



Seaford Town Council

**Agenda**  
**Personnel Committee Meeting**  
**21 May 2026**

To the Members of the Personnel Committee, you are summoned to attend a meeting as follows:

Meeting Date	Thursday 21 May 2026
Meeting Time	7.00pm
Meeting Venue	Council Chambers, 37 Church Street, Seaford, BN25 1HG
Members	Councillors S Markwell (Chair), O Honeyman (Vice Chair) S Adeniji, L Boorman, R Honeyman, and L Wallraven

Steve Quayle, Town Clerk

16 May 2026

**PLEASE NOTE:**

- For members of the public that have registered to attend the meeting, please see the end of the agenda for further details of public access.
- In accordance with Town Council policy, there will be no public participation agenda item for this Personnel Committee meeting.
- Please note that if you don't register and just attempt to turn up at the meeting, this could result in you not being able to attend if there is no space.
- Public arrival time is between 6.45pm – 6.55pm, after which the front door will be locked and public will not be able to gain access to the meeting.
- Due to its confidential nature, the meeting will not be video recorded.

**For further information about items on this Agenda please contact:**

Email: [meetings@seafordtowncouncil.gov.uk](mailto:meetings@seafordtowncouncil.gov.uk)

Telephone: 01323 894 870

Postal Address: Seaford Town Council, 37 Church Street, Seaford, BN25 1HG

# AGENDA

## 1. Apologies for Absence

To receive details of any apologies for absence.

To approve or not the reasons for absence.

*Please see the Information for Councillors at the end of this agenda for supporting information on this.*

## 2. Disclosure of Interests

To receive any disclosure by councillors of interests that they are aware of in relation to matters on the agenda, whether registered or not, and confirmation of any procedural steps they will take because of this.

Councillors arriving late in the meeting will be asked to confirm if they have any interests to disclose at the point that they arrive.

*Please see the Information for Councillors at the end of this agenda for supporting information on this.*

## 3. [Review of Sexual Harassment Policy](#)

To consider report 05/26 presenting the proposed Sexual Harassment Policy for review (pages 5 to 19).

## 4. [Review of a Draft Performance Management Policy and Draft Capability Policy](#)

To consider report 07/26 presenting the draft Performance Management Policy and draft Capability Policy for consideration by Committee and recommendation to Full Council for adoption (pages 20 to 49).

## 5. [Review of a Draft Equality, Diversity & Inclusion Policy](#)

To consider report 06/26 presenting the draft Equality, Diversity & inclusion Policy for consideration by Committee and recommendation to Full Council for adoption (pages 50 to 64).

## 6. Exclusion of the Press & Public

The Chair will move that in accordance with the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting during the discussion on the next item of business for the reasons as set out below.

The resolutions of the items will be recorded publicly in the minutes of this meeting.

*The Proper Officer considers that discussion of the following items is likely to disclose exempt information as defined in the Local Government Act 1972 and Data Protection legislation and may therefore need to take place in private session. The exempt information reasons are shown alongside each item below.*

*Furthermore, in relation to paragraph 10 of Schedule 12A, it is considered that the public interest in maintaining exemption outweighs the public interest in disclosing the information.*

## **7. General Human Resources Update – May 2026 EXEMPT**

To consider exempt report 04/26 providing an update on HR matters within the Town Council (exempt pages).

*Reason for exemption: to provide confidential updates surrounding the Human Resources functions of the Town Council.*

*Explanation of Reason: under Data Protection legislation, information about an individual member of staff / groups of staff is confidential between the Town Council and staff member/s.*

- Agenda End -

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## **INFORMATION – MEMBERS OF THE PUBLIC**

### **Public Access:**

Members of the public looking to access this meeting will be able to attend the meeting in person. Due to health and safety restrictions, the number of public in attendance will be limited. The Town Council therefore asks that you contact [meetings@seafordtowncouncil.gov.uk](mailto:meetings@seafordtowncouncil.gov.uk) or 01323 894 870 to register your interest in attending at least 24 hours before the meeting.

Spaces will be assigned on a first come, first served basis.

Please note that if you don't register and just attempt to turn up at the meeting, this could result in you not being able to attend if there is no space.

### **Public Access to the Venue:**

If you are attending the meeting in person, please arrive between 6.45 – 6.55pm where you will be shown into the meeting for a 7.00pm start. Please note that the front door of the building will be locked at 6.55pm and remain locked during the meeting for security reasons. As such, if you arrive after this time, you will not be able to access the meeting.

When members of the public are looking to leave, they must be escorted out of the building by a Town Council officer. There is also a signposted back door which can be exited through if required. Entrance through the rear fire escape of the building will not be allowed.

There is a lift for those requiring it to access the first floor. Please note that motorised scooters cannot be brought into the lift. Electric and other wheelchairs can be accommodated but there is a maximum weight limit of 400kg.

### **Public Participation:**

In accordance with the Town Council's Public Participation Policy, there will be no public participation at this meeting.

**Public Comments:**

Members of the public looking to submit comments on any item of business on the agenda can do so in writing ahead of the meeting and this will be circulated to all councillors. Comments can be submitted by email to [meetings@seafordtowncouncil.gov.uk](mailto:meetings@seafordtowncouncil.gov.uk) or by post to the Town Council offices.

## INFORMATION – COUNCILLORS

**Councillor Questions:**

Councillor should normally raise queries at the meeting so responses are shared with everyone. If a question needs advance preparation, it should be sent to the report's contact officer beforehand so it can be answered verbally at the meeting.

**Councillor Apologies for Absence:**

Section 85 of the Local Government Act requires that councillors must attend meetings regularly and that failure to attend any meetings for six consecutive months without an approved reason may lead to disqualification. Apologies must be submitted directly to an officer in advance, include a reason, and be formally approved by the meeting to be recorded. Apologies received late can be considered at the next appropriate meeting, but absences without a reason cannot be approved.

**Councillor Interests:**

Please see the [Town Councillor Interests Guide](#) for information about what interests councillors must declare, when those interests become a problem for decision-making, and what councillors must do if they have them.



## Seaford Town Council

<b>Report Number:</b>	<b>05/26</b>
<b>Agenda Item Number:</b>	<b>3</b>
<b>Meeting:</b>	<b>Personnel</b>
<b>Date:</b>	<b>21 May 2026</b>
<b>Title:</b>	<b>Review of the Proposed Sexual Harassment Policy</b>
<b>Strategy Programme Ref:</b>	<b>5.3b</b>
<b>Purpose of Report:</b>	<b>To present the proposed Sexual Harassment Policy for review</b>
<b>Supporting Documents:</b>	<b>Appendix A – Draft Sexual Harassment Policy</b>
<b>Contact Officer:</b>	<b>Darryl Keech, Deputy Town Clerk &amp; Responsible Financial Officer (RFO)</b>

### Officer Recommendations

1. To note the contents of the report.
2. To recommend that Full Council adopts the proposed Sexual Harassment Policy.

## 1. Introduction

- 1.1** In October 2024 a new duty under the Equality Act 2010 required employers to take “reasonable steps” to prevent sexual harassment of their employees and other relevant parties, (such as councillors, contractors, consultants, and third parties) whose staff carry out duties for the Council. The creation of the Sexual Harassment Policy is the first step towards satisfying this requirement.
- 1.2** Officers drafted a proposed policy, which was considered and recommended for adoption by the Personnel Committee at its meeting on 6 January 2026.
- 1.3** On 18 March 2026, Full Council considered the report and two amendment requests were made, to include the term “protected characteristics” within

the policy, and for the term “Trans” to be added alongside gender reassignment.

- 1.4 Furthermore, members raised concerns about whether unions or employee representatives’ groups had been consulted on the draft policy, in line with ACAS guidance. Officers confirmed this had not taken place and therefore it was proposed to withdraw the paper pending consultation.
- 1.5 In addition, members shared concerns about the policy appearing to place the responsibility on the victim to report their own abuse with the policy making frequent references to ‘promptly’ and ‘frequently’, which may not always be possible where harassment is concerned due to a number of factors.

## 2. Information

- 2.1 The revised draft of the Sexual Harassment Policy is included at **Appendix A**, encompassing the feedback received from Full Council and following the consultation with staff (details below). The changes are highlighted in yellow and underlined.
- 2.2 All officers have been involved in a consultation process regarding the policy in the absence of any union representation or employee representatives. The three-week consultation started on 15 April and ended on 5 May.
- 2.3 The consultation process allowed officers a one-week window to review the policy ahead of an all-staff meeting. The staff meeting was focused on sexual harassment, with information provided from Unite union surveys and recent tribunal cases to provide the context, before discussing the policy and the sexual harassment risk assessment.
- 2.4 During the meeting the Deputy Town Clerk led a discussion on the feedback provided by members at Full Council, which officers agreed with. The Deputy Town Clerk also confirmed that there would be a further one-week window for additional feedback on the policy. During this period no concerns or feedback have been received. As a result, the consultation has been closed and officers informed that the policy will come to this Committee on 21 May for consideration and recommended adoption.

## 3. Financial Appraisal

- 3.1 There are no direct financial implications as a result of this report.



SEAFORD  
TOWN  
COUNCIL



## SEXUAL HARASSMENT POLICY

*This policy sets out the Town Council's commitment to providing a supportive, inclusive, and respectful working environment, where unacceptable behaviour is immediately identified, challenged, and addressed, and offers guidance on how to raise and handle a complaint about sexual harassment that occurs within, or is associated with the Council*

*"Working with our community to secure Seaford's best future"*

## Policy Status

<b>Version</b>	0.1	<b>Last Review Date</b>	TBC
<b>Adopted Date</b>	TBC	<b>Next Review Date</b>	One year after adoption
<b>Review Period</b>	TBC	<b>Approving Body</b>	Full Council

## Version History

<b>Date</b>	<b>Version</b>	<b>Approval</b>	<b>Status</b>
n/a – new policy			

## Related Policies and Other References

<b>Policy Reference Code</b>	<b>Policy Name</b>
HRP6	Dignity at Work Policy
HRP7	Disciplinary Policy

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## **1. Introduction**

- 1.1. Seaford Town Council recognises that all officers and other parties carrying out work or duties on behalf of the Council (see section 3 for who this policy applies to) have the right to work in an environment where the dignity of individuals is respected and is free from harassment. Thus, the Council is committed to providing a workplace without any forms of harassment and discrimination, including sexual harassment.
- 1.2. The Council expects all of its officers and other parties carrying out work or duties on behalf of the Council to maintain high standards, ensuring safety across all areas of the Council, and to act at all times in accordance with the Council`s Sexual Harassment Policy.
- 1.3. The Council is committed to preventing sexual harassment and any victimisation associated with it, to ensure that all officers feel a sense of belonging and protection.
- 1.4. Apart from this understanding, all officers and other parties carrying out work or duties on behalf of the Council are entitled to:
  - Be treated with dignity, respect and courtesy
  - Experience no form of unlawful discrimination
  - Be valued and regarded for their skills and abilities

## **2. Aim and Scope**

- 2.1. The purpose of this policy is to maintain a supportive, inclusive, and respectful working environment within the Council, where unacceptable behaviour is immediately identified, challenged, and addressed.
- 2.2. The policy includes guidance on how to raise a complaint about harassment that has occurred and is associated with the Council.
- 2.3. It is intended that the Policy will enhance staff safety, boost morale, and reduce stress to support officers' commitment to the Council and its standard operating procedures.
- 2.4. The Policy applies to sexual harassment on any grounds related to **any of the nine protected characteristics below**: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 2.5. **This protection expressly includes anyone who is undergoing, has undergone, or proposes to undergo gender reassignment, including trans individuals.**

- 2.6. This policy also ensures that any allegation of harassment at work is taken seriously and investigated.

### **3. Who This Applies To**

- 3.1. This Policy shall apply to all officers of the Council, irrespective of their employment status i.e., whether they are engaged on a full-time, part-time, temporary or permanent basis.
- 3.2. The provisions of this Policy shall also extend to all individuals associated with the Council, including, but not limited to, elected members and contractors acting on behalf of the Council. These groups are hereafter referred to within this policy as 'other parties carrying out work or duties on behalf of the Council'.
- 3.3. This policy shall also apply to any third parties engaged in work on behalf of the Council, including, but not limited to, agency personnel, consultants, and providers of services or supplies whose staff carry out duties for, or in association with, the Council. Also, referred to within this policy as 'other parties carrying out work or duties on behalf of the Council'.

### **4. Legal Framework**

- 4.1. On 26 October 2024, the Worker Protection Act 2023 (Amendment to the Equality Act 2010) came into effect, making a significant change to the law regarding an employer's obligations to protect its employees from sexual harassment. The Equality Act 2010 now places a legal duty on employers to take reasonable steps to prevent sexual harassment in the workplace.
- 4.2. In accordance with the Act, the Council commits to taking necessary actions to prevent sexual harassment in the workplace. These steps include:
- Developing a culture of respect and inclusion through practices such as the Council's Staff Skills Training program for Bullying and Harassment.
  - Providing a clear understanding and communication between the Council and officers through the Council's Sexual Harassment Policy
  - Taking proactive steps to identify and mitigate risks of sexual harassment under the guidance of the HR & OD Manager.

- Ensuring that other parties carrying out work or duties on behalf of the Council are aware, and have a clear understanding, of the Council's Sexual Harassment Policy and how this applies to them.

## **5. Defining Sexual Harassment**

- 5.1. Sexual harassment is any unwanted physical, verbal, or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- 5.2. Sexual harassment can happen to men, women, and people of any gender identity or sexual orientation. Anyone who sexually harasses someone at work is responsible for their own actions, regardless of their sex or gender.
- 5.3. A single incident can be considered sexual harassment without systematic repetition. It also includes treating someone unfairly because they have previously accepted or rejected unwanted sexual conduct.
- 5.4. Types of behaviours which constitute sexual harassment include, but are not limited to:
  - 5.4.1. Physical conduct:
    - Unwelcome physical contact including patting, pinching, stroking, kissing and hugging
    - The use of job-related threats or rewards to solicit sexual favours
    - Physical violence, including sexual assault and rape
    - Fondling and inappropriate touching
  - 5.4.2. Verbal conduct:
    - Coercion
    - Sexual banter
    - Sexual advances, flirting
    - Making sexual jokes or comments
    - Sexual comments about someone's sexual orientation or gender identity
    - Spreading sexual rumours about a person or their sexual conduct outside of work
    - Addressing colleagues by using inappropriate nicknames
    - Unwelcome comments on someone's appearance, body shape, age or private life
    - Gossiping and speculating about someone's sexual orientation, including spreading malicious rumours.
    - Intrusive questioning or suggestions about someone's personal life

- Repeated and unwanted social invitations for dates, meetings or physical intimacy
- 5.4.3. Non-verbal conduct:
- Sexually suggestive gestures that act as a sexual intent
  - Sending, sharing, or displaying sexually explicit materials such as improper messages, images, and videos by any medium, or posters and calendars that expose nudity
  - Sending inappropriate emojis while emailing or messaging
  - Inappropriate facial expressions such as whistling, winking, licking lips, or raising eyebrows in a suggestive manner
- 5.5. The complainant(s) refers to any officer(s) or other parties carrying out work or duties on behalf of the Council who raise a concern about sexual harassment. Equally, a respondent refers to any officer(s) or other parties carrying out work or duties on behalf of the Council who are the subject of the complaint.
- 5.6. Sexual harassment is usually directed at an individual, but it might not always be the case. Sexual harassment in the workplace can sometimes occur as generalised behaviour that is not directed at a specific individual but may be witnessed or overheard. In such cases, any officer or other parties carrying out work or duties on behalf of the Council who observes or is affected by this behaviour is entitled to raise a concern or make a formal complaint.
- 5.7. Intent is not required for behaviour to be considered sexual harassment. Any unwelcome conduct may still be deemed harassment regardless of the respondent`s intention. For instance, an officer may experience harassment, even if they were not the intended target e.g., when pornographic images are displayed on a colleague`s computer in the workplace.
- 5.8. Sexual harassment can take place at any time and any location, including the workplace or at any workplace events (e.g., while travelling with colleagues to an event or online work events). Incidents occurring within these environments remain subject to the provisions of this policy.

## **6. Statement of the Council**

- 6.1. Seaford Town Council is committed to providing a safe and trustworthy environment for all officers and other parties carrying out work or duties on

behalf of the Council by adhering to the Policy, while fostering a culture of mutual respect.

- 6.2. In order to foster a culture of respect and dignity in the workplace, the Council shall:
  - Maintain a zero-tolerance approach for sexual harassment of any kind.
  - Ensure that all complaints are considered promptly and that appropriate proactive action shall be taken where necessary.
  - Confirm that this Policy applies to all officers of the Council and other parties carrying out work or duties on behalf of the Council, irrespective of their role or status.
  - Investigate cases fairly, sensitively and confidentially.
  - Ensures that all officers and other parties carrying out work or duties on behalf of the Council are informed of, and will follow, the procedures for raising concerns and the complaint process as set out in this Policy
- 6.3. All officers and other parties carrying out work or duties on behalf of the Council are responsible for ensuring that they behave in an appropriate manner, showing respect for colleagues and individuals engaged with the Council`s standard operations. Therefore, where possible, the Council expects its officers and other parties carrying out work or duties on behalf of the Council to challenge inappropriate behaviour that they witness or that is directed towards them.
- 6.4. The Council emphasises that complainant(s) are not required to negotiate with respondent(s) to resolve the issue informally and personally. Instead, respondent(s) are solely obligated to report the matter (see section 8 below).
  - 6.4.1. The Council confirms that the complainant(s) will not be discriminated against or victimised for raising a complaint. Furthermore, any information relating to a raised concern shall remain confidential and will only be disclosed where necessary to address a safeguarding risk.

## **7. Roles & Responsibilities**

- 7.1. The Council acknowledges that achieving the purpose of this Policy (see Section 2) requires collaborative effort between managers and officers. Accordingly, the roles and responsibilities are defined to reflect the Council`s commitment to this Policy and the principles outlined herein:

- **Line managers** are responsible for ensuring that they:
  - Monitor the workplace to ensure that zero-tolerance boundaries regarding any sexual harassment are in effect.
  - Be proactive in implementing any reasonable adjustments as necessary.
  - Support the creation of a culture where officers feel confident to work, raise concerns, and feel listened to.
  - Be a role model for promoting appropriate and professional behaviours in the workplace.
  - Support the implementation of the Policy in a fair, consistent and transparent manner.
  
- **The HR & OD Manager** is responsible for ensuring that they:
  - Ensure that appropriate immediate actions are identified and implemented upon receipt of a complaint
  - Provide guidance and advice throughout the complaint and investigation process
  - Ensure that a person is not targeted or mistreated for making, or being involved in, a complaint of sexual harassment.
  
- **Officers and other parties carrying out work or duties on behalf of the Council** will:
  - Take accountability for raising any concern about sexual harassment in the workplace.
  - Co-operate with the Council and the overall harassment investigation process, whether a complaint has been filed against them or they have submitted a complaint.

## **8. Reporting Process**

- 8.1. The Council recognises that complainants may feel uncertain about how to proceed when faced with a distressing issue. In this case, an informal discussion with their line manager or HR & OD Manager may help them to understand the situation clearly.
- 8.2. Any complaint may be formally reported by either:
  - Officers or other parties carrying out work or duties on behalf of the Council who have been sexually harassed, in the workplace or relating to their work or duties for the Council.

- Officers or other parties carrying out work or duties on behalf of the Council who have witnessed sexual harassment, in the workplace or in relation to their work or duties for the Council.

8.3. The Council encourages anyone who experiences or witnesses sexual harassment to report it as soon as they feel able to do so. The Council recognises that experiences of sexual harassment can be distressing and that individuals may require time to process what has happened before coming forward. There is no expectation or requirement to report immediately and delays in reporting will not affect how a concern is treated or investigated.

8.4. For officers, ideally the report should be submitted to the Council's HR & OD Manager, who is responsible for and trained in managing the process properly and accurately. Alternatively, complainant(s) can raise the issue with their line managers or another work colleague if they feel more comfortable to do so.

8.5. If the complaint relates to the conduct of the complainant's manager, the complainant may choose to discuss the matter with the HR & OD Manager or senior management.

8.6. Reporting can be made verbally or in writing. The complainant(s) should keep a record of any incidents, detailing when, where, what occurred and who witnessed.

8.7. The Council encourages its officers and other parties carrying out work or duties on behalf of the Council to raise their concerns in a transparent manner. If a person does not feel comfortable or safe raising a complaint, they can do so anonymously. However, reporting sexual harassment anonymously may cause a delay in conducting a thorough investigation and gaining a clear understanding of the situation.

8.8. Any concern raised shall be managed in accordance with the Council's Sexual Harassment Policy and, where appropriate, the Council's Disciplinary Policy.

8.9. Upon receiving a concern of sexual harassment, the Council will promptly and impartially investigate the allegations. The related investigation will be conducted by the HR & OD Manager with the support of the Town Clerk or a member of the strategic management team. Where not appropriate, the HR & OD Manager can be substituted by the Deputy Town Clerk or other suitably experienced individual e.g. an external HR professional.

8.10. Both the complainant(s) and respondent(s) shall be offered appropriate support under the guidance of the HR & OD Manager. Following meetings with the complainant(s) and respondent(s), additional interviews or investigations may be conducted if further information is required to assess the allegations.

- 8.11. Following the investigation, the Council will provide a report outlining its decision on the outcome of the complaint(s).
- 8.12. The Council prioritises confidentiality throughout the investigation process. Thus, any information received during the investigation meetings will be kept securely to ensure the safeguarding of individuals. However, the Council reserves the right to seek advice from, or share information with, appropriate external authorities (e.g., police) if it believes it is under an obligation to do so.
- 8.13. While the Council encourages the reporting of genuine concerns, making a false accusation of sexual harassment may be investigated as a potential disciplinary offence in line with the Council's disciplinary policy.
  - 8.13.1. In the case of other parties carrying out work or duties on behalf of the Council, this may result in the termination of a works contract held with the Council.
  - 8.13.2. In the case of councillors, this may result in a complaint being submitted to the Monitoring Officer.

## **9. Outcomes**

- 9.1. The Council may reach one of the following conclusions to complete the investigation process:
  - There is insufficient evidence to support the complaint; accordingly, no action will be taken, and the complaint is not upheld.
  - A sexual harassment incident has occurred thus, appropriate action will be taken in accordance with the Council's formal disciplinary process depending on the severity of the offence.
  - The complaint is upheld. The outcome and recommendations are communicated, including referral for disciplinary action depending on the severity of the offence and additional support to complainant(s).
- 9.2. A complainant(s) who is not satisfied that their complaint against an officer has been taken seriously must raise a formal Grievance outlining their concerns and this will be investigated following the formal processes in the Council's Grievance Policy.
  - 9.2.1 In the case of other parties carrying out work or duties on behalf of the Council, this may result in the termination of a works contract held with the Council.
  - 9.2.2 In the case of councillors, this may result in a complaint being submitted to the Monitoring Officer.

## **10. Dealing with Third-Party Sexual Harassment**

- 10.1. The Council acknowledges that it carries the responsibility to protect its officers other parties carrying out work or duties on behalf of the Council from any third-party harassment.
- 10.2. Third-party sexual harassment can result in legal liability and will not be tolerated by the Council. Therefore, all officers and other parties carrying out work or duties on behalf of the Council are encouraged to report any third-party (e.g., contractors, consultants, service suppliers, customers or clients) harassment they are victim of, or witness, in accordance with this policy.
- 10.3. If any third-party harassment of officers or other parties carrying out work or duties on behalf of the Council occurs, the Council will take necessary steps to receive any complaints and to prevent it. The steps including, but not limited to, warnings to respondent(s) about their behaviour, banning them from the Council premises, reporting any criminal acts to the police, and sharing further information with other teams, units and services of the Council.
- 10.4. Any sexual harassment concern from a third party towards an officer or other parties carrying out work or duties on behalf of the Council must be reported immediately as per section 8 of this policy. The HR & OD Manager should assist the respondent officer or other parties carrying out work or duties on behalf of the Council as a part of the support mechanism within the Council.
- 10.5. The Council prioritises preventing third-party sexual harassment to maintain a safe workplace. To ensure this, the Council has:
  - A clear Sexual Harassment Policy that outlines third-party sexual harassment in addition to verbal, non-verbal and physical harassment
  - A training mechanism for recognising and responding to third-party harassment and outlining the responsibilities of line managers and the HR & OD Manager to assist officers in case of any concern.
  - Confidential reporting channels
  - A working culture where officers and other parties carrying out work or duties on behalf of the Council feel supported in reporting any misconduct

## **11. Handling Time-Off**

- 11.1. The Council adheres to its policies and legal requirements regarding any time off connected to sexual harassment issues or concerns.
- 11.2. If an officer requests time off after experiencing harassment, the Council will respond promptly and with empathy towards the request.
- 11.3. If needed, the Council will consider legal requirements regarding paid leave (e.g., sick leave for experiencing emotional distress or mental health issues or paid leave to allow the investigation to proceed while protecting the complainant(s) from harassment-related situations.
- 11.4. The Council ensures that taking leave for reasons related to harassment will not negatively affect the position or standing of the complainant within the Council.
- 11.5. The Council also commits to helping the complainant(s) feel secure and safe upon their return, including possible changes to working schedules or working environment arrangements.

## **12. Assessing and Managing Risks of Sexual Harassment**

- 12.1. The Council acknowledges that sexual harassment is a risk that can occur in the workplace.
- 12.2. Therefore, the Council undertakes a Sexual Harassment Risk Assessment to assess and eliminate the possible risks.
- 12.3. In addition to this assessment, the Council employs the following measures to prevent and address sexual harassment:
  - Having a process for reviewing policies and training
  - Having managerial level oversight (e.g., Town Clerk or Deputy Town Clerk) to make sure the Council is taking necessary actions to eliminate sexual harassment
  - Implementing preventive controls such as proper supervision and a clear code of conduct.

## **13. Further Support**

- 13.1. The Council is open to providing additional information and guidance to its officers on how to address concerns and complaints of sexual harassment in the workplace, upon request.
- 13.2. The Council understands that concerns regarding sexual harassment may cause stress, anxiety, and mental health problems. The Council will

consider reasonable adjustments to encourage its officers to seek help and be supported.

- 13.3. Under these circumstances, the Council also attaches importance to its officers having access to free counselling and advice. All council officers can contact Care First on 01179342121 who provide a 24-hour counselling helpline for additional mental health support.
- 13.4. For further support and contact, the following channels are also suggested by the Council:
  - Sussex NHS Partnership website for accessing resources and signposts for local mental health support:  
<https://www.sussexpartnership.nhs.uk/your-mental-health/getting-help>
  - The Samaritans to access free listening services by calling 116 123 or by messaging [jo@samaritans.org](mailto:jo@samaritans.org) email address.

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## Seaford Town Council

<b>Report Number:</b>	<b>07/26</b>
<b>Agenda Item Number:</b>	<b>4</b>
<b>Meeting:</b>	<b>Personnel</b>
<b>Date:</b>	<b>21 May 2026</b>
<b>Title:</b>	<b>Review of a Draft Performance Management Policy and Draft Capability Policy</b>
<b>Strategy Programme Ref:</b>	<b>5.3b</b>
<b>Purpose of Report:</b>	<b>To present the draft Performance Management Policy and draft Capability Policy for consideration by Committee and recommendation to Full Council for adoption</b>
<b>Supporting Documents:</b>	<b>Appendix A – Draft Performance Management Policy Appendix B – Draft Capability Policy</b>
<b>Contact Officer:</b>	<b>Darryl Keech, Deputy Town Clerk &amp; Responsible Financial Officer (RFO)</b>

### **Officer Recommendations**

1. To note the contents of the report.
2. To recommend that Full Council adopts the draft Performance Management Policy.
3. To recommend that Full Council adopts the draft Capability Policy.

## **1. Introduction**

- 1.1** As part of the ongoing review of policies and risk management, officers have identified the needs for a specific policy and process to deal with officer performance management, including capability.
- 1.2** Due to the differences between performance management and capability, it was felt best to create two distinct policies addressing the two specific areas.

- 1.3 The Committee is asked to review the draft Performance Management Policy and draft Capability Policy and recommend these to Full Council for adoption, which are being presented together in this report given their close association.

## 2. Information

- 2.1 The proposed Performance Management Policy can be found in **Appendix A**.
- 2.2 The proposed Capability Policy can be found in **Appendix B**.
- 2.3 Performance management is the internal and more subjective process of setting targets or expectations, assessing performance and providing feedback. It focuses on productivity, effectiveness and the individual's contribution towards the wider goals of the Town Council's organisation.
- 2.4 Capability is a more objective assessment of the employee's actual ability to do the job duties to a required standard. Capability issues may arise from a lack of skill, health factors or other issues beyond the control of either the employee or employer. They are different approaches to different issues. Performance is very much about not hitting internal standards, whereas capability is more about a fundamental inability to do the job.
- 2.5 The current lack of policy framework for either performance management or capability means that there is currently no formal process to assess, support and manage any of these issues when they arise.
- 2.6 Without either policy in place, risks potentially include but are not limited to:
- Legal risk - unfair dismissal claims, disability discrimination claims
  - Productivity decline - unaddressed underperformance, reduced productivity, inefficiency, wasted resource
  - Culture issues - loss of morale, managers becoming frustrated, inconsistency, bias
- 2.7 Each of the policies provide a clear understanding of identification of the issues, providing a framework to support both managers and officers through this process.

## 3. Financial Appraisal

- 3.1 There are no direct financial implications as a result of this report.



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## PERFORMANCE MANAGEMENT POLICY

*This policy establishes the approach the Town Council will take to manage performance, providing a clear and consistent process for addressing any concerns in a fair, transparent and constructive manner*

*Working with our community to secure Seaford's best future*

## Policy Status

<b>Version</b>	0.1	<b>Last Review Date</b>	March 2026
<b>Adopted Date</b>	TBC	<b>Next Review Date</b>	One year after adoption
<b>Review Period</b>	Annually	<b>Approving Body</b>	Full Council

## Version History

<b>Date</b>	<b>Version</b>	<b>Approval</b>	<b>Status</b>
n/a – new policy	-	-	-

## Related Policies and Other References

<b>Policy Reference Code</b>	<b>Policy Name</b>
HRP15	Capability Policy
HRP1	Absence Management Policy
HRP7	Disciplinary Policy
CE3	Data Protection Policy
C7	Health and Safety Policy
HRP9	Equality, Diversity and Inclusion (EDI) Policy
HRP23	Training and Development Policy
HRP13	Grievance Policy
HRP20	Sexual Harassment Policy
HRP14	Menopause Policy
HRP21	Sickness Absence Policy

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## **1. Introduction**

- 1.1. Seaford Town Council (the Council) recognises that delivering satisfactory services is dependent on the effective work performance of its officers.
- 1.2. Thus, the Council expects its officers to maintain satisfactory levels of job performance.
- 1.3. To ensure this, the Council conducts a thorough recruitment process to build a team equipped with the skills and capabilities required to fulfil their responsibilities.
- 1.4. The Council recognises that there may be instances where an officer's performance falls below expected standards. To address this, the Council promotes effective and efficient service delivery by fostering job satisfaction, engagement and motivation. This policy is therefore designed to:
  - Inform officers about required performance standards for their role
  - Support officers in maintaining satisfactory performance by addressing any performance gaps
  - Outline how the Council will support officers to enhance motivation and integration into their work
  - Support managers in addressing unsatisfactory performance and in implementing effective performance management methods

## **2. Aim and Scope**

- 2.1. The purpose of this policy is to provide guidance on enhancing the Council's operational effectiveness by improving the performance of its officers and managers while promoting their individual motivation to work.
- 2.2. To achieve this, the policy also addresses:
  - Providing clarity and direction on how the Council will manage performance and capability-related issues
  - Addressing any performance gap to maintain long-term satisfactory working efficiency
  - Ensuring that all officers are aware of their roles and are accountable for complying with their responsibilities and tasks through performance monitoring
  - Supporting officers in maximising their potential, realising their full capabilities, enhancing job satisfaction and professional fulfilment, and sustaining meaningful engagement with their work

- Identifying ways in which the performance of the officers can be improved to the benefit of the Council.
- Identifying performance objectives, targets and key performance indicators (KPIs) for the year, both individual and team level, if needed.

### **3. Who This Applies To**

- 3.1. This policy shall apply to all officers of the Council, irrespective of their employment status, i.e., whether they are engaged on a full-time, part-time, temporary, casual, or permanent basis.
- 3.2. This policy does not apply to individuals who are not directly employed by the Council but are engaged to carry out work on its behalf, including (but not limited to) agency workers, consultants, contractors, or suppliers.
- 3.3. Any concerns relating to the performance or conduct of such individuals will be managed through their employing or representative organisation in accordance with the relevant contractual arrangements, rather than under this Performance Management Policy.
- 3.4. This policy does not apply to councillors. Concerns regarding the actions, activities or behaviours of a councillor are covered in the Member's Code of Conduct.
- 3.5. In the case of performance issues relating to the Town Clerk, the above will be undertaken by the Chair of Personnel and Chair of the Committee Chairs' Management Group (CCMG), as the Town Clerk's line management representatives. If HR support were felt required, the HR & OD Manager will make the arrangements for suitable and appropriate support.

### **4. Legal Framework**

- 4.1. By adopting and applying this policy, the Council will promote equal opportunities for all and prevent discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, in accordance with the Equality Act 2010.
- 4.2. Additionally, the Council is committed to support disabled individuals and those with long-term health conditions that affect their performance, in accordance with the Equality Act 2010. Therefore, the Council will endeavour to make reasonable workplace adjustments where required. Any agreed adjustments will be monitored as part of the performance management process to ensure appropriate support is identified and

provided when addressing any performance-related matters involving an officer.

- 4.3. The Council uses this approach to ensure that all officers have equal access to professional development and opportunities to discuss their support plans.

## **5. Defining Performance Management**

- 5.1. Performance Management is an umbrella term for the entire set of policies and practices an organisation can utilise to ensure that those within the organisation attain their goals.
- 5.2. In the context of this policy, performance management refers to how managers and individual staff members work together to ensure each officer performs to the best of their ability while upholding the Council's values and business standards.
- 5.3. The Council defines effective performance management as a structured and proactive process which includes, but not limited to, the following:
  - Aligning individual and team performance with the Council's strategic priorities, service objectives and available resources
  - Identifying underperformance at an early stage and taking appropriate, proportionate action
  - Undertaking timely, transparent and ongoing monitoring, evaluation and review of operational activity to support continuous improvement in service delivery

## **6. Performance Management in Relation to Capability**

- 6.1. The Council takes into consideration the distinction between performance and capability to apply the most appropriate procedures and actions (see Section 10) when managing officer's performance.
- 6.2. *Capability* refers to an officer's ability to perform the work expected of them to the required standard. It may be evaluated by reference to an officer's skills, knowledge, abilities, aptitude, health, or any other physical or mental competence in relation to the job they are employed to perform. Therefore, it covers all matters related to performance and attendance. Please refer to the Capability Policy for more details.
- 6.3. On the other hand, *Performance Management* encompasses all aspects of work-related performance, excluding matters of capability. It does not, however, apply to issues of misconduct, which will be addressed in accordance with the Council's Disciplinary Policy or other relevant procedures.

- 6.4. Line managers are expected to remain vigilant for any signs of underperformance or potential capability gaps. Where possible, these issues should be identified and addressed proactively by the manager before the formal application of this policy.
- 6.5. If a manager is uncertain about which policy applies to the intended concern, any uncertainty must be raised with the HR & OD Manager for further consideration and clarification.

## **7. Performance Improvement Plan (PIP)**

- 7.1. The Council aims to ensure that all officers are provided with the necessary support to perform their duties as expected. To achieve this, the Council adopts the use of PIPs for its officers.
- 7.2. A PIP refers to a framework designed to support and improve officer's performance. Therefore, a PIP is created to address and remedy recurring performance issues.
- 7.3. In basic terms, the PIP states clear performance objectives, measurable targets, defined timescales, and references the officer's job description besides any other relevant performance standards. The Council's PIP addresses, but is not limited to, the following:
  - The specific nature of the performance and/or capability issues
  - The required improvements and the actions the Council will take to support officers in achieving those improvements
  - The support, training, advice, or reasonable adjustments that have been provided or will be made available to assist officers, and,
  - The timescale for achieving the required improvement, which will be proportionate to the nature of officer's role and allow sufficient time for improvement and completing further assessment.
- 7.4. In the first instance, the timescale for improvement will normally be within 12 weeks depending on the complexity of the role or the nature of the performance issue/s. However, depending on the progress made, the line manager may agree with the officer to shorten or lengthen the duration of the PIP.
- 7.5. When requested by officers, appropriate guidance, assistance and further clarification will be provided by the HR & OD Manager to help the officers to achieve their required level of performance and improvement.
- 7.6. Officers are expected to continue working towards the targets identified in the PIP with the support of their line manager.

## **8. Statement of the Council**

- 8.1. The Council is committed to ensuring that all officers are given the opportunity to work to their full potential in an inclusive manner where all individuals are supported to achieve their best.
- 8.2. This policy aims to create a supportive working environment for all managers and officers, promoting performance, continuous improvement, and adaptability, while minimising inefficiencies in service delivery.
- 8.3. The Council maintains a zero-tolerance approach to any form of discrimination and is committed to supporting and listening to its officers. Any instance of mistreatment by a manager or colleague related to an officer's performance will be investigated and, where appropriate, addressed in accordance with the Council's Disciplinary Policy.

## **9. Roles and Responsibilities**

- 9.1. The Council recognises that achieving the objectives of this policy (see Section 2) requires collaboration between managers and individual staff members. The following demonstrates the Council's commitment to these principles:

- **Line managers** are responsible for ensuring that they:
  - Clearly define roles and responsibilities so that officers understand their duties and key responsibilities
  - Have regular conversations with officers with feedback provided, and any performance concerns are addressed straight away
  - Work with officers to identify the underlying causes of poor performance and provide an achievable plan to address any performance gap
  - Maintain confidentiality while following the Council's performance management procedures
  - Recognise officers' high performance and encourage a culture of continuous improvement
  - Identify poor performance, discuss it, and take the necessary action to support improved work performance
- **HR & OD Manager** is responsible for ensuring that they:
  - Provide support, advice, and guidance to managers on implementing the policy and in circumstances where the use of any performance management process is needed

- Ensure that all elements of the performance management process are accurately maintained, comply with relevant legislation, and are applied fairly and consistently across all officers
- Provide consistent support and training to address performance concerns
- **Individual staff members** will take steps to:
  - Take full responsibility for understanding their duties under this policy and be proactive in developing the skills and capability required to meet work-related expectations
  - Take personal responsibility for managing their workload, working schedule, and responsibilities, while maintaining consistency in their working hours
  - Undertake their contractual responsibilities to achieve a satisfactory level of performance
  - Seek clarification of any points not fully understood around the feedback they receive on performance and any expected actions they are asked to undertake to improve performance
  - Take ownership of their own professional development and seek support where needed
  - Engage in any training or support sessions that have been identified to help meet any gaps in performance
  - Notify managers of any circumstances that may be impacting their performance negatively

## **10. Defining Underperformance**

- 10.1. The Council emphasises that officers must carry out their day-to-day work, as outlined in their job description, in a timely and professional manner.
- 10.2. In this context, the Council defines *underperformance* as:
  - Incapability to understand what is expected of the officers in terms of their responsibilities
  - Failure to complete and pass the compulsory trainings provided by the Council
  - Failure to meet agreed performance targets or service delivery standards, despite appropriate support and guidance
  - Repeated errors or poor quality of work that negatively impact the Council's service delivery or compliance
  - Failure to apply the required skills, knowledge, or competencies essential to the role, even after training or reasonable adjustments have been provided

- Ongoing difficulties in managing workload or prioritising tasks effectively, resulting in missed deadlines that affect team or organisational performance
  - Repeated failure to follow adopted Council policies, procedures or instructions, relevant to the officer's role, despite clarification and guidance provided
- 10.3. Where further support is required to address an officer's underperformance, the Council may implement a PIP (see Section 7) prior to taking any formal action under this policy or the Capability Policy.

## **11. Identifying Poor Performance**

- 11.1. The Council acknowledges that there might be some possible reasons for reduced performance in officers' work.
- 11.2. Officers are required to raise any issues that may be negatively impacting their performance. In such cases, the officer's line manager must provide support by discussing the concerns and identifying any appropriate support mechanisms that can be implemented.
- 11.3. The possible reasons to indicate underperformance at the workplace include, but are not limited to:
- Failure to comply with the Council's rules and procedures related to job requirements (e.g., irregular attendance, missing work meetings, or repeated absences)
  - Insufficient training and development opportunities to support officers in meeting required standards
  - Officers' lack of experience, skills, knowledge or abilities necessary to perform in their role
  - Unexpected changes to an officer's role or job title
  - Inadequate equipment or working conditions that restrict or limit working performance of the officer
  - Inadequate managerial support
  - Uncertainty or ambiguity about an officer's job description, individual responsibilities, or overloaded and unmanageable workload
  - Deliberate failure to follow reasonable management instructions and/or defiance of work-related directives
  - Experiencing or witnessing any harassment issue (see Sexual Harassment Policy)
  - Life-altering occurrences such as menopause or bereavement (see Menopause Policy and Absence Management Policy)

- An extreme level of stress and continuous anxiety due to personal reasons
- 11.4. When poor performance arises from personal reasons, officers may be reluctant to disclose or discuss the issues involved. In such cases, regular brief meetings should be arranged to foster trust and open communication between officers and managers.

## **12. Performance Management Procedure**

- 12.1. The Council recognises the importance of addressing performance issues promptly. Accordingly, guidance and support will be provided to ensure the effective and smooth running of Council business.
- 12.2. Line managers are responsible for monitoring performance and providing guidance to support officers in overcoming any difficulties. The Council acknowledges that performance management may involve both informal and formal processes to achieve this.

## **13. Informal Process**

- 13.1. In cases of minor unsatisfactory performance, the line manager will meet informally and confidentially with the individual staff member to discuss and resolve issues and concerns identified.
- 13.2. This meeting will be conducted between the line manager and the individual staff member only but may include the HR & OD Manager, where required.
- 13.3. The informal meeting should cover the following:
- Explaining the performance or capability concerns identified and ensuring that the officer clearly understands the issues raised
  - Understanding the underlying reasons for performance concerns, and taking into account any specific issues (e.g., health concerns, domestic violence or sexual harassment in the workplace)
  - Reaffirming the standards, responsibilities, and expectations outlined in the officer's job
  - Considering whether any adjustments (e.g., additional training) are needed to enforce officer's working performance
- 13.4. Notify the officer of any forthcoming performance monitoring and review period. Informal meetings will be scheduled as in-person meetings, wherever possible. The line manager will inform the officer of all meeting details and provide confirmation by email.

- 13.5. The line manager may request follow-up meetings to monitor the officer's overall performance and ensure that the officer is supported in overcoming any difficulties experienced throughout the review process.
- 13.6. If the issue is deemed more serious than expected, or if informal discussions fail to deliver expected results, the line manager may proceed with a formal procedure.

#### **14. Formal Process**

- 14.1. In rare cases, formal performance management procedures will be applied when, despite all reasonable support, an officer's performance continues to fall short of the Council's required standards.
- 14.2. At any point during the formal process, individual staff members may raise concerns with their line manager if they feel their skills or abilities do not fully align with their role. In such cases, as with the informal process, the line manager will provide guidance and support to facilitate the individual staff member's ongoing professional development.
- 14.3. Additionally, where an individual staff member is unable to meet or maintain the standards set during the informal process, the Council will implement its formal three-stage performance management procedure, as outlined below:

##### **14.3.1. Stage 1: First written warning**

- The line manager or an appropriate alternative line manager, will inform the individual staff member of the nature of the performance concern and will confirm it in writing.
- The written warning will clearly outline the specific areas where the individual staff member's performance continues to fall below the standards expected by their line manager
- In certain cases, a first written warning may be issued immediately, even if no prior action has been taken under this policy, depending on the seriousness of the situation.
- The written warning will include the following, but not limited to:
  - Explaining the concerns regarding the individual staff member's work performance
  - Referencing the previous informal meeting and the tasks that were not met or discussed during the informal stage
  - Explaining the expected performance standards
  - Identifying possible outcomes and consequences of failing to meet the expectations outlined in the written warning

- If the individual staff member meets the requirements set out in the first written warning, their line manager, or the alternative line manager may decide that no further action is necessary. However, if the required standards are not met, the next stage of the formal process will commence.
- The Stage 1 warning will remain in effect for a period of six (6) months to allow for monitoring and assessment of progress.

#### **14.3.2. Stage 2: Second Written Warning**

- This stage of the process will involve the Deputy Town Clerk, who will notify the individual staff member about a Support Plan, designed to support and improve the officer's performance in line with the Council's objectives and required standards. The support plan will be confirmed in writing, managed by the line manager, and overseen by the Deputy Town Clerk.
- The support plan will address the areas of concern identified in the warning and will provide clear guidance and support to help the officer improve their performance, with a focus on measurable indicators aimed at achieving and sustaining acceptable standards of work.
- The support plan will be agreed upon through mutual understanding between the individual staff member and the line manager, and will include:
  - **Timescale** to identify specific deadlines for achieving individual milestones
  - **Targets** to define the tasks, responsibilities or improvements needed
  - **Feedback** will be provided by the appointed line manager or the Deputy Town Clerk to evidence, monitor and assess the extent of the officer's performance improvement
- The stage 2 warning will remain valid for a period of twelve (12) months to monitor its progress.
- If the individual staff member successfully meets the requirements of the support plan, the Deputy Town Clerk may decide that no further action is necessary. However, if the required standards are not met within three (3) months, or if any unacceptable performance results from deliberate neglect rather than a lack of skills or training, the matter will proceed to a performance management hearing.

- NB. In the event of performance issues relating to the Deputy Town Clerk, the steps above will be undertaken by the Town Clerk

#### **14.3.3. Stage 3: Performance Management Hearing**

- The individual staff member will be given no less than five (5) days' written notice of the hearing by the Deputy Town Clerk, specifying its date, time and location.
- Once it is agreed that a performance management hearing is the best route, the individual staff member will be invited to a formal performance management hearing to consider the concerns identified by the line manager and the Deputy Town Clerk, including any areas of performance that continue to fall below the required standard.
- At the hearing, the individual staff member will be given the opportunity to respond to the concerns raised about their performance and to make representations regarding the issues identified.
- The hearing will be conducted by the Deputy Town Clerk, with assistance from the HR & OD Manager.
- The individual staff member may appeal against any decision taken under this procedure. The appeal should be submitted in writing to the Town Clerk, stating the officer's full grounds of appeal within five (5) days of the decision being communicated. The Town Clerk will then assess whether to consider the appeal, or whether to request the appeal is considered by the Appeals Committee, where appropriate. In either circumstance the outcome of the appeal will be communicated to the officer in writing within ten (10) days (where this is not practicable, this will be communicated to the officer), including a clear explanation of the grounds on which the decision was reached.
- NB. In the event of performance issues relating to the Deputy Town Clerk, the steps above will be undertaken by the Town Clerk, with any subsequent appeal being considered by the Appeals Committee.

### **15. Failure to Comply with the Policy**

- 15.1. All managers and officers are required to comply with this Performance Management Policy to ensure that the Council effectively manages performance in pursuit of its responsibilities and strategic objectives.

- 15.2. Any officer who fails to adhere to the required procedures, misuses their position, or abuses their work responsibilities, may be subject to a full investigation. Depending on the seriousness of the breach, this may result in formal action under the Council's Disciplinary Policy or other relevant conduct procedures.

## **16. Evaluation and Review**

- 16.1. The Council will store all records and documentation related to the performance management process, including both informal and formal processes, as required.
- 16.2. All concerns regarding officers' performance will be recorded and securely stored in the Council's database, in compliance with the Council's Data Protection Policy.

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## CAPABILITY POLICY

*This policy outlines a framework for addressing and managing capability issues, ensuring that concerns are handled fairly and in a structured way, in alignment with the Council's Performance Management Policy*

*Working with our community to secure Seaford's best future*

## Status

<b>Version</b>	0.1	<b>Last Review Date</b>	TBC
<b>Adopted Date</b>	TBC	<b>Next Review Date</b>	One year after adoption
<b>Review Period</b>	Annually	<b>Approving Body</b>	Full Council

## Version History

<b>Date</b>	<b>Version</b>	<b>Approval</b>	<b>Status</b>
n/a – new policy	-	-	-

## Related Policies and Other References

<b>Policy Reference Code</b>	<b>Policy Name</b>
HRP16	Performance Management Policy
HRP1	Absence Management Policy
HRP7	Disciplinary Policy
CE3	Data Protection Policy
C7	Health and Safety Policy
HRP9	Equality, Diversity and Inclusion (EDI) Policy
HRP23	Training and Development Policy
HRP13	Grievance Policy
HRP20	Sexual Harassment Policy
HRP14	Menopause Policy
HRP21	Sickness Absence Policy

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## **1. Introduction**

- 1.1. Seaford Town Council (the Council) acknowledges that its officers may experience difficulties that impact on their ability to carry out their duties and responsibilities at work.
- 1.2. This policy applies where there is a genuine lack of capability displayed in the work that officers are expected to deliver (e.g., lack of skills, knowledge, health related issues that impact officer's work, and adaptability).
- 1.3. This policy will be applied in the following circumstances, where:
  - A further evaluation of an officer's capability is needed due to inefficiency in their performance
  - Officers fail to achieve a qualification that is essential for their role
  - Repeated short-term absences due to ill-health, where the application of the Absence Management Policy and any related procedure has not resulted in sufficient improvement in attendance
- 1.4. In most cases, capability issues can be addressed through guidance and additional support provided by the Council, through line managers. However, in some cases, a structured approach is required due to continued unsatisfactory performance.
- 1.5. Although, the Council's primary goal is to support and encourage officers, the capability management process may involve formal actions, including dismissal, in cases of severe underperformance issues.

## **2. Aim and Scope**

- 2.1. The Capability Policy provides a formal approach to address underperformance concerns.
- 2.2. Relatedly, this policy explains the Council's approach when an officer's performance falls short due to a lack of skills, knowledge, or ability needed for their role.
- 2.3. The Council aims to ensure that its operations run effectively while all officers are treated fairly and consistently in relation to performing their duties and fulfilling their responsibilities. To achieve this, this policy looks to:
  - Support, guide, and advise officers who may be experiencing difficulties in performing their duties to the required standards (e.g., quality and accuracy of work and application of skills and knowledge etc.)

- Provide line managers with a clear framework to monitor and evaluate officers who may be underperforming, in a consistent manner
  - Support a culture of continuous professional development and improvement
- 2.4. The implementation of this policy should not be seen as a forerunner to dismissal, however, in some cases, a formal management process may ultimately be necessary if no improvement is made.

### **3. Who This Applies To**

- 3.1. This Policy shall apply to all officers of the Council, irrespective of their employment status, i.e., whether they are engaged on a full-time, part-time, temporary, casual or permanent basis.
- 3.2. This policy does not apply to individuals who are not directly employed by the Council but are engaged to carry out work on its behalf, including (but not limited to) agency workers, consultants, contractors, or suppliers.
- 3.3. Any concerns relating to the performance or conduct of such individuals will be managed through their employing or representative organisation in accordance with the relevant contractual arrangements, rather than under this Capability Policy.
- 3.4. This policy does not apply to councillors. Concerns regarding the capabilities of a councillor are covered in the Member's Code of Conduct.
- 3.5. In the case of capability issues relating to the Town Clerk, the above will be undertaken by the Chair of Personnel and Chair of the Committee Chairs' Management Group (CCMG), as the Town Clerk's line management representatives. If HR support were felt required, the HR & OD Manager will make the arrangements for suitable and appropriate support.

### **4. Legal Framework**

- 4.1. Under the [Employment Rights Act 1996](#), *capability* is defined as an employee's aptitude, skill, health, or any physical/ mental quality required to perform their contracted work. Thus, the Council acknowledges this definition and uses the term *capability* in this policy accordingly.
- 4.2. Thus, the Council recognises its responsibilities under the Health and Safety at Work Act 1974 and the Equality Act 2010 to manage staff capability issues sensitively, as far as reasonably practicable.
- 4.3. For health-related capability issues, the Council manages the process constructively, through this policy. This includes making reasonable adjustments, providing training and support mechanisms to its officers'

working terms, conditions, and methods as required under the Equality Act 2010.

- 4.4. Under the Equality Act 2010, an individual is considered to have a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The Council acknowledges that it is the employer's responsibility to make *reasonable adjustments* where:
- An employer's provision, criteria or practices place a person with disabilities at a substantial disadvantage compared with a person who is not disabled,
  - The employer's premises have physical features that place a person with disabilities at a substantial disadvantage, or
  - An employee with disabilities would be placed at a substantial disadvantage if they are not provided with an auxiliary aid.

## **5. Defining Capability**

- 5.1. In the context of performance, *capability* refers to an officer's inability to perform their work as expected as part of their job description due to insufficient skills, knowledge or aptitude.
- 5.2. *Underperformance*, or an officer's inability to meet the required standards, may arise from a range of factors, including lack of experience, training, adequate supervision, health issues and/or sudden changes in their role or positions.
- 5.3. Capability issues may also arise when officers are unable to perform due to poor attendance caused by sickness, ill health or disability. In this case, the Council may follow its Absence Management Policy if there are ongoing concerns regarding an officer's long-term sickness absence, including situations related to permanent disabilities.
- 5.4. In rare circumstances, officers may have the necessary skills to perform their duties but fail to apply them due to lack of effort, motivation or interest. Where this is deemed to be the case the Council will address this matter using the Performance Management Policy or the Disciplinary Procedure, as appropriate.

## **6. Capability Issues**

- 6.1. The Council commits to managing capability issues in a supportive and constructive manner. Thus, it is the Council's responsibility to identify capability issues as early as possible and take steps to try to resolve them

informally or formally by providing guidance, supervision, training and counselling to support officers to achieve the required standards.

- 6.2. The Council acknowledges that line managers need to be alert to identify potential issues that may lead to any inefficiency in working performance.
- 6.3. In addition, the Council recognises a range of capability issues, including but not limited to the following:

**6.3.1. Capability Issues Related to Ill-Health**

- a) The Town Council is committed to supporting officers who experience ill-health, ensuring their wellbeing is prioritised while treating them with dignity and respect.
- b) In cases where officers' capability issues are related to ill-health, the Council will make reasonable effort to support their recovery and facilitate a return to work. This may include considering redeployment options and/or appropriate workplace adjustments (e.g., adjusted working hours or allowing time off for medical appointments), in accordance with the Absence Management Policy.
- c) The Council asserts that sickness absence properly reported as a result of genuine illness will not lead to disciplinary action. Disciplinary measures will apply only in cases of unauthorised absence and/or misleading claims of sickness that may amount to deliberate underperformance.
- d) Where officer's sickness record results in frequent short-term sickness absences (with reference to the Sickness Policy), the Council may request a meeting with the officers to discuss the matter.
- e) In cases of long-term sickness, where the illness indicates an underlying issue or potential long-term health conditions affecting officer's capability to perform their role, the Council will consider the following throughout the process:
  - i. Implementing alternative work arrangements (e.g., job sharing, flexible-working hours, temporary re-assignment or modification to the job description)
  - ii. Providing or recommending support or counselling services to assist the officer
- f) All reasonable adjustments will be fully explored before implementing this policy, in the case of officers with disabilities.
- g) In rare cases where an officer is incapable to continue working due to ill health, early retirement on ill-health may be considered. If early retirement is not feasible, dismissal on the grounds of ill health may be

appropriate. In such cases, the Council will comply with the statutory dismissal procedures outlined in this policy (see Section 9).

### **6.3.2. Capability Issues Related to Statutory Ban**

- a) In exceptional cases, an officer may be subject to a legal restriction that prevents them from undertaking certain duties of their role. A common example is a driving ban where driving is an essential part of the officer's job.
- b) In this scenario, a meeting will be held with the officer to decide whether the role can still be performed safely and effectively, using reasonable adjustments or reallocating duties.

### **6.3.3. Capability Issues Based on Skills Gap**

- a) The Council recognises that capability concerns may arise where an officer does not possess, or has not sufficiently developed, the skills, knowledge, or competencies required to perform their role effectively. A skills gap is not regarded as misconduct; rather, it reflects an area where additional support, development, or adjustment may be required.
- b) The following factors may contribute to a skills gap and may result in underperformance:
  - i. **Insufficient Role-Specific Knowledge** where the officer has not acquired the technical or professional knowledge necessary to meet the operational standards of the post
  - ii. **Lack of Appropriate Training or Development** where the officer has not received adequate training, induction, or ongoing development to carry out their duties competently
  - iii. **Inability to Adapt to New Working Practices** where the officer experiences difficulty adapting to new policies, procedures, or service delivery models
  - iv. **Insufficient Experience in Key Tasks** where the officer is newly appointed, recently reassigned, or has limited experience performing the essential responsibilities of the role
  - v. **Reduced Confidence Affecting Performance** where a lack of confidence, not constituting a health matter, impacts the officer's ability to perform tasks to the required standard
  - vi. **Workload Management Skills** where challenges in planning, prioritising, or organising work leads to delays, errors, or reduced quality of output

- vii. **Communication or Interpersonal Skill Limitations** where gaps in communication, collaboration, or customer facing skills affect service delivery or team effectiveness
- c) The Council is committed to identifying the root causes of capability concerns and providing reasonable support, guidance, and training to help officers improve. A structured improvement plan may be implemented to ensure expectations are clear and measurable, and to allow the officer an appropriate opportunity to demonstrate progress.

## **7. Capability Management Process**

- 7.1. This procedure applies when officers are making efforts to fulfil their responsibilities, but are unable to do so due to various individual reasons (see Section 5).
- 7.2. The Council is committed to monitoring capability issues to maintain meaningful capability management.
- 7.3. Therefore, the Council uses both informal and formal processes to ensure that officers' capability is evaluated consistently, supporting the achievement of effective capability management.

## **8. Informal Capability Process**

### **8.1. Day-to-Day Management**

- 8.1.1 The Council seeks to resolve minor capability concerns through an informal process.
- 8.1.2 It is the line manager's responsibility, in the first instance, to raise any issues promptly through their day-to-day management and 1:2:1 meetings.
- 8.1.3 The line manager will ensure that such matters are handled sensitively and treated in confidence. In parallel, officers will be informed of all meeting details and receive written confirmation of review meetings. .
- 8.1.4 The purpose of the informal discussion will be to identify areas of concern, determine the root causes of underperformance, and assess any supervision or training needs, and, where necessary, set specific targets for improvement.
- 8.1.5 The meetings may cover, but not limited to, the following areas:
  - a) The likely causes of underperformance
  - b) Further clarification of required standards
  - c) A methodology and timetable for improvement and review

- d) Scheduling training and support mechanisms to overcome identified underperformance
- 8.1.6 All officers are encouraged to engage in open and honest dialogue with their line manager regarding concerns raised and any anticipated difficulties faced. Further, capability issues arising from domestic, personal or work-related circumstances should be discussed with the officer's line manager at the earliest opportunity.
- 8.1.7 In most cases, these meetings should provide sufficient guidance, support and clarification to address persistent underperformance and resolve capability-related concerns. However, the line manager may decide to proceed with a formal process, if:
  - a) The previous informal discussion/s and guidance have not resulted in improvement, and/or
  - b) The officer's capability remains insufficient despite all support measures provided by the Council.

## **9. Formal Capability Process**

### **9.1. Formal Capability Review Meeting**

- 9.1.1 If the informal capability process does not achieve the significant change as expected, the line manager may proceed with a Formal Capability Review Meeting.
- 9.1.2 This meeting will bring together the underperforming officer, their line manager and the HR & OD Manager, who will act as an advisor and provider of additional support, throughout the discussion.
- 9.1.3 Officers will receive a written confirmation of the meeting. Officers should make every reasonable effort to attend the meeting on the confirmed date and time. If the meeting needs to be rescheduled for any reason, the officer must provide a valid reason and propose an alternative date and time within three (3) working days, in consultation with their line manager.
- 9.1.4 This meeting solely intends to provide a constructive approach to evaluating officer's underperformance, explore any underlying causes of the shortfall and agree on clear actions to help the officer to achieve their improved their underperformance. To achieve this, the meeting will include the following:
  - a) A review of the issues identified by the line manager, including clear reference to the informal process followed, its outcomes, and the evidence supporting progression to the formal process

- b) A focused discussion on the capability gaps, with the aim of identifying hidden reasons not previously recognised
  - c) Mutual understanding on the required improvements and the targets for achievement
  - d) Development of a Capability Improvement Plan outlining any additional training or further tasks
  - e) Full consideration of any extenuating circumstances that may be affecting the officer's capability
- 9.1.5 Officers will be notified by email within seven (7) business days after the meeting ends, including one of the following outcomes:
- a) A decision to take no further action
  - b) An agreed monitoring period to assess officer's performance and review effectiveness of training and support provided
  - c) A written warning clearly outlining that the officer has not met the expected performance standards and specified expectations for performance improvement

**9.2. First Written Warning**

- 9.2.1 If the officer's performance remains unsatisfactory following the formal meeting, a formal written warning will be issued. This stage will be a first written warning.
- 9.2.2 A copy of the written warning will be placed in officer's file and stored by the HR & OD Manager. The warning will normally remain in effect for a minimum of six (6) months from the date it is issued.
- 9.2.3 The written warning will include examples where the officer has not met the targets outlined, a copy of the Council's Capability Policy, and a copy of the officer's job description. The letter will also refer to the possible outcomes of this stage, in addition to the following:
- a) The reason for issuing the written warning
  - b) The specific performance improvements that are required and should be addressed urgently
  - c) A realistic timeframe for achieving the necessary improvements
- 9.2.4 The purpose of this warning is to give the officer a clear opportunity to enhance their performance before the next stage, while ensuring the Council provides any guidance or support as much as possible.
- 9.2.5 If the line manager is satisfied with the officer's improved performance at the end of the six-month period, no further action will be taken. The warning will also be removed from the officer's file, following approval by the line manager.

9.2.6 However, where the line manager is not satisfied with the officer's performance despite the support and measures put in place, the matter may be progressed to the next stage of the formal process.

### **9.3. Final Written Warning**

9.3.1 A final written warning will be issued if, despite receiving a prior written warning, the officer fails to improve their performance to the required standard, or if the officer's performance falls significantly below an acceptable standard.

9.3.2 This written warning will outline the areas in which the employee continues to fall short of the required performance standards. It will also specify the targets for improvement, including any measures taken to support improvement, such as additional training or supervision.

9.3.3 A copy of the final written warning will remain on the officer's file for a period of 12 months.

9.3.4 The officer's performance will continue to be closely monitored throughout the review period. At the end of that period, or earlier if appropriate, the line manager will meet with the employee to formally review their performance and will confirm the outcome in writing.

9.3.5 If the line manager is satisfied that the officer's performance has improved to the required standard, no further action will be taken. However, if the line manager remains dissatisfied with the officer's performance, the matter will progress to the final stage of the process, at which point dismissal or another appropriate outcome may be considered.

### **9.4. Dismissal or Other Outcome**

9.4.1 The line manager may consider dismissal or other alternative outcomes when all informal and formal capability discussions have been exhausted, and the required standards have not been met or sustained.

9.4.2 If the line manager decides that the officer's performance remains unsatisfactory despite all possible efforts, the final decision may include:

- a) Dismissal of the officer
- b) Redeployment or relocation of the officer to a different position\*

- 9.4.3 If the Council decides to dismiss an officer, the dismissal will be carried out with the appropriate period of notice, following the Council's internal procedures and in line with the officer's employment contract. The officer will be informed of the final decision in writing. In all cases, officers are required to acknowledge the decision and confirm the outcome in writing within five (5) working days of the notification email/letter being issued.
- 9.4.4 The decision to dismiss must be made by the Deputy Town Clerk or Town Clerk.
- 9.4.5 Dismissal on the grounds of capability does not imply misconduct on the part of the officer. Rather, it reflects a continued insufficiency in the officer's skills or abilities to meet the required standards of the role.
- 9.4.6 Dismissal may be avoided, where mitigating circumstances exist, by considering alternative options such as redeployment or relocation, provided a suitable vacancy that aligns with the officer's skills and experience is available.

## **10. The Right of Appeal**

- 10.1. Any officer who believes the decision taken regarding their performance needs to be re-considered, will have the right to submit a written appeal to the Town Clerk, specifying the grounds for the appeal. The appeal must be submitted within five (5) working days from the date the officer was notified of the formal decision.
- 10.2. The Town Clerk will then assess whether to consider the appeal, or whether to request the appeal is considered by the Appeals Committee, where appropriate. In either circumstance the outcome of the appeal will be communicated to the officer in writing within ten (10) days (where this is not practicable, this will be communicated to the officer), including a clear explanation of the grounds on which the decision was reached.
- 10.3. NB. In the event of capability issues relating to the Deputy Town Clerk, the steps above (in Sections 9 and 10) will be undertaken by the Town Clerk, with any subsequent appeal being considered by the Appeals Committee.

## **11. Evaluation and Review**

- 11.1. All files and records created during the capability management processes will be securely stored in the Council's database, in accordance with the Council's Data Protection Policy.

- 11.2. The Council understands that managers may sometimes be uncertain whether underperformance is due to a capability or other causes. In these instances, line managers should seek advice from the HR & OD Manager for clarification before further action.

## **12. Sources of Support**

- 12.1. **ACAS (Advisory, Conciliation and Arbitration Service)**, provides free, impartial advice on performance management, capability, and your legal rights.
- 12.2. **HR Department**, while HR supports managers, they are also responsible for explaining the procedure to officers, ensuring fairness, and advising on support mechanisms.
- 12.3. **Trade Unions**, can provide members with advice, support and accompany officers to formal meetings at work.
- 12.4. **Citizens Advice** offers free, independent advice on employment problems.
- 12.5. **Equality Advisory Support Service (EASS)** provides help if the capability issue is related to discrimination.
- 12.6. **Law Centres** offer free, legal advice and representation, particularly if an officer is experiencing discrimination.



## Seaford Town Council

<b>Report Number:</b>	<b>06/26</b>
<b>Agenda Item Number:</b>	<b>5</b>
<b>Meeting:</b>	<b>Personnel</b>
<b>Date:</b>	<b>21 May 2026</b>
<b>Title:</b>	<b>Review of a Draft Equality, Diversity &amp; Inclusion Policy</b>
<b>Strategy Programme Ref:</b>	<b>5.3b</b>
<b>Purpose of Report:</b>	<b>To present the draft Equality, Diversity &amp; Inclusion Policy for consideration by Committee and recommendation to Full Council for adoption</b>
<b>Supporting Documents:</b>	<b>Appendix A – Draft Equality, Diversity &amp; Inclusion Policy</b>
<b>Contact Officer:</b>	<b>Darryl Keech, Deputy Town Clerk &amp; Responsible Financial Officer (RFO)</b>

### Officer Recommendations

1. To note the contents of the report.
2. To recommend that Full Council adopts the draft Equality, Diversity & Inclusion Policy, and in doing so archives the existing Equal Opportunities Policy.

## 1. Introduction

**1.1** As part of the ongoing review of policies and risk management, officers have identified that the Town Council's existing Equal Opportunities Policy, adopted in January 2020, does not cover the full scope of an Equality, Diversity & Inclusion (EDI) Policy and therefore requires updating.

**1.2** The Committee is asked to review the draft EDI Policy and recommend this to Full Council for adoption.

## 2. Information

**2.1** The proposed EDI Policy can be found in **Appendix A**.

- 2.2** The Equality Act 2010 places a legal duty on employers to take reasonable steps to eliminate any kind of discrimination in the workplace. It is important for the Town Council and its officers to understand what the law says about discrimination, so everyone knows their rights and responsibilities.
- 2.3** The Act encourages organisations to understand how protected characteristics shape the experiences of local communities, both individually and collectively.
- 2.4** Discrimination means treating someone 'less favourably' than someone else because of their protected characteristics.
- 2.5** The policy aligns with the law on discrimination where all employers must:
- (a)** make sure they do not unfairly discriminate in any aspect of work
  - (b)** take steps to prevent discrimination
  - (c)** do all they reasonably can to protect people from discrimination by others
  - (d)** look after the wellbeing of their workers – this is called a 'duty of care'
- 2.6** All officers will undertake EDI training a minimum of once per year and this is scheduled into officer's training plans.
- 2.7** Ultimately, the Town Council wants to ensure that all its service provision and business activities are established with an equality, diversity, and inclusion perspective. Thus, the Town Council will not tolerate any behaviour, actions, or approaches that disregard this policy.

### **3. Financial Appraisal**

- 3.1** There are no direct financial implications as a result of this report.



SEAFORD  
TOWN  
COUNCIL



# EQUALITY, DIVERSITY AND INCLUSION POLICY

*This policy sets out the Town Council's commitment to promoting a supportive, inclusive and respectful working environment, where any discriminatory behaviour or approach is challenged and addressed*

*Working with our community to secure Seaford's best future*

## Policy Status

<b>Version</b>	0.1	<b>Last Review Date</b>	TBC
<b>Adopted Date</b>	TBC	<b>Next Review Date</b>	One year from adoption
<b>Review Period</b>	Annually	<b>Approving Body</b>	Full Council

## Version History

<b>Date</b>	<b>Version</b>	<b>Approval</b>	<b>Status</b>
n/a - new policy			

## Related Policies and Other References

<b>Policy Reference Code</b>	<b>Policy Name</b>
HRP7	Disciplinary Policy
HRP6	Dignity at Work Policy
HRP20	Sexual Harassment Policy
HRP14	Menopause Policy
HRP18	Recruitment, Induction and Leavers Policy

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## **1. Introduction**

- 1.1. Seaford Town Council (the Council) recognises and values diversity and inclusion in Seaford and within its workforce, and promotes equality of opportunity.
- 1.2. The Council is committed to ensuring that all individuals are given the opportunity to be heard and that their views are respected and valued. The Council will promote positive and effective communication, support a greater understanding of diversity, and encourage open, inclusive, and constructive engagement with individuals from a wide range of backgrounds and perspectives.
- 1.3. The Council's commitment to equality, diversity and inclusion (EDI) reflects its aim to contribute to a more cohesive and inclusive community. To achieve this, the Council will:
  - Promote zero tolerance of discrimination
  - Value and respect individual differences
  - Represent all sections of the community, and ensure that every individual feels respected and appreciated
- 1.4. By doing so, the Council seeks to provide high-quality services and demonstrate its commitment to EDI.

## **2. Aim and Scope**

- 2.1. The purpose of this policy is to ensure equality and fairness for all officers, demonstrating parity across the Council, encouraging support and inclusion within the organisation, while ensuring nobody is discriminated against on the grounds of any protected characteristics (see Section 4).
- 2.2. The Council will achieve this by:
  - Welcoming the contributions that a diverse workforce brings through experience, knowledge and skills
  - Providing all officers with equal and easy access to learning, training and development opportunities
  - Ensuring a working environment that is free from harassment, discrimination, victimisation and bullying while promoting dignity and respect as part of its organisational culture
  - Ensuring that the Council carries out recruitment and selection processes in a fair and non-discriminatory way

- Ensuring that all Council policies and procedures incorporate relevant legislative requirements, statutory duties, and recognised best practice, and that these are made accessible to officers at all times
  - Providing regular training for all officers to maintain a good understanding of the diverse needs of people from different identities and backgrounds
  - Providing guidance about the Council's services and facilities, and, where necessary, making them available in multiple formats to guarantee equal access for all
- 2.3. The Policy demonstrates how EDI considerations are embedded in, and apply to, the Council's work, services and day-to-day operations to achieve its aims and objectives.
- 2.4. Therefore, this policy is intended to act as a guiding resource, embedding EDI across the Council and reflecting its priority to proactively reduce inequalities, remove barriers for officers, and deliver fair and accessible services.

### **3. Who This Applies To**

- 3.1. This policy shall apply to all officers of the Council, irrespective of their employment status i.e., whether they are engaged on a full-time, part-time, temporary, casual or permanent basis.
- 3.2. The provisions of this policy shall also extend to all individuals associated with the Council, including, but not limited to, elected members acting on behalf of the Council.
- 3.3. The policy shall also apply to any third parties engaged in work on behalf of the Council, including, but not limited to, agency personnel, contractors, consultants, and providers of services or supplies whose staff carry out duties for. or in association with. the Council.

### **4. Legal Framework**

- 4.1. The Council is committed to fulfil its statutory responsibilities to challenge all forms of discrimination and unfair treatment of individuals, both in the delivery of services and its business activities.
- 4.2. The Equality Act 2010 places a legal duty on employers to take reasonable steps to eliminate any kind of discrimination in the workplace.

- 4.3. In addition, the Act encourages organisations to understand how the *protected characteristics* shape the experiences of local communities both individually and collectively.
- 4.4. The *protected characteristics* refers to specific attributes or traits that are legally protected from discrimination. These characteristics ensure that individuals are treated fairly and equally, safeguarding them from any bias or unfair treatment in the workplace. The Equality Act outlines protected characteristics, as:
- Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race
  - Religion and Belief
  - Sex
  - Sexual Orientation
- 4.5. This protection expressly includes anyone who is undergoing, has undergone, or proposes to undergo gender reassignment, including trans individuals.
- 4.6. In addition, the Policy will be implemented within the framework of the other relevant legislation, including:
- The Equal Pay Act 1970
  - The Sex Discrimination Act 1975
  - The Race Relations Act 1976
  - The Disability Discrimination Act 1995
  - The Protection from Harassment Act 1995
  - The Human Rights Act 1998
  - The Employment Equality (Religion or Belief Regulations) 2003
  - The Employment Equality (Age Regulations) 2006
  - The Equality Act (Sexual Orientation Regulations) 2007

## **5. Statement of the Council**

- 5.1. The Council ensures that all its service provision and business activities are established with an EDI perspective.

- 5.2. Thus, the Council will not tolerate any behaviour, actions, or approaches that disregard this policy, and any breaches will be dealt with in line with the Council's disciplinary or relevant conduct procedures.
- 5.3. To strengthen its approach to EDI, the Council will:
  - Maintain a zero-tolerance perspective to all forms of discrimination (see Section 7)
  - Ensure that this Policy applies to all officers and councillors of the Council, regardless of role or status
- 5.4. The Council clearly states that it is a non-negotiable condition for all councillors and officers to understand and adhere to this policy.
- 5.5. Each officer and councillor is responsible for behaving appropriately and showing respect for colleagues, their actions and decisions to comply with equality and inclusivity requirements.
- 5.6. Where possible, the Council expects its officers and councillors to raise their concerns regarding any discriminatory, disrespectful, or unfair treatment that they may witness or experience.

## **6. Understanding Equality, Diversity and Inclusion (EDI)**

- 6.1. The Council acknowledges an '*inclusive working environment*' as one in which everyone feels valued and knows that their contribution matters. Thus, they can perform to their full potential, regardless of their background, identity, or circumstances.
- 6.2. The Council is committed to meeting its legal duties (see Section 4) but also focuses on EDI for reasons beyond legal requirements. In doing so, the Council recognises that:
  - **Equality** is not about treating everyone identically; it is about acknowledging individual differences and making sure each person's needs are met. It means ensuring that everyone has a fair opportunity to achieve the same outcomes.
  - **Diversity** recognises that every individual is unique and that the wide range of backgrounds, experiences, perspectives, and values people bring should be acknowledged, respected, and valued. Embracing diversity helps create an inclusive environment that encourages new ways of thinking, understanding and working.
  - **Inclusion** is about recognising, valuing, and supporting individual differences, and taking positive action to ensure that everyone feels welcome. An inclusive workplace is one where all individuals feel respected, valued and confident

- 6.3. This policy defines equality of opportunity as ensuring all individuals have a fair chance to succeed and reach their full potential, free from discrimination or disadvantage. It focuses on fairness, not sameness, by providing equitable access to resources, development, and progression based on merit, skills and effort.

## **7. Defining Discrimination**

- 7.1. The Equality Act 2010 highlights that discrimination may occur in a variety of ways. The types of discrimination defined under the Act include:
- **Direct discrimination** occurs when a person is treated less favourably than others because of a protected characteristic (e.g., refusing to offer an available open position to the best-qualified candidate based on their sexuality)
  - **Indirect discrimination** refers to a policy, practice or procedure that that appears to treat everyone equally but, in practice, places individuals with a certain protected characteristic at a disadvantage (e.g., requiring evening work, which may disadvantage officers with religious commitments)
  - **Discrimination arising from a disability** means unfavourable treatment because of something in connection with an individual's disability which cannot be justified as a proportionate means of achieving a legitimate aim (e.g., where a Council applies a policy to all officers, but the policy puts a disabled officer at an unjustified disadvantage compared to others with no disabilities)
  - **Discrimination by association** occurs when someone is treated less favourably because of their association with a person who possesses a protected characteristic, even if they do not have that characteristic themselves (e.g., a manager being overlooked for promotion because of their association with a partner from a minority race)
  - **Discrimination by perception** happens when someone is treated less favourably because they are perceived to have a protected characteristic, regardless of whether they do (e.g., when the Council believes an officer has a disability, even though they do not, and treats them accordingly)
  - **Harassment** may arise when a person is subjected to a conduct that violates their dignity in connection with a protected characteristic, or when behaviour creates a hostile, humiliating,

degrading, or otherwise offensive environment related to a protected characteristic (e.g., consistent sexually offensive jokes in the workplace)

- **Victimisation** takes place when an individual is subjected to a detriment because they have, in good faith, undertaken a “protected act,” or are suspected of having done so or intending to do so (e.g., where an officer raises a concern about unfair treatment and is later left out of key team meetings)

## **8. Equality, Diversity and Inclusion Objectives of The Council**

8.1. Under the Equality Act 2010, the Council has a duty to give *due regard* to the need to:

- Eliminate all forms of discrimination, harassment, victimisation and any other conduct prohibited by the Act
- Advance equality of opportunity between individuals who share a protected characteristic and those who do not
- Foster good relations between individuals who share a protected characteristic and those who do not
- Minimise disadvantages faced by individuals due to their protected characteristic

8.2. With this approach, the Council embraces four objectives:

1. Demonstrating an organisational commitment and working culture that respects and maintains EDI across the Council
2. Designing services around the needs of residents, ensuring that EDI is embedded at the earliest stage possible
3. Using its representative voice, decision-making processes and activities within the town to support disabled, LGBTQ+, neurodivergent and under-represented groups to enable them to live free from disadvantage
4. Regularly reviewing policies and procedures to ensure that they reflect the needs of officers, and are applied consistently, fairly and transparently across the Council

## **9. The Council’s Commitment to Equality, Diversity and Inclusion**

9.1. The Council is committed to promoting EDI, ensuring that all officers, councillors and service users are treated with fairness, understanding,

dignity and respect. This commitment is embedded in the Council's organisational culture and is demonstrated through:

- Developing a working environment of respect through initiatives such as the Council's Staff Skills Training Program
- Embracing clear communication and shared understanding between the Council and its officers through this policy
- Ensuring diversity and inclusion are considered at every stage in the design and delivery of services to residents
- Recruiting officers through fair, transparent and accountable processes that promote best practice and equal opportunities for all
- Identifying and addressing any barriers by recognising diverse needs and ensuring that the Council's workforce and service providers are equipped to deliver services that are equitable, accessible and responsive to these needs in an inclusive manner

## **10. Roles and Responsibilities**

10.1. All officers and councillors are expected to maintain appropriate standards of behaviour, comply with this policy, and actively support the delivery of the Council's EDI objectives (see Section 8).

10.2. The Council acknowledges that any progress in achieving these objectives requires collaborative effort across managers, individual staff members and councillors. The responsibilities are defined as follows:

- **Line managers** are responsible for ensuring that they:
  - Set and communicate clear standards of behaviour in respect of EDI, reflecting the zero-tolerance approach of the Council
  - Ensure all officers understand the policy and their personal responsibilities in promoting EDI
  - Foster a welcoming and trustworthy workplace where officers feel confident that they will be supported in any instance of inappropriate behaviour
  - Lead with embedding the EDI principles across the Council, ensuring fair practices in recruitment, career development, and promotion based solely on merit and ability
  
- **The HR & OD Manager** is responsible for ensuring that they:

- Support managers in implementing the policy in a consistent, transparent and fair manner
- Take complaints of discrimination, harassment, or victimisation seriously, ensuring they are investigated thoroughly, with appropriate actions taken
- Provide guidance and access to relevant training, policies, and procedures so officers can understand and apply the requirements of this policy
- Ensure officers are supported in exercising their contractual and employment rights, promoting fair and equitable treatment at all times
- **Individual staff members and councillors** will take steps to:
  - Understand this policy and its practical implications for their role, responsibilities, and day-to-day work
  - Treat all residents, service users, and colleagues with dignity and respect, while responding positively when providing services
  - Complete EDI training (mandatory for staff) and be familiar with this policy to understand the extent to which it has an impact on their role
  - Challenge and report any behaviour that may breach this policy

## **11. Equal Opportunities in Employment and Training**

- 11.1. The Council prioritises that its policies, procedures, and guidelines reflect its commitment to equality, diversity and inclusion.
- 11.2. Accordingly, EDI principles and objectives are embedded within standard practices to support fair, non-discriminatory recruitment processes and accessible training and development opportunities for all.
- 11.3. These principles are applied across various stages, including but not limited to the following:

### **11.3.1. Employment Practices**

- a) The Council defines itself as an equal opportunities employer, committed to EDI across all recruitment, selection, and training practices
- b) All applicants and officers are treated with fairness and respect, without discrimination based on any protected characteristics. Therefore, recruitment and selection procedures are regularly

reviewed to ensure equal access to opportunities. Appointments are made solely on merit, based on the skills, experience, abilities, and qualifications required for their role

- c) The Council actively seeks to attract a diverse pool of candidates by maintaining recruitment practices that are welcoming, inclusive, and responsive to individual needs. Thus, job advertisements are carefully worded to avoid unconscious bias, stereotyping or discouraging applicants from any background
- d) Shortlisting for an available vacancy is conducted by more than one person to ensure a fair and unbiased assessment
- e) During recruitment, applicants will not be asked questions that could indicate a discriminatory approach based on a protected characteristics, health conditions, or disability prior to a job offer being made (e.g., questions about plans relating to pregnancy or parenthood)
- f) Exceptions may apply in limited circumstances with approval from the HR & OD Manager, including:
  - i. Determining whether an applicant can perform essential job requirements, including any reasonable adjustments required
  - ii. Identifying reasonable adjustments needed for interviews or assessments
  - iii. Situations where the job offer is conditional upon a satisfactory medical check
- g) Selection for employment, promotion, training, or any other benefits will be based on the ability and capability of candidates. All officers will be supported and encouraged to develop their full potential, ensuring that skills and resources are effectively utilised for both individual and organisational benefit.
- h) The Council also ensures that part-time officers receive the same opportunities and treatment as full-time officers. Variations in working hours will not affect access to benefits, training, or fair treatment, and part-time status will never result in less favourable outcomes.

### **11.3.2. Training and Development**

- a) The Council uses training as one of the tools to foster a culture of EDI across the organisation.
- b) In line with this, all available training and professional development opportunities are designed to be accessible to every officer.

- c) The Council's *Equality, Diversity and Discrimination Awareness Certification* program available on the Staff Skills Training platform is designed and provided to equip officers with the knowledge and tools to promote and understand respect, inclusivity and equality in the workplace.
- d) The Council will ensure that the current and future training programs challenge generalised stereotypes, biases, ignorance, prejudice, and discriminatory attitudes, while encouraging representative information and inclusive language.
- e) Therefore, EDI principles are also integrated into training evaluation and feedback processes, ensuring that learning outcomes actively support equitable practices across all teams.

## **12. Managing the Risk of Discrimination**

- 12.1. The Council recognises that discrimination may occur in the workplace, whether directly or indirectly.
- 12.2. Therefore, the Council introduces a range of initiatives to address, manage and reduce possible risks by:
  - Adopting this policy in line with other related Council policies and procedures
  - Providing staff training in relation to equality, diversity and discrimination
  - Implementing regular and effective supervision, along with a clear code of conduct
- 12.3. Through these preventive measures, the Council aims to ensure that all officers are able to raise concerns, where necessary, make complaints to reflect discrimination or inappropriate behaviour in the workplace.

## **13. Addressing Concerns**

- 13.1. The Council strictly prohibits any forms of victimisation and unfair treatment under any circumstances, whether it occurs as a single incident or repeatedly, and whether harm is intended or not.
- 13.2. All officers and councillors have the right to raise a concern in good faith about discrimination they have faced or witnessed, without fear of victimisation.

- 13.3. The Council encourages officers and councillors to raise their concerns, knowing they will be listened to and treated fairly and supported. If an officer does not feel comfortable or safe raising a complaint, they may do so anonymously. However, reporting discrimination anonymously may delay a thorough investigation and limit a clear understanding of the situation.
- 13.4. To seek advice and support, officers should submit their complaint to the HR & OD Manager, who is responsible for and trained to manage the process properly and accurately.
- 13.5. All complaints will be handled properly, sensitively and thoroughly, and will be investigated within an agreed timescale. Complainant(s) will be informed of any conclusions reached appropriately without breaching officers' confidentiality.
- 13.6. While the Council encourages the reporting of genuine concerns, making a false allegation of discrimination may be treated as a disciplinary matter in line with the Council's Disciplinary Policy, or for councillors will be referred to the Monitoring Officer.

#### **14. Monitoring and Review**

- 14.1. The Council will continually seek to develop its approach to EDI by identifying good practices in employment and service delivery, and by regularly reviewing of this policy.
- 14.2. Thus, the Council will be responsible for monitoring and updating this policy to ensure it remains committed to EDI while reflecting any changes or developments in legislation.
- 14.3. The Council will uphold its legal obligations under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 when collecting, processing or storing officer's personal information, if any, for purposes related to this policy. All data will be managed in compliance with the Council's Data Protection Policy (see Data Protection Policy).