to confirm that they had been properly approved by Council. I found that 31/35 samples were approved. 2/35 may not have been approved as they were contained on three pages of the September finance report to PR&amp;F which were missing from the file copy of the agenda papers. It is not clear if the omission was limited to the file copy, so Members may not have seen or formally approved them. Note that the missing papers were produced immediately during the audit.</p> <p>It is recommended that agenda papers are checked for completeness prior to being circulated.</p>	L	Agree	Amanda Card	On-going
2.5 – Review of payments report	<p>2/35 samples were not approved via the normal payments report as they were coded to the balance sheet. The finance report picks up income &amp; expenditure codes only. Although both payments related to previous Council decisions (in relation to the taking-on of a PWLB loan, and the contribution of sums to a play area scheme), there is a risk that the lack of reporting when stage payments are made means that Members are not fully aware of all payments being made each time payment approvals are sought.</p> <p>It is recommended that consideration be given to the format of the payments report to ensure that all payments made for the month are identified for approval by Members.</p>	M	Will consider an appropriate method to ensure re that Capital items are identified and specifically approved by Members.	Amanda Card/Neil Gage	On-going
2.6 – Procurement review	<p>The Clerk has carried out a significant amount of work to regularise the Council's service and supply contracts. During the year, service level agreements have been put in place to formalise delivery specifications for the Council's contributions to open spaces and Yeovil in Bloom. Work is underway on similar agreements for allotments. Procurement exercises have been undertaken for insurance</p>	M	The review of all contacts is on-going and will be reviewed in order of materiality and also when contracts come to the end of their terms.	Amanda Card	On-going

	<p>(saving £2k per annum), and Youth Services; and a tender exercise has just started to appoint a supplier to supply, install and maintain the Town's Christmas Lights. Such exercises take time, but ensure that the Council can not only demonstrate that it is achieving value for money, but also that it frequently makes either savings on the contract, or increases the amount of goods or services it receives for the same money.</p> <p>The Clerk has said that she will continue to review the Council's supplies and services and to undertake appropriate procurement exercises over the next two years. It is recommended that this happens as planned in order to drive savings out of the budget; and that the results of these exercises are reported annually to Council so that Members and Residents are aware of the savings made.</p>		All new contracts will follow Procurement procedures and written agreements will be in place.		
3.1 – Minuted Council review of Risk Assessment	<p>The Council's Risk Strategy and Assessment was considered by the Policy, Resources and Finance Committee on 31 January 2017. The minutes of that meeting were received and approved by Council on 7 February 2017. The minute included a separate note of the ratification of the resolution and recommendation relating to the Risk Assessment. The Accounts and Audit Regulations 2015 (AA2015) permit the risk assessment to be carried out by a committee with appropriate delegated authority, but sets out that the Council should 'consider the findings of the review by members of the authority meeting as a whole' (s.6.3(a)).</p> <p>It is recommended that Council considers the findings of the review, and documents that consideration in a separate minute, in order to ensure compliance with AA2015.</p>	L	In future rather than asking for Council to ratify the resolutions of the Policy, Resources and Finance (PR&F) Committee; the PR&F Committee will be asked to recommend to Council the approval of the Risk Strategy and Assessment. This will mean that all members will consider the findings of the review.	Amanda Card	January 2018
3.2 – Approval of minutes	<p>The minutes of the Special meeting of the Grounds and General Maintenance Committee held on 10 May 2016 were not approved due to an administrative oversight.</p> <p>It is recommended that the minutes are formally approved at the next meeting of the Committee in order to ensure that</p>	L	This was an oversight due to timing of meetings, the minutes of the Special Meeting of GGM were not prepared for the next meeting of GGM (which	Sally Freemantle	July 2017

	<p>have been properly approved as per the Local Government Act 1972.</p>		<p>fell a day later than the Special Meeting).</p> <p>The approval of these minutes will take place in July 2017 as again, the next meeting of GGM falls the day after the Special Meeting and the minutes will not be prepared on time.</p>		
3.3 – Approved minutes not dated	<p>The minutes of the Buildings and Civic Matters Committee meetings held on 10 May 2016, 24 May 2016 and 20 September 2016 have been signed but not dated.</p> <p>It is recommended that the minutes are dated to evidence their approval at the time when they are considered by the next Council or Committee meeting.</p>	L	<p>The minutes should of course be dated.</p>	<p>Sally Freemantle</p>	<p>On-going</p>
3.4 – Minutes not on file	<p>The minutes of the meeting of the Buildings and Civic Matters Committee of 22 November 2016 were not on the minute file at the audit date, although a copy was provided immediately from the Town Clerk's records.</p> <p>It is recommended that the signed copy of the minutes is located and placed on the minute file to ensure a correct record of Committee business and decisions is held.</p>	L	<p>Will ensure and check that all meetings of the Council's records are complete.</p>	<p>Amanda Card, Sally Freemantle, Helen Ferdinand (As appropriate)</p>	<p>On-going</p>

# YEOVIL TOWN COUNCIL



## SOCIAL MEDIA POLICY

### 1. Introduction

- 1.1. This policy is intended to help Councillors and Council Officers make appropriate decisions about the use of social media such as emails, blogs, wikis, social networking websites, podcasts, forums, message boards, or comments on web-articles, such as Twitter, Facebook, LinkedIn and other relevant social media websites.

The Council will encourage the use of social media for the purposes of:

- providing and exchanging information about services;
  - supporting local democracy;
  - gathering citizen insights and managing citizen relationships;
  - promoting cultural events or tourism for the area;
  - supporting community cohesion, neighbourliness and resilience; and
  - creating internal communications and learning and development.
- 1.2. This policy outlines the standards the Council requires Councillors and Officers to observe when using social media, the circumstances in which the Council will monitor the use of social media and the action to be taken in respect of breaches of this policy.
- 1.3. This policy supplements, and should be read in conjunction with all other policies and procedures adopted by the Council, such as the Equal Opportunities Policy, Data Protection Policy, Disciplinary Procedure, Members' Code of Conduct and such like.
- 1.4. This policy does not form part of any contract of employment and it may be amended at any time.
- 1.5. This policy covers all individuals working at all levels with the Council, including all elected and co-opted Councillors, the Town Clerk and all other employees and volunteers (collectively referred to as Officers in this policy).

### 2. Scope of Policy

- 2.1. The Council has a corporate presence on the web and by use of email, which it uses to communicate with people who live in, work in and visit Yeovil Town. The Council will always try to use the most effective channel for its communications. We may ask those who contact us for their preferred channel of communication when we deal with them.

Over time the Town Council may add to the channels of communication that it uses as it seeks to improve and expand the services it delivers. When these changes occur this Social Media Policy will be updated to reflect the new arrangements.

- 2.2. All Councillors and Officers are expected to comply with this policy at all times to protect the reputation, privacy, confidentiality, and interests of the Council, its services, employees, partners and community.
- 2.3. Serious breaches of this policy by employees may be dealt with under the Employee Disciplinary Procedure. The Council may take disciplinary action in respect of unlawful, libellous, harassing, defamatory, abusive, threatening, harmful, obscene, profane, sexually oriented or racially offensive comments by an employee.

Breach of the policy by volunteers will result in the Council no longer using their services and, if necessary, appropriate action will be taken.

Behaviour required by the Members' Code of Conduct shall apply to online activity in the same way it does to other written or verbal communication. Councillors will bear in mind that inappropriate conduct can still attract adverse publicity, even where the code does not apply. Remarks are easily withdrawn, apologised for and forgotten when made in person, but posting them on the internet means that they have been published in a way that cannot be contained. Online content should be objective, balanced, informative and accurate. Councillors must be aware that their profile as a Councillor means the more likely it is they will be seen as acting in an official capacity when blogging or networking.

It must be remembered that communications on the internet are permanent and public. When communicating in a 'private' group it should be ensured that the Council would be content with the statement should it be made public.

### **3. Rules for using social media.**

- 3.1. Officers and Councillors must not allow their interaction on any websites or blogs to damage their working relationships with others. They must not make any derogatory, discriminatory, defamatory or offensive comments about other Officers, Councillors, the Council or about the people, businesses and agencies the Council works with and serves.
- 3.2. Posts must not contain anyone's personal information, other than necessary basic contact details
- 3.3. If Officers or Councillors blog or tweet personally, and not in their role as a Councillor, they must not act, claim to act, or give the impression that they are

acting as a representative of the Council. They should not include web links to official Council websites as this may give or reinforce the impression that they are representing the Council.

- 3.4. All Officers and Councillors must ensure they use Council facilities appropriately. If using a Council-provided website, blog site or social networking area, any posts made will be viewed as made in an official capacity. Do not use Council facilities for personal or political blogs.
- 3.5. The Council will appoint a nominated person(s) as moderator(s). They will be responsible for posting and monitoring of the content on Council pages, ensuring it complies with the Social Media Policy. The moderator(s) will have authority to immediately, without notice or comment, remove any posts from the Council's social media pages if they are deemed to be inflammatory or of a defamatory or libellous nature. Such post will also be reported to the Hosts (i.e. Facebook) and also the Town Clerk for Council records.
- 3.6. The Council will appoint a nominated "Webmaster" to maintain and update the Town Council Website. The website may be used to:
  - Post notices and minutes of meetings
  - Provide information about the Council
  - Advertise events and activities
  - Post good news stories
  - Advertise vacancies
  - 'Share' information from partners i.e. Police, Library, District Council, etc.
  - Announce new information appropriate to the Council.
  - Post other items as the Council see fit.
  - Facebook and/or Twitter, etc, may be used to support the website and its information as above.
- 3.7. Officers and individual Town Councillors are responsible for what they post. They are personally responsible for any online activity conducted via their published e-mail address, which is used for Council business. Both Officers and Councillors are strongly advised to have separate Council and personal email addresses.
- 3.8. All social media sites in use should be checked on a regular basis to ensure the security settings are in place.
- 3.9. When participating in online communication Officers and Councillors must;
  - Be responsible and respectful; be direct, informative, brief and transparent.
  - Always disclose their identity and affiliation to the Council.
  - Never make false or misleading statements.
  - Not present themselves in a way that might cause embarrassment. They must protect the good reputation of the Council.

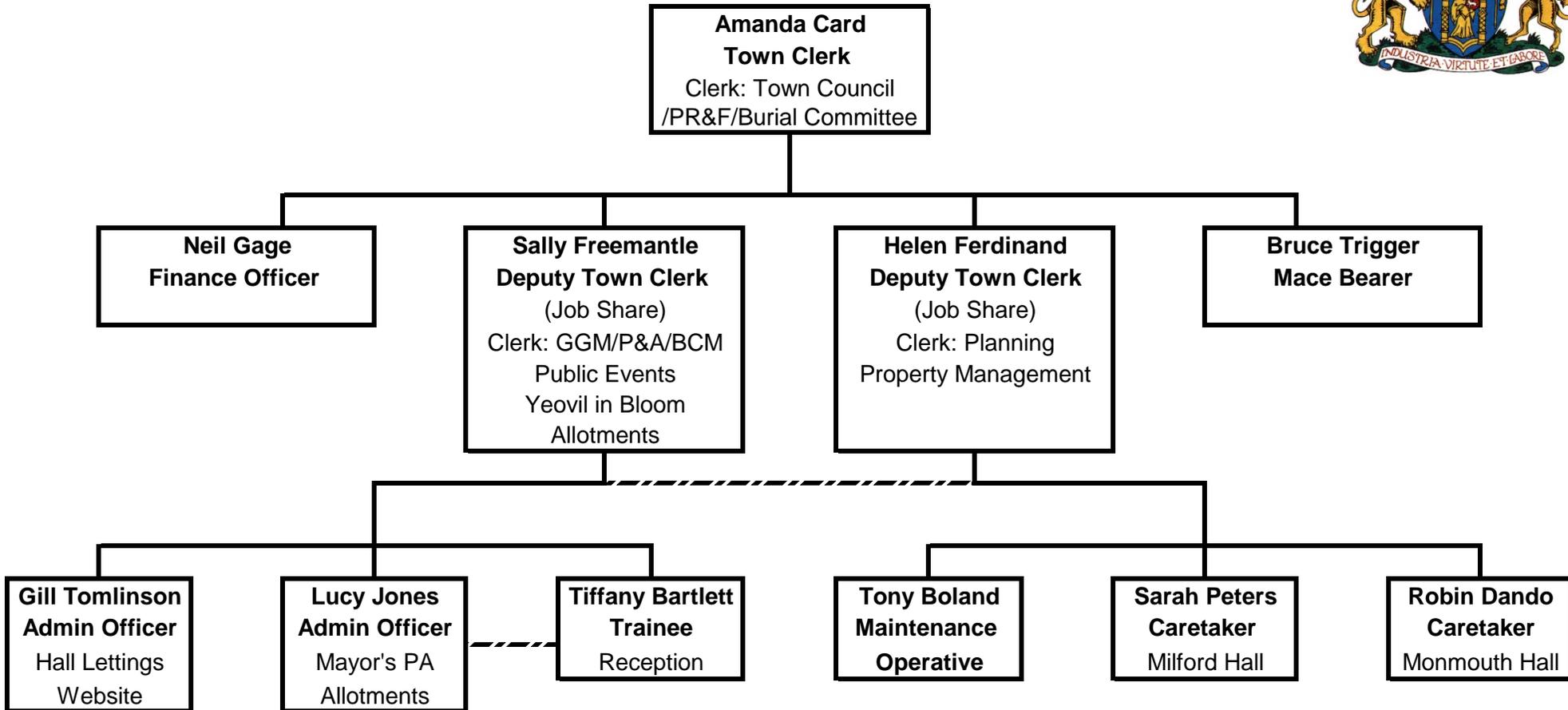
- Be mindful of the information posted on sites and make sure personal opinions are not published as being that of the Council.
  - Keep the tone of comments respectful and informative. Use sentence case format, not capital letters, do not write in red to emphasise points.
  - Refrain from posting controversial or potentially inflammatory remarks. Language that may be deemed as offensive relating in particular to race, sexuality, disability, gender, age or religion or belief should not be published on any social media site.
  - Avoid personal attacks, online fights and hostile communications.
  - Do not post comments that you would not be prepared make in writing or face to face.
  - Never name an individual third party unless you have written permission to do so.
  - Seek permission to publish original photographs or videos from the persons or organisations in the video or photograph before they are uploaded. You must check that there is parental permission before photos of children are used.
  - Respect the privacy of other Councillors, Officers and residents.
  - Never post any information or conduct any online activity that may violate laws or regulations, such as libel and copyright.
  - Spell and grammar check everything.
- 3.10. Residents and Councillors should be aware that not all communication through social media requires a response, although an acknowledgement should be made if appropriate.
- 3.11. If a matter raised in any form of social media needs further consideration by the Council it should be referred to the Policy, Resources and Finance Committee. Again the 'poster' shall be informed via the page or direct message that this is the case and invited to contact the Town Clerk direct. Any response agreed by the Council will be recorded in the minutes of the meeting.
- 3.12. Reports of any concerns regarding content placed on social media sites should be reported to the Town Clerk for referral to the Policy, Resources and Finance Committee.

Yeovil Town Council  
xx<sup>th</sup> May 2017

To be reviewed: May 2018

# YEOVIL TOWN COUNCIL

## TEAM STRUCTURE



# 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. 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 give 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 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, may result in pay being withheld and disciplinary action being taken.

# 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.

### **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.

## **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 a Manager, is concerned that a particular employee is having excessive sickness absences the procedure outlined below should be followed.

## **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.

### **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.

### **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.

### **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.

#### **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.

#### **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.

## **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.

## **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 month, 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.

## **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 address.

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 of his/her representative. Such a hearing will take places as soon as possible.

The decision reached by the Appeals Panel will be final.



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 \_\_\_\_\_

**Return to Work Questionnaire**  
(to be completed within 3 days of return)

It is important for us at Yeovil Town Council to actively manage any sickness absence; firstly to ensure that we provide appropriate support to someone who has been suffering from an illness, and secondly to ensure that we are explaining the way in which we monitor and manage absence. The purpose of this questionnaire is to ensure that we have the information we need about your illness, and also to check that you understand what the Council and your manager expect of you.

This questionnaire should be filled out when an employee has been away from work due to sickness. It should be completed as soon as they come back to work, be signed by their manager/supervisor, and then handed to the Town Clerk.

How are you feeling now? \_\_\_\_\_

Are you taking any prescribed medication? YES / NO \* *If YES, please state name of drug(s)*

\_\_\_\_\_

If you are taking any medication, have you sought a pharmacist/doctor's opinion regarding any side effects this medication may have? YES / NO \* *If YES, please state what they are*

\_\_\_\_\_

If you have consulted your doctor about this illness do they consider this a recurring illness? YES / NO \*

Is there any way that we can assist you to avoid further sickness? YES / NO \*

\_\_\_\_\_

Would you like to speak in confidence to someone about any other problems that may have contributed to your sickness?  
YES / NO \*

Additional Comments:

\_\_\_\_\_

\_\_\_\_\_

\* (Circle as appropriate)

# 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.

9/200 **FORWARD PLAN**

Date	Item
Policy, Resources & Finance 27 June 2017	<ul style="list-style-type: none"> <li>• Annual Governance Statement</li> <li>• Annual Return 2016/17</li> <li>• Statement of Accounts 2016/17</li> <li>• Outturn 2016/17</li> <li>• Carry Forwards 2016/17</li> </ul>
Policy, Resources & Finance 25 July 2017	<ul style="list-style-type: none"> <li>• Financial Statements April/May 2017</li> <li>• Capital and Revenue Reserves 31<sup>st</sup> May 2017</li> <li>• Applications for Grant Aid</li> <li>• Financial Regulations</li> <li>• Scheme of Delegation</li> <li>• Standing Orders Relating to Contracts</li> <li>• Youth Services Update</li> <li>• Training and Development Policy Review</li> </ul>
Policy, Resources & Finance 26 September 2017	<ul style="list-style-type: none"> <li>• Financial Statements June/July 2017</li> <li>• Capital and Revenue Reserves 31<sup>st</sup> July 2017</li> <li>• Applications for Grant Aid</li> <li>• Town Clerk Update</li> </ul>
Policy, Resources & Finance 28 November 2017	<ul style="list-style-type: none"> <li>• Financial Statements August/September 2017</li> <li>• Capital and Revenue Reserves 30<sup>th</sup> September 2017</li> <li>• Applications for Grant Aid</li> <li>• Draft Budgets 2018/19</li> <li>• Action Plans</li> <li>• Allotment Rents from 1<sup>st</sup> January 2019</li> <li>• Community Hall Charges 2018/19</li> <li>• Christmas Opening Arrangements</li> </ul>
Policy, Resources & Finance 30 January 2018	<ul style="list-style-type: none"> <li>• Financial Statements October/November 2017</li> <li>• Capital and Revenue Reserves 30<sup>th</sup> November 2017</li> <li>• Applications for Grant Aid</li> <li>• Risk Management Strategy and Risk Register</li> <li>• Budgets 2018/19</li> </ul>
Policy, Resources & Finance 27 March 2018	<ul style="list-style-type: none"> <li>• Financial Statements December 2017/January 2018</li> <li>• Capital and Revenue Reserves 31<sup>st</sup> January 2018</li> <li>• Applications for Grant Aid</li> <li>• Town Clerk Update</li> </ul>
Policy, Resources & Finance 29 May 2018	<ul style="list-style-type: none"> <li>• Financial Statements February/March 2018</li> <li>• Capital and Revenue Reserves 31<sup>st</sup> March 2018</li> <li>• Applications for Grant Aid</li> </ul>