



## Astley Village Parish Council

### 'Virtual Agenda'

To: Members of Astley Village Parish Council Personnel Committee.

**YOU ARE HEREBY REQUESTED** to attend a meeting of the Personnel Committee to be held on **Tuesday 19 January 2021** at 7.00pm at which the following business will be transacted.

Note: The live meeting can be accessed via the following link:

#### **Join Zoom Meeting**

<https://zoom.us/j/92307687127>

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### **Agenda**

#### **1. Apologies for Absence**

To receive members' apologies.

#### **2. Declarations of Interest**

Members and Officers are invited to declare any interests they may have in any of the items included on the agenda for this meeting in accordance with the requirements of the relevant authorities (Disclosable Pecuniary Interests Regulations 2012 (SI 2012/1464)).

#### **3. Minutes**

To approve as a correct record and sign the minutes of the meeting of the Personnel Committee held on 12 February 2020. (Enclosed).

#### **4. Exclusion of the Press and Public**

To consider the Press and public for any item on the Summons due to the confidential nature to be discussed pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960.

#### **5. Review of HR Policies/Documents**

To consider a report of the Parish Clerk (Enclosed)

### **Confidential Items**

#### **6. Parish Clerk & Responsible Financial Officer – Proposed Increase in Contracted Hours**

To consider a report of the Chair of the Personnel Committee (Enclosed)

#### **7. Village Caretaker**

To consider a report of the Parish Clerk (Enclosed)

Craig Ainsworth  
Clerk to the Parish Council  
5 Clarendon Gardens  
Bromley Cross  
BL7 9GW

A handwritten signature in black ink, appearing to read 'Craig Ainsworth', written in a cursive style.

11 January 2021

**MINUTES** of Astley Village Parish Council Personnel Committee 12 February 2020.

Present Cllrs C Lennox, J McAndrew, A Almond, L Lennox. Clerk D Platt

1. Apologies None
2. Declarations of Interests - None

Exclusion of Press and Public - Pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 and defined in Schedule 12A of the Local Government Act 1972, Part 1 ss3 & 4. It is resolved that, because of the confidential nature of the business to be transacted the press and public are excluded from the forthcoming items of business.

3. Minutes of Meeting

RESOLVED: Councillors agreed the minutes of 12 February 2019.

4. Village Lengthsman Service Review

The state of the village was discussed in terms of litter and leaves and the effectiveness of light of one worker for 2.5 hrs per week. There is a continued need to ensure Chorley, PfP and the shop owner fulfil their responsibilities for clearing litter, etc. Also that residents should be encouraged to report littering and other concerns to Chorley and PfP

Agreed: The Committee has undertaken a review and recommends to Council that no further action be taken but review again in 12 months. The Clerk will pursue Chorley, PfP and the shop owner to ensure they undertake their responsibilities and residents will be encouraged to report.

5. Lengthsman pay increase

National Living Wage to increase by 6.2% from £8.21 to £8.72 from 1 April 2020.

Agreed: The hourly rate will be increased to £8.72 which will cost the Council £66.30 for the year.

6. Parish Clerk vacancy

Following the decision of the Clerk to stand down, pending a new appointment, the Committee made the following recommendations:

Agreed: To recommend to councillors -

- To replace the Clerk on the current 26 hours per month
- To set the salary on the NJC scales for clerks LC1 13 to 17 £22021 - £23836 per annum pro rata. The pay point selected to be in accordance with experience and qualifications
- Job description and person specification based on NALC models adapted for Astley Village
- Advertisement through the local clerks network initially with a deadline of 1 March
- To agree interview arrangements at Full Council on 4 March

**Note** - the Chair contacted all councillors and agreement was secured to proceed

7. Any other issues

None raised.

8. Date of next meeting - To be arranged as required.



# Astley Village Parish Council

<b>Title</b>	<b>Review of HR Policies/Documents</b>					
<b>Report of</b>	<b>Parish Clerk</b>					
<b>Date</b>	<b>19 January 2021</b>					
<b>Type of Paper</b>	<b>Decision</b>	X	<b>Discussion</b>		<b>Information</b>	
<b>Purpose of Report</b>						
To review the HR policies/documents referred to in the report.						
<b>Key Issues</b>						
It appears that the following policies/documents have not been reviewed for some time:						
15. Bullying and Harassment Policy (Appendix A) 16. Equal Opportunities Policy (Appendix B) 17. Health and Safety Policy (Appendix C) 18. Grievance Procedure (Appendix D) 19. Disciplinary Procedure (Appendix E) 20. Councillor Employee Relations (Appendix F) 21. Training Policy (Appendix G) 24. Sickness Absence Policy Procedure (Appendix H)						
At the Parish Council Meeting on 4 November 2020, the Personnel Committee was requested to review the above HR policies/documents.						
<b>Action required by the Parish Council</b>						
The Personnel Committee are invited to review the HR policies/documents referred to in the report.						



# Astley Village Parish Council

## BULLYING AND HARASSMENT POLICY

### 1.0 PURPOSE AND SCOPE

**1.1 Statement:** In support of our value to respect others this Parish Council will not tolerate bullying or harassment by, or of, any of their employees, officials, members, contractors, visitors to the Parish Council or members of the public from the community which we serve. The Parish Council is committed to the elimination of any form of intimidation in the workplace. This policy reflects the spirit in which the Parish Council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the Parish Council's Grievance and Disciplinary Procedures. The Parish Council will issue this policy to all employees and Parish Councillors as part of their induction. The Parish Council may also wish to share this policy with contractors, visitors and members of the public.

### 1.2 Definitions:

**Bullying** "Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress."

**Harassment** is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This policy covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age. These definitions are derived from the Acas guidance on the topic.

Both bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, turnover, damage to the Parish Council's reputation and ultimately, Employment Tribunal or other court cases and payment of unlimited compensation.

- 1.3 Examples** of unacceptable behaviour are as follows; (this list is not exhaustive) Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, deliberately undermining a competent worker by overloading work and/or constant criticism, preventing an individual's promotion or training opportunities. Bullying and harassment may occur face -to-face, in meetings, through written communication, including e-mail, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.
- 1.4 Penalties:** Bullying and harassment are considered examples of serious misconduct which will be dealt with through the Parish Council's Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the Parish Council for employees or through referral to the Monitoring Officer, as a contravention of the Member's Code of Conduct which may result in penalties against the member concerned. In extreme cases harassment can constitute a criminal offence and the Parish Council will take appropriate legal advice, sometimes available from the Parish Council's insurer, if such a matter arises.
- 1.5 The Legal position:** The Parish Council has a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the Parish Council and the perpetrator(s) as individual named Respondents.

In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination.

The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes, for instance; employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.

## **2.0 DEALING WITH BULLYING AND HARASSMENT COMPLAINTS**

**2.1 Informal approach:** Anyone; employee, contractor, member or visitor, who feels he or she is being bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour that their conduct is unacceptable, offensive or causing discomfort.

### **2.2 Formal approach:**

**2.2.1 Employees:** Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Chair of the Personnel Committee or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion with the Councillor, as this will enable the formal Grievance Procedure to be invoked.

**2.2.2 Others:** Any other party to the Parish Council, other than an employee who feels he or she is being bullied or harassed should raise their complaint with a Councillor, where possible, or Chair of the Parish Council, or the Monitoring Officer, if an informal notification to a member has been unsuccessful at eliminating the problem or where a member is directly involved in the bullying or harassment. The complaint should then be investigated, and a hearing held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any members or officers of a council should use the Council's official Complaints Procedure.

**2.3 Grievance:** (Employees only) A meeting to discuss the complaint with the complainant will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the Parish Council's Grievance Procedure. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by an officer as appointed by the Chair/Councillor who is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the complainant to demonstrate how the problem is to be resolved. It may be decided that mediation is required, and the Parish Council should contact another Agency such as, an employer's body or Acas to this effect or the Parish Council may offer counselling. The employee will have a right of appeal as established by the Employment Act 2002. At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance will not be shared with the full Parish Council without prior approval by the complainant. The Parish Council will not victimise the complainant for raising the complaint once the appropriate grievance/disciplinary process has been concluded.

**2.4 Disciplinary Action:** Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour. For an Employee found to have been bullying/harassing others this will follow the Parish Council's Disciplinary procedure, under the Employment Act 2002 provisions and would normally be treated as Gross Misconduct. For Members who the Parish Council reasonably believe have been bullying or harassing another person(s) whilst undertaking Parish Council activities the action taken must be reasonable and in some cases counselling or training in appropriate skill areas e.g., interpersonal communication, assertiveness, chairmanship etc., may be more appropriate than a penalty. The range of disciplinary sanctions available to the Parish Council, where a member has been involved in bullying/harassment include admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully, banning from committees of the Parish Council and representation on any outside bodies, a referral to the Standards Board (or equivalent) by the Parish Council and/or the aggrieved victim. There may also be a referral to the Police under the Protection from Harassment Act 1997, in the most extreme cases. This list is not exhaustive.

**2.5 False or malicious allegations** of harassment or bullying which damage the reputation of a fellow employee/member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral to the Monitoring Officer.

### **3.0 RESPONSIBILITIES**

All parties to the Parish Council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed, then each individual can challenge the perpetrator and ask them to stop.

A review of the policy shall be undertaken each year (or as appropriate) and necessary amendments will be undertaken by the Parish Clerk and reported to the Personnel Committee for approval.



# Astley Village Parish Council

## EQUAL OPPORTUNITIES POLICY

The purpose of this policy is to provide equal opportunities to all employees, irrespective of their gender, race, ethnic origin, disability, age, nationality, national origin, sexual orientation, religion, marital status or social class. We oppose all forms of unlawful and unfair discrimination.

All employees whether full-time, part-time, fixed contract, agency workers or temporary, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

### OUR COMMITMENT

- Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- The commitment to equal opportunities in the workplace is good management practice and makes sound business sense
- Breaches of our equal opportunities policy will be regarded as misconduct and could lead to disciplinary proceedings
- This policy is fully supported by all levels of management from the top and has been agreed with employers (National Association of Local Councils) and employees (Society of Local Council Clerks) representative bodies and trade unions.
- The policy will be monitored and reviewed when/if necessary.

### THE LAW

The policy will be implemented within the framework of the relevant legislation, which includes:

- Equal Pay Act 1970
- Rehabilitation of Offenders Act 1974
- Sex Discrimination Act 1975
- Gender Reassignment Regulations 1999
- Race Relations (Amendment) Act 2000
- Disability Discrimination Act 1995
- The Protection from Harassment Act 1997
- Inclusive of any/all updates or replacement Acts to the above.



# **Astley Village Parish Council**

## **HEALTH AND SAFETY POLICY**

Adopted by Council at a Meeting held on 7 January 2009  
Reviewed by Council at a Meeting held on 3 March 2010  
Reviewed by Council at a Meeting held on 4 September 2013

## **1. INTRODUCTION**

- 1.1 This policy sets out the general principles and approach that the Parish Council will follow in respect of Health and Safety legislation for premises and activities for which the Parish Council is responsible.
- 1.2 It is the responsibility of all councillors' and employees of the Parish Council to be aware of the following policy statements on Health and Safety and of the organisational arrangements made to implement these policies.

## **2. GENERAL STATEMENT OF POLICY**

- 2.1 Astley Village Parish Council, in accordance with the requirements of The Health and Safety at Work Act (1974), and The Management of Health and Safety at Work Regulations (1998), accepts its duty to provide and maintain safe and healthy working conditions for all its employees. It also accepts its duty of care to other persons such as volunteers and contractors who work on behalf of the Parish Council.
- 2.2 The Parish Council will take all reasonable steps to ensure that it complies with the law on Health, Safety and Welfare and any relevant Regulations, Approved Codes of Practice and Guidance. It will provide the resources to ensure the safety of its employees and others affected by its work.

## **3. RESPONSIBILITIES**

- 3.1 The Parish Council will take all reasonable steps to ensure:
  - 3.1.1 That information, instruction, training, supervision, equipment, and facilities necessary to achieve a safe working environment for employees, members of the public, contractors and volunteers are provided.
  - 3.1.2 That its work, in all its forms, is done in ways so that members of the public are not put at risk.
  - 3.1.3 That arrangements are in place for the safe use, handling, storage and disposal of all substances and equipment that may endanger health or welfare.
  - 3.1.4 That this policy is brought to the attention of all employees, members of the public, contractors, volunteers, and Parish Councillors and is regularly reviewed.
  - 3.1.5 That when necessary, there is consultation and negotiation with employees on health, safety, and welfare at work to ensure continuing improvement.
  - 3.1.6 The Parish Council is responsible for managing safety, based on the Parish Council's safety policy.
  - 3.1.7 The Parish Clerk shall keep copies of all risk assessments, method statements and Health and Safety documents.

- 3.1.8 All Parish Councillors, employees/contractors and volunteers have a duty to take reasonable care for their own health and safety and that of any persons who may be affected by their acts or omissions
- 3.1.9 Day to day matters of Health and Safety are dealt with by the Parish Clerk acting on behalf of the Parish Council.

#### **4. RISK ASSESSMENTS**

- 4.1 The Parish Council will carry out risk assessment of its activities as and when necessary and review these regularly.
- 4.2 The Parish Council will set up and monitor policies and procedures to reduce any risks that are identified.
- 4.3 The Parish Council requires contractors to supply Proof of Insurance Indemnity, Risk Assessments, written Method Statements and Safe Systems of Work prior to starting any major works on behalf of the Parish Council.



# Astley Village Parish Council

## GRIEVANCE PROCEDURE

### 1. PURPOSE AND SCOPE

It is the policy of the Parish Council to give employees the opportunity to air and seek redress for any individual employment grievance which they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the Parish Council. This document describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance. This procedure is produced in line with the Acas Code of Practice 2009 as set out in the Employment Act 2008.

### 2. PRINCIPLES

- a) At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made.
- b) Grievances will be dealt with promptly and consistently
- c) At all formal stages the employee will have the right to be accompanied by a work colleague or trade union representative during the Grievance Hearing.
- d) An employee will have the right to appeal against any outcome of a Grievance Hearing.
- e) At no time will an employee be penalised or victimised for having raised a Grievance against the Parish Council

### 3. PROCEDURE

Wherever possible, any grievance should be raised informally with the employee's line manager, or if this is inappropriate with the next level of management. In the case of the Parish Clerk raising a grievance this should be directed to the Chair of the Personnel Committee unless the complaint is about the Chair in which case another Member of the Personnel Committee can be identified to handle the Parish Clerk's concerns.

#### 3.2 Written Statement

If the employee does not consider it appropriate to raise the grievance informally, or if requested by the person the employee spoke to informally, then the employee should submit a formal grievance in writing to the Chair of the Personnel Committee (or another Member of the Personnel Committee if the complaint is about the Chair).

### **3.3 Meeting or Hearing**

Generally, within a reasonable period of time e.g., five working days of receipt of a written complaint, the Chair of the Personnel Committee (or another Member of the Personnel Committee if the complaint is about the Chair) will arrange a meeting with the employee. The Chair (or another Member of the Personnel Committee if the complaint is about the Chair) will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions. The Chair (or another Member of the Personnel Committee if the complaint is about the Chair) will investigate the substance of the complaint and hear submissions from the employee concerned together with such other submissions or evidence as s/he shall consider appropriate and take such steps as s/he shall consider necessary to resolve the issue raised.

If the Grievance cannot be resolved, a meeting of the Personnel Committee will be convened (Chaired by a member of that Committee who has not involved in the investigation) where careful consideration of the evidence and the necessary steps required to resolve the problems will be given to the grievance. The Chair of the Personnel Committee (or another Member of the Personnel Committee if the complaint involves the Chair) will present the findings of their investigation and the employee may call witnesses (by prior arrangement with the Chair of the Personnel Committee considering the matter). There is no right for a Parish Councillor or employee implicated in an employee's grievance to cross examine the aggrieved during a grievance hearing but the Personnel Committee may wish to make its own investigations through interviewing these individuals and/or other witnesses separately. The Personnel Committee may ask the employee what he or she would like to happen as a result of raising the grievance and bear this in mind when preparing the response.

### **3.4 Response**

The Chair of the Personnel Committee considering the matter will advise the decision to the employee in writing and, where appropriate, include an action plan to assist in the resolution of the problem. The Parish Council will handle internal disputes effectively generally consider the options and costs in a timely fashion, then agree and publicise the workable solutions, monitor, review and learn from the experience. There may be some value in exploring Mediation as a way in which to resolve differences between two parties. The Society of Local Council Clerks can advise on approaches and bodies which may be able to assist.

### **3.5 Appeal**

If the employee is dissatisfied with the decision of the Personnel Committee on his/her complaint, s/he may appeal against the decision to the Chair of the Parish Council (unless the Chair of the Parish Council has been involved initial grievance in which case another Parish Councillor who has had no involvement will be nominated to deal with the appeal) by written notice within five working days of the decision. An Appeal may be raised if:

- The employee thinks the finding, or action plan, is unfair
- New evidence has come to light
- The employee thinks that the procedure was not applied properly

On receipt of the appeal the Chair of the Parish Council (or Parish Councillor who has been nominated to deal with the appeal) will arrange to meet and consult with the employee, the line manager or Parish Councillors concerned and any other persons, as s/he shall consider appropriate without unreasonable delay. The Chair of the Parish Council (or Parish Councillor who has been nominated to deal with the appeal) will consider the issues and shall then take all such steps, as s/he may consider necessary to resolve those issues. The decision of the Appeal Hearing will be final. The Parish Council will need to ensure that the Members involved in the hearings are able to act impartially and reasonably at all times. The outcome of the appeal should be conveyed to the employee in writing in a timely manner.

### **3.6 Bullying or Harassment**

If a grievance concerns alleged bullying or harassment the matter should be reported promptly to the employee's Line Manager, or another manager/Member if more appropriate, with an indication of the required action. The complaint will then be investigated and any action taken and any resolution achieved will be reported back. If the solution is not satisfactory to the complainant, the matter will be discussed further and, if appropriate, an alternative solution agreed. The decision at this stage will generally conclude the enquiry. If a further appeal or review is available the employee will be notified. As a result of an investigation into a claim of harassment disciplinary action may be instigated against any alleged perpetrators of the action or in the case of alleged perpetrators being elected Members a Code of Conduct complaint lodged by the Parish Council through the Monitoring Officer.

### **3.7 Right to be Accompanied**

At any formal stage of the procedure an employee may be accompanied by a fellow employee of their choice or their trade union representative or official of a trade union (appropriately accredited) but as this is an internal procedure, they will not be entitled to be accompanied by any external supporter e.g., partner, parent, solicitor etc. This right to be accompanied is enshrined in the Employment Relations Act 1999. To exercise this right the employee should make a reasonable request. The companion will be allowed to address the hearing, put and sum up the employee's case, respond to views expressed at the hearing and to confer with the employee during the hearing (sometimes in an adjournment) but is not allowed to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

### **3.8 Confidentiality**

So far as is reasonably practicable, the Parish Council will keep any grievance or complaint of harassment confidential between the manager or Member investigating the grievance or complaint, the employee and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other employee or person, the employee will be so advised.

### **3.9 Record Keeping**

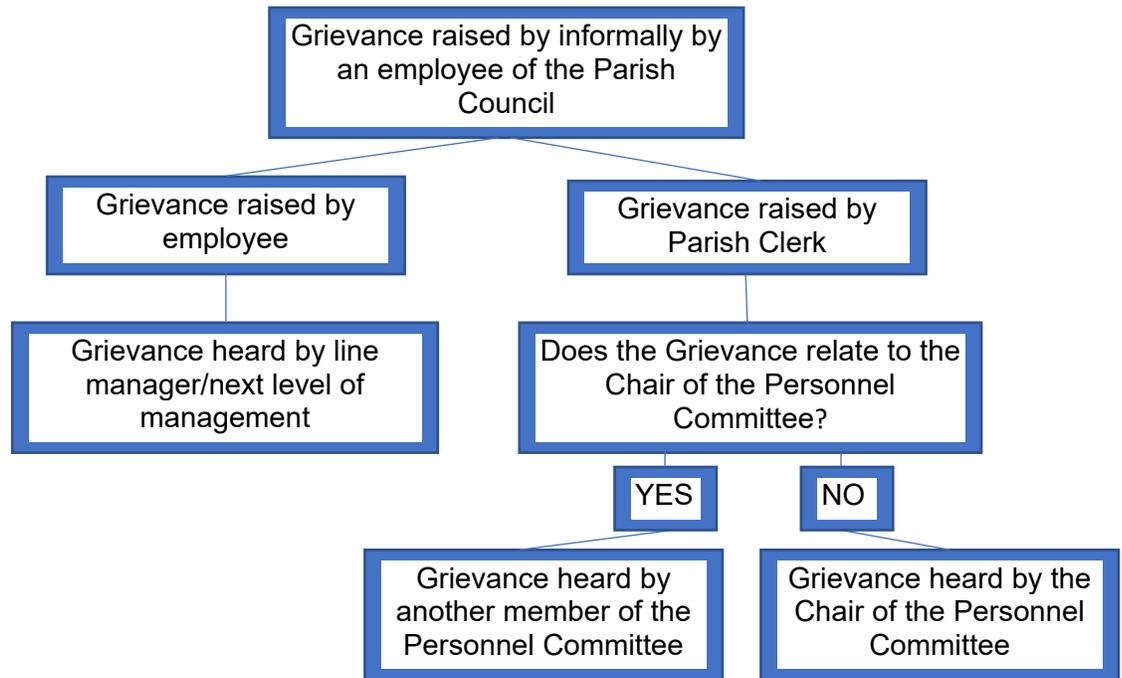
In all cases, written records of the nature of the grievance raised, the employer's response, action taken (with reasons), details of any appeal and subsequent developments will be retained and kept in accordance with the Data Protection Act 1998.

### **3.10 Grievances raised during Disciplinary**

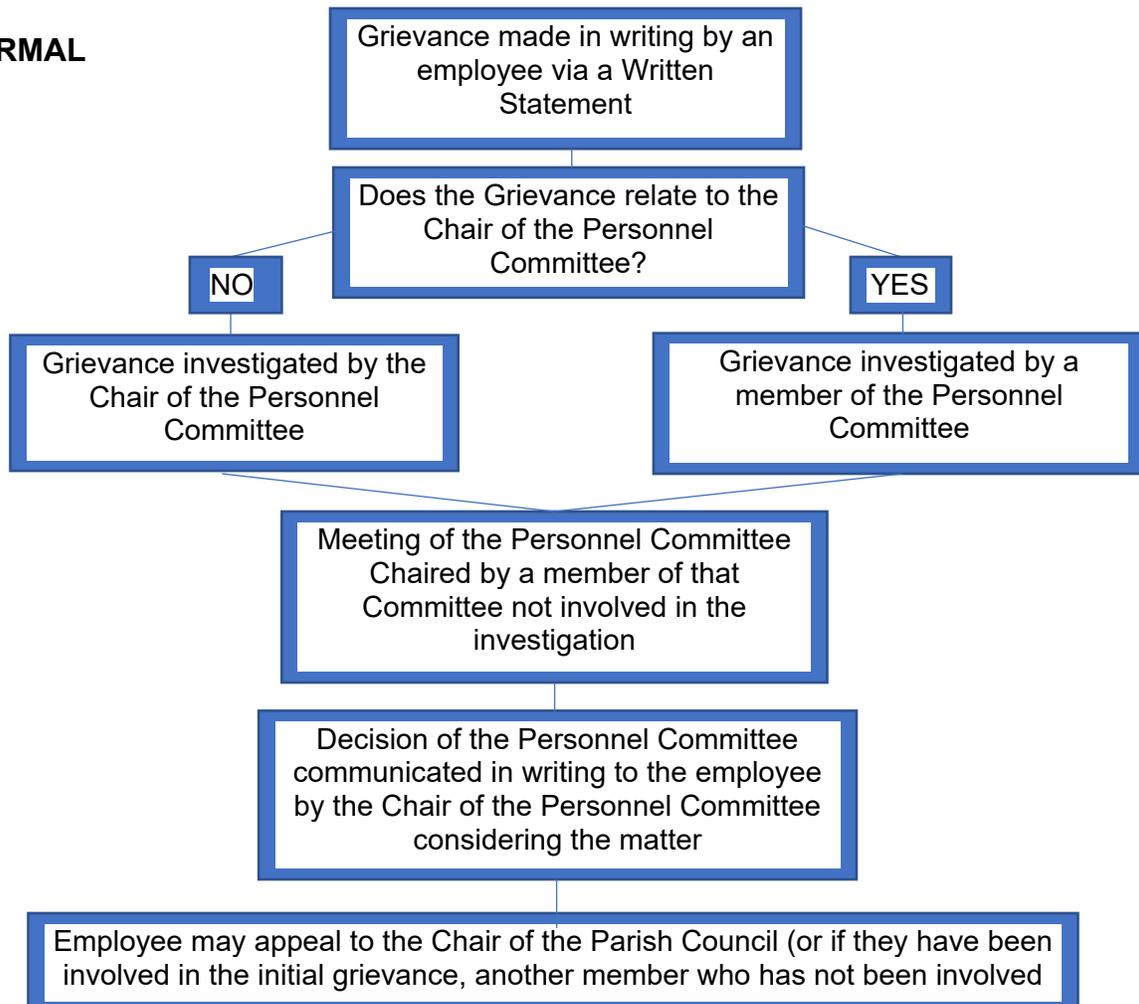
In some circumstances when a disciplinary process has commenced an employee chooses to exercise his/her right to raise an internal grievance about the employment relationship with the Parish Council or individual Members. In such cases, in line with Acas advice, that disciplinary matters are placed on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances it is pragmatic to deal with the two disputes concurrently but specialist external advice will be sought if this arises.

# ASTLEY VILLAGE PARISH COUNCIL GRIEVANCE PROCEDURE

## INFORMAL



## FORMAL





# Astley Village Parish Council

## DISCIPLINARY PROCEDURE

### 1. PURPOSE AND SCOPE

This procedure is designed to help and encourage all council employees to achieve and maintain high standards of conduct whilst at work or representing the Parish Council. The aim is to ensure consistent and fair treatment for all. This procedure is prepared in accordance with the dismissal and dispute resolution procedures as set out in the Employment Act 2008 and the Acas Code of Practice on disciplinary and grievance procedures.

### 2. PRINCIPLES

- a) No disciplinary action will be taken against an employee until the case has been fully investigated
- b) At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- c) At all formal stages, the employee will have the right to be accompanied by a trade union representative or work colleague during the disciplinary interview.
- d) No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty of dismissal without notice or payment in lieu of notice may be applied.
- e) An employee will have the right to appeal against any disciplinary penalty imposed.
- f) The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

### 3. THE PROCEDURE FOR MISCONDUCT and GROSS MISCONDUCT

**3.1.1** The following list provides examples of **misconduct** which will normally give rise to formal disciplinary action:

- Unauthorised absence from work.
- Lateness for work or poor time keeping.
- Inappropriate standard of dress.
- Minor breaches of Health and Safety or other Society rules or procedures.
- Failure to perform your job to the standard expected or in line with your job description/objectives.
- Time wasting.
- Disruptive behaviour.
- Misuse of the council's facilities (e.g., telephones, computers, email, or the internet).
- Refusal to carry out reasonable requests or instructions.
- Failure to follow an agreed council Procedure.

This list is not exhaustive and offences of a similar nature will result in disciplinary action being instigated.

**3.1.2** The following list provides examples of offences which are normally regarded as **gross misconduct**:

- Theft, fraud, deliberate falsification of records, or other acts of dishonesty.
- Fighting, assault on another person.
- Deliberate damage to property of the council, its workers, or members.
- Gross incompetence in the conduct of work.
- Gross negligence which results in the council or employees being put at risk.
- Being under the influence of illegal drugs or excessive alcohol.
- Acts of incitement towards or actual acts of discrimination, harassment or victimisation including on the grounds of sex, race, colour, ethnic origin, disability, sexual orientation, age, religion, or belief.
- Serious acts of insubordination.
- Serious breach of duty to keep information of the council, its service providers, and its clients confidential.
- Serious breach of the council's Security Policy, Health & Safety Policy, Confidentiality or e-mail and Internet Policy.
- Any action, whether committed on or off the premises, that is likely to or does bring the council into disrepute.
- Serious negligence which causes or might cause significant loss, damage, or injury
- Accepting bribes or incentive payments from suppliers.
- Working with an external agency to provide information which would be detrimental to and cause commercial risk to the council.

This list is not exhaustive and other offences of a similar gravity will result in disciplinary action being instigated at Gross Misconduct level which carries a potential penalty of dismissal. Gross Misconduct is generally any conduct which places extreme pressure on the mutual trust which exists in an employment relationship.

### **3.2 INFORMAL ACTION**

Minor misconduct will be dealt with informally usually in a confidential one-to-one meeting between the employee and line manager. In the case of the Parish Clerk being the individual against whom there is a complaint or allegation the matter should be handled discreetly by the Chair of the Personnel Committee. However, where the matter is more serious or informal action has not brought about the necessary improvement the following procedure will be used.

### **3.3. INVESTIGATIONS**

All Investigations relating to employees of the Parish Council will be carried out by the Parish Clerk or in the case of the Parish Clerk being disciplined, the Chair of the Personnel Committee.

### **3.4 FORMAL ACTION**

**3.4.1** The level of warning you may receive for misconduct/gross misconduct will depend on how serious the council considers the alleged actions to be and your previous conduct in all the circumstances. In the event of alleged gross misconduct, the formal process may commence at Stage 4 –see 3.4 below.

### 3.4.2 Disciplinary Letters

If there is a concern about an employee's conduct or behaviour then a letter will be given to the employee advising him/her of the allegation(s) and reasons why this is unacceptable. The letter should invite the employee to attend a meeting at which the alleged misconduct will be discussed and will inform the employee of their right to be accompanied to the meeting. The letter will specify at which stage the disciplinary procedure is being invoked (see 4 stages below) and if invoked at Stage 4 for Gross Misconduct the letter will warn that a potential outcome could be dismissal. The time, date and venue of the meeting will also be advised. Any documents to be produced at the meeting will also be provided.

### 3.4.3 Disciplinary Meetings

**All Disciplinary Meetings will be conducted by the Personnel Committee.**

The time and location of a disciplinary meeting should be agreed with the employee and it should be held in a private location with no interruptions. This will normally be without undue delay but allowing the employee to prepare their case e.g., within five days of the letter being sent, where practically possible. At the meeting, the Parish Clerk (or in the case of the Parish Clerk being disciplined, the Chair of the Personnel Committee) will state the complaint against the employee and go through the evidence which has been gathered. The employee will also be allowed to ask questions, present evidence, and call witnesses if advance notice has been given that they will do so.

If the employee is unable to attend the meeting due to unforeseeable reasons out of their control (e.g., illness) then the Parish Council will reasonably rearrange the meeting. However, if the employee fails to attend the meeting without good reason the meeting can be held in the employee's absence.

## 3.5 OUTCOMES AND PENALTIES

### Stage 1 - Oral Warning

In the instance of a first complaint that conduct does not meet acceptable standards, the employee will normally be given a formal **ORAL WARNING**. He or she will be advised of.

- the reason for the warning,
- that it is the first stage of the disciplinary procedure,
- the improvement that is required and the timescales for achieving this improvement,
- together with a review date and any support available (where applicable) and
- his or her right of appeal.

A brief note of the oral warning will be kept but it will be spent after six months, subject to satisfactory conduct.

## **Stage 2 - Written Warning**

If the offence is a serious one, or if further to previous formal disciplinary action, a **WRITTEN WARNING** will be given to the employee by the Parish Clerk (or in the case of the Parish Clerk being disciplined, the Chair of the Personnel Committee considering the matter). This will give details of the complaint, the improvement required and the timescale. It will warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept on file but it will be disregarded for disciplinary purposes after twelve months subject to satisfactory conduct.

## **Stage 3 – Final Written Warning**

If there is still a failure to improve and conduct or performance is still unsatisfactory, or the misconduct is sufficiently serious, a **FINAL WRITTEN WARNING** will normally be given to the employee. This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept by the Parish Clerk (or in the case of the Parish Clerk being disciplined by the Chair of the Personnel Committee considering the matter) but it will be spent after twelve months (in exceptional cases the period may be longer) subject to satisfactory conduct.

## **Stage 4 – Dismissal or other sanctions**

If conduct is still unsatisfactory and the employee still fails to reach the prescribed standards, or where the Parish Council reasonably believes Gross Misconduct has occurred, **DISMISSAL** may result. Only the appropriately convened Personnel Committee can take the decision to dismiss an employee. The employee will be given a written statement of allegations against him/her, invited to a meeting, and then be notified in writing of the reasons for the decision taken at the hearing. Penalties at this stage may include dismissal with notice or summary dismissal (i.e., without any notice), Final Written Warning with/without demotion, loss of pay or loss of seniority. If dismissal is the outcome, the employee will be advised of the date on which employment will terminate by the Chair of the Personnel Committee considering the matter. In all cases the employee has a right of appeal.

Very exceptionally, if an offence of Gross Misconduct is extremely serious an employee can be dismissed immediately without a meeting. In this situation a letter setting out reasons for dismissal would be sent to the employee offering the opportunity for an appeal hearing.

## **3.6 SUSPENSION**

If you are accused of an act of gross misconduct, you may be suspended from work on full pay while the council investigates the alleged offence. Only the appropriately convened Personnel Committee has the power to suspend. This enables a swift and thorough investigation to occur. Whilst suspended pending disciplinary investigation regular contact with a nominated person at the Parish Council will be maintained although access to premises, equipment or systems may be denied. The External Investigator who compiles evidence for the disciplinary hearing must play no part in the subsequent decision-making to ensure impartiality. Councils need to consider the implications of such arrangements on its hearing and appeal panel plans early on in the disciplinary process.

### **3.7 APPEALS**

The Appeals stage of the disciplinary process is part of the Code of Practice to which an employee has a right. It can be exercised after any of the stages of disciplinary action for Misconduct/Poor Performance or Gross Misconduct.

An employee who wishes to appeal against a disciplinary decision should inform the Chair of the Personnel Committee considering the matter that had considered the matter within five working days, in writing and giving reasons for the appeal. An Appeal may be raised if:

- The employee thinks the finding or penalty is unfair
- New evidence has come to light
- The employee thinks that the procedure was not applied properly

Where possible the Appeal will be heard by the Chair of the Parish Council and two Parish Councillors who have not been involved in the original disciplinary hearing conducted by the Personnel Committee, who will view the evidence with impartiality. The employee will have the right to be accompanied by a colleague or accredited official employed by a trade union or lay member at the appeal hearing. The outcome of the appeal and reasons for it will be advised to the employee as soon as possible after the meeting and be confirmed in writing. At the Appeal hearing any disciplinary penalty imposed will be reviewed but it cannot be increased. The decision taken at the Appeal hearing will be final.

### **3.8 THE RIGHT TO BE ACCOMPANIED**

At each formal stage of disciplinary interview an employee has the right to be accompanied and can make a reasonable request for such a person to accompany them. An employee can ask to be accompanied by a colleague or accredited official employed by a trade union or lay member, to give support and help them prepare for the disciplinary interview. This right is enshrined in the 1999 Employment Relations Act. As this is an internal process there is no provision to have any external person accompany or represent an employee e.g., partner, parent, solicitor etc. the companion can address the hearing, put, and sum up the employee's case, respond on behalf of the worker to any views expressed at the meeting, confer with the employee. The companion cannot however answer questions on the employee's behalf or address the hearing if the employee does not wish him/her to or prevent the employee explaining their case.

### **3.9 RECORD KEEPING**

Contemporaneous notes which have led to an employment dispute and of the disciplinary meetings will be taken and kept.

### **3.10 GRIEVANCES RAISED DURING DISCIPLINARIES**

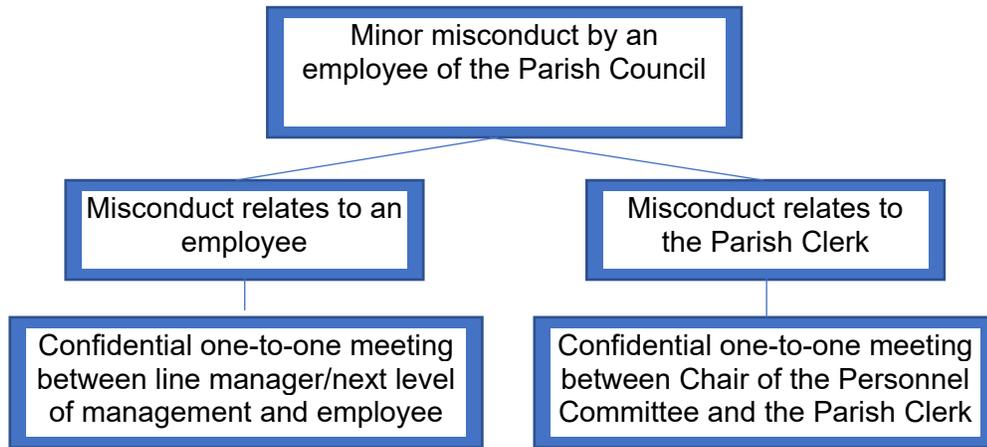
In some circumstances when a disciplinary process has commenced an employee chooses to exercise his/her right to raise an internal grievance about the employment relationship with the council or individual Members. In such instances, the disciplinary matters will be placed on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances it may be pragmatic to deal with the two disputes concurrently but specialist external advice will be sought if this arises.

### **3.11 CRIMINAL CHARGES OR CONVICTIONS**

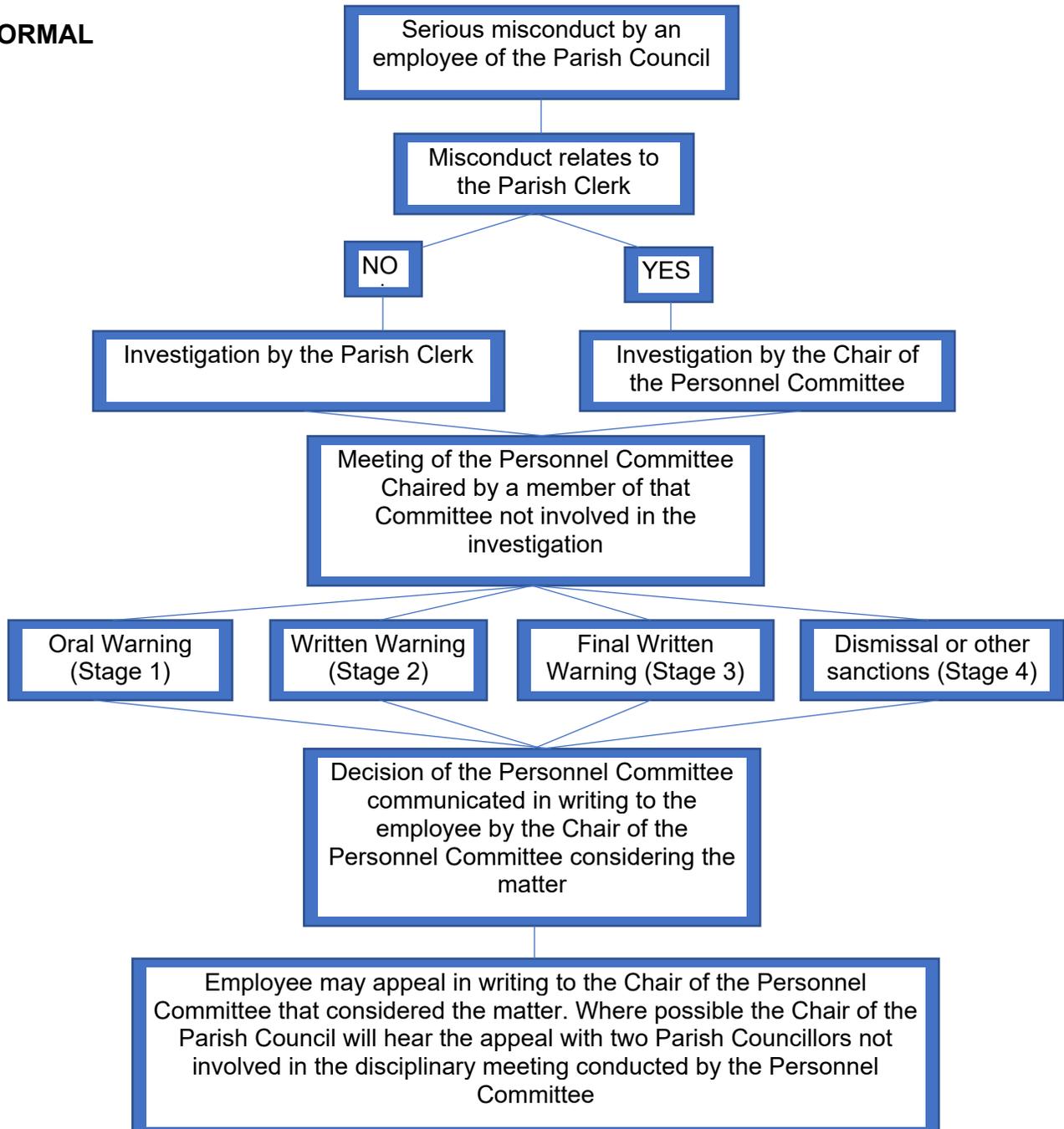
If an employee is charged with or convicted of a criminal offence this does not automatically give rise to a disciplinary situation. Consideration needs to be given to how a charge or conviction may affect an employee's ability to undertake his or her job duties and their relationships with the employer, colleagues, subordinates, or customers.

# ASTLEY VILLAGE PARISH COUNCIL DISCIPLINARY PROCEDURE

## INFORMAL



## FORMAL





# Astley Village Parish Council

## COUNCILLOR/EMPLOYEE RELATIONS

### INTRODUCTION

Effective working relationships between elected Parish Councillors and employees of the Parish Council are key, if the Parish Council is to work effectively. There are also critical in maintaining public confidence in the workings of the Council.

This protocol is intended to guide Members and employees of the Parish Council in their relationships with one another. It is not intended to be prescriptive or comprehensive and simply seeks to offer guidance on some of the issues which can arise. It does not in anyway replace the Code of Conduct by which Councillors are legally bound, however, the protocol may assist in interpreting what is required under the Code.

### ROLES AND RESPONSIBILITIES

Understanding the different roles and responsibilities of Councillors and employees is key to maintaining good relations.

Parish Councillors decide on the priorities for the Parish Council, set the budget, represent their constituents (including those who have not voted for them) and collectively make decisions on behalf of the Parish Council.

Parish Councillors are responsible to the electorate and serve only so long as their term of office lasts.

Employees of the Parish Council implement the decisions made by the Parish Council. Employees can only make decisions on behalf of the Parish Council if the Parish Council has decided to delegate a decision-making responsibility to them. Employees give information and advice to the Parish Council and provide support Parish Councillors.

Parish Council employees are employed and are responsible to the full Council and not to any individual Parish Councillor. Employees of the Parish Council are managed by the Parish Clerk in accordance with Council procedures. The Parish Clerk is responsible to the full Parish Council.

### Reasonable expectations of employees

It is reasonable for a Parish Councillor to expect the Parish Council employees:

- To do their job effectively and efficiently.
- To behave in a manner which does not bring the Parish Council into disrepute.
- To be helpful, respectful and courteous.
- To provide assistance to Parish Councillors in carrying out their role.
- To deal with Parish Councillors enquiries fairly and efficiently.
- To be open and honest with Parish Councillors.

- To work with all Parish Councillors equally and fairly.
- To keep confidentiality where it is proper to do so.
- To be sensible about contacting Parish Councillors at potentially inconvenient times unless in an emergency or otherwise agreed.
- To remember that they are employed by the full Parish Council and not by any individual Parish Councillor.

### **Reasonable expectations of Parish Councillors**

Employees can reasonably expect the Parish Councillors:

- To accept that the Parish Councils employees are managed by the Parish Clerk.
- To be helpful, respectful and courteous.
- Not to ask employees to breach Parish Council policy or procedure or to act unlawfully.
- Not exert, influence or pressure or to request special treatment.
- Not to raise concerns about an employee in a public setting and to raise such concerns in an appropriate manner in accordance with Parish Council policy.
- To respect that employees, have a right to a private life and be sensible about making contact at potentially inconvenient times unless in an emergency or otherwise agreed.

## **SPECIFIC ISSUES**

### **Personal relationships**

Good working relationships are critical between Parish Councillors and employee but close familiarities could prove embarrassing to other Parish Councillors and employees and give rise to potential conflicts of interest. Such close familiarities should therefore be avoided *'wherever possible'*.

### **Giving instructions to employees**

Only the Parish Clerk can give instructions to employees of the Parish Council and only the full Parish Council or a properly constituted committee can give instructions to the Parish Clerk. Individual Parish Councillors should not therefore attempt to direct the work of employees.

### **Chairs and Vice-Chairs**

Chairs and Vice-Chairs of the Parish Council/Personnel Committee have additional responsibilities. Because of those responsibilities, their relationships with employees may differ from, and be more complex than those of Parish Councillors without those responsibilities, and this is recognised in the expectations they are entitled to have. However, such Parish Councillors must still respect the impartiality of officers, must not ask them to undertake work of a party political nature, or to do anything which would put them in difficulty in the event of a change in the composition of the authority.

### **Complaints about employees or services**

Parish Councillors have a right to criticise the report, advice or action of employees. However, it has to be recognised that employees will find it difficult to answer back to such criticism and therefore any criticism must not be in the form of a personal attack and must be constructive and well founded.

Parish Councillors must avoid undermining public respect for employees and should therefore avoid making any criticism of an employee at a public meeting, in the press or by way of any other public statement. Making such criticisms would be damaging to the public image of the Parish Council. It would also undermine the mutual trust and courtesy which underpins effective working relationships. If a Parish Councillor wishes to raise an issue about an employee, they should use any established channels in place or, direct their concerns through the Chair/Vice-Chair.

### **Information sharing**

All Parish Councillors have a right to expect to be kept informed about matters on which they maybe required to make decisions or which affect the Parish. The Clerk should aim to ensure that all Members are kept fully informed in relation to important issues.

If the Parish Council organises a meeting to consider a local issue then all Parish Councillors must be invited to attend that meeting.

So far as documents and other information held by the Parish Councillor concerned much of it will be in the public domain and Parish Councillors have the same right as any member of the public to see that information. So, Parish Councillors have the same right as the public to have access to agendas, reports and minutes of meetings which are held in public and have the right to access information given by the Freedom of Information Act. Parish Councillors have additional rights to access information as well. Clearly, they are entitled to have access to reports of matters which are to be considered at Council meetings in a private session. In addition, Parish Councillors have the right to access any other Parish Council information where they can show they have a 'need to know'. Any request to access Parish information should be made to the Parish Clerk. If the Parish Clerk is uncertain as to whether the Councillor is entitled to access that information then they should refer the question to the Council for a decision.

The process of gathering information to respond to Members requests can be time consuming and expensive for the Parish Council so Members should consider before they make an information request whether they really need the information and should be prepared to discuss with the Parish Clerk whether less, more easily obtained information would be sufficient.

### **Correspondence**

Correspondence between Parish Councillors and employees should not normally be copied to any other party. In particular, when using email, the use of blind copies should be avoided. There are exceptions to this general rule. If the original correspondence was copied to other parties then it is legitimate to send a response to those parties. There may also be occasions where the correspondent gives rise to concern for the employee for example in relation to possible breaches of the Code of Conduct or that the Parish Council may be brought into disrepute by the actions of the Parish Councillor. In such cases it is legitimate for the employee to share correspondence with the chair of the Parish Council or, where appropriate, the Monitoring Officer.



# Astley Village Parish Council

## TRAINING POLICY

### TRAINING STATEMENT

Astley Village Parish Council is committed to providing relevant training opportunities to all Parish Councillors and its employees.

The training offered will cover identified training needs, requests to be more involved and better informed, or cover subjects necessary and relevant to their jobs and roles within the Parish Council.

The Parish Council will identify a specific budget heading for training as part of the annual budget setting process. When the training need/request has been identified the subject matter will be investigated to locate training providers, cost, timescales.

### IDENTIFYING TRAINING NEEDS

The Parish Council might identify training needs following:

- New staff appointments/staff appraisals.
- New Parish Councillor appointments/Election/existing Parish Councillors.
- Questionnaires.
- Formal and informal discussions including as part of the annual appraisal process.

There are also a number of things which might require a person to need training:

- Changes in legislation.
- Changes in quality systems.
- New and revised qualifications launched.
- Accidents/Incidents.
- Professional error/mistake.
- New equipment.
- New processes/working methods.
- Complaints to the Parish Council.
- A request from an employee.
- A request from a Parish Councillor.

### HOW YOU WILL MEASURE THE IMPACT OF THE TRAINING ATTENDED?

The person attending training should provide feedback on the training attended so the training provider/course can be assessed for suitability and cost effectiveness. This information should inform future requests for similar training.

In addition, where the training/event attended is of interest to other Parish Council employees/Parish Councillors, share the information gained as appropriate.



# Astley Village Parish Council

## SICKNESS ABSENCE POLICY/PROCEDURE

Where absence due to sickness occurs:

- Contact the Parish Clerk (or in the case of the Parish Clerk, the Chair of the Parish Council) as soon as is reasonably possible, preferably.
- Give a reason for absence (for less than seven days you do not need to submit any medical evidence).
- Supply an indication of when you expect to return to work
- Keep in contact with the Parish Council and provide regular updates.

On your return to work:

- Advise the Parish Clerk/Chair of the Parish Council (as appropriate) of your return.
- Arrange a return-to-work discussion with the Parish Clerk/Chair of the Parish Council (as appropriate).

In the case of a period of absence of over **seven** days (including weekends and bank holidays):

- Submit a Fit Note from your GP or medical establishment (known as a sick or Doctor's note).
- Advise the Parish Clerk/Chair of the Parish Council (as appropriate) of your expected date of return.
- Discuss with your manager any return-to-work requirements or limitations. These are usually advised by your GP or medical establishment in the form of changes/adjustments to your role.
- The Parish Council reserves the right to require you to submit to a medical examination by a medical practitioner nominated by the Parish Council. Any cost associated with the examination will be met by the Parish Council.

If you are injured at work or in the course of employment you should follow these procedures for reporting absence and submitting Fit Notes, etc.

### **PAY DURING A SICKNESS ABSENCE**

All employees who have been absent for more than four consecutive days (including weekends and bank holidays) are eligible to receive Statutory Sickness Pay (SSP) - up to a limit of 28 weeks.

Dependent on the length of service there is an entitlement to Company/Occupational Sick Pay as set out in the contract of employment.

Whilst on sickness absence you are not expected to undertake any paid work for another employer or for any business established by you without permission from the Parish Council.

### **FAILURE TO COMPLY WITH THE PROCEDURE/PERSISTENT ABSENCE**

Failure to comply with the Procedure could result in the absence being regarded as unauthorised. Persistent absence from work may render an employee unsuitable for their position and may result in dismissal. In either case the matter will be dealt with under the Parish Council's Disciplinary Procedure.